



EMRGoldenGrove

Whistleblower Policy



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1. PURPOSE

EMR Golden Grove is committed to a culture of respect and ethical conduct in the way we work and relate to each other, as set out in our Code of Conduct.

Further to this, we recognise our legal requirements when it comes to the reporting of misconduct and encourage employees, contractors, suppliers and others to report misconduct.

We will not tolerate corrupt, illegal or other undesirable conduct, nor condone victimisation of anyone who intends to disclose or has disclosed misconduct.

This Policy seeks to give effect to the requirements of the “Enhancing Whistleblower Protections” Act including to:

- encourage and allow persons to disclose misconduct;
- set out what constitutes misconduct;
- set out how misconduct may be reported;
- ensure Disclosures are properly and lawfully dealt with;
- ensure the identity of those making a Disclosure (**Whistleblower**) and the content of the Disclosure are kept confidential; and
- support and protect those involved in the Disclosure from victimisation and retaliation

Nothing in this policy is intended to change or take away any other protections which may be required or available under the Act or at law.

2. SCOPE

This policy applies to anyone who has or is working for EMR Golden Grove or doing something in connection with their work for EMR Golden Grove. It includes past and current:

- employees
- officers and managers
- Board members
- individuals who supply goods and services to us, and their employees – such as contractors and other suppliers
- commissioned agents and consultants
- a relative of an individual referred to above
- a dependent of an individual referred to above or of such an individual’s spouse

These are collectively referred to as **Disclosers**.

Every person to whom this policy applies has a responsibility to:

- remain alert to misconduct
- report known or suspected misconduct in accordance with this policy
- act in a way that reduces, prevents or stops misconduct
- support (and not victimise) those who have made or intend to make a Disclosure
- ensure the identity of the Whistleblower and the person/s who is the subject of the Disclosure are kept confidential

3. MISCONDUCT & DISCLOSURE

3.1 Who may make a Disclosure?

Any person defined as a Discloser in the Scope of this Policy

3.2 What misconduct should be Disclosed?

Where a person identifies or has reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, concerning EMR Golden Grove, they are encouraged to report it (**Disclosure**).



Misconduct includes but is not limited to:

- dishonest, corrupt or illegal conduct
- theft, fraud or misappropriation
- damage/sabotage, violence, drug & alcohol sale/use
- significant risks to health and safety
- serious inappropriate or unethical conduct
- serious misuse of information
- bullying, discrimination, harassment or other serious unacceptable behaviour
- serious breach of our policies and procedures or the law
- substantial waste of company resources
- victimising someone for making or involved in a Disclosure
- causing substantial financial or non-financial loss or detriment to our organisation
- Misconduct under Section 1317AA (5) of the Act (see Attachment 1)
- other serious improper conduct

This is collectively referred to as **Misconduct**

3.3 What conduct is not covered by this Policy?

Section 1317AADA of the Act states that the protections under the Act do not apply to a Disclosure to the extent that the Disclosure:

- concerns a personal work-related grievance of the Whistleblower; and
- does not concern a contravention, or an alleged contravention, of section 1317AC that involves detriment caused to the Whistleblower or a threat made to the Whistleblower.

The Act gives these examples of grievances that may be personal work-related grievances:

- an interpersonal conflict between the Whistleblower and another employee
- a decision relating to the engagement, transfer or promotion of the Whistleblower
- a decision relating to the terms and conditions of engagement of the Whistleblower
- a decision to suspend or terminate the engagement of the Whistleblower, or otherwise to discipline the Whistleblower.

If you have a concern relating to a personal work-related grievance you should refer to the Grievance Resolution Policy.

NOTE: A personal work-related grievance MAY be reportable under the Act and this Policy where it concerns illegality or has significant implications for EMR Golden Grove. If you believe the misconduct may fall into this category, you are encouraged to discuss the matter with a nominated Disclosure Officer (see s3.4.1).

3.4 How is a Disclosure made?

A Disclosure may be made:

3.4.1 Internally to our organisation

EMR Golden Grove supports openness and teamwork. This Policy is not intended to replace our first obligation to resolve issues quickly and internally where appropriate. All reasonable attempts to resolve an issue should first be made. EMR Golden Grove encourages concerns of misconduct to be raised at any time with supervisors and managers to resolve misconduct internally.

NOTE: A disclosure of misconduct will not be a Protected Disclosure for the purposes of the Act unless it is made to one of the roles or nominated people listed below, to Your Call (see 3.4.2) or to an eligible authority or entity (see 3.4.3)

If you do not feel confident or able to raise misconduct with your supervisor or manager a Disclosure may be made to:



- an officer or senior manager of our company or related company
- an auditor, or a member of an audit team conducting an audit of our company or related company
- an actuary of our company or related company
- a person authorised by our company to receive Disclosures (**Disclosure Officer**)

EMR Golden Grove's Disclosure Officers and their contact details are set out below.

Name and position	Location	Contact details
Nick Mosenthal General Manager Operations	Golden Grove Site	Tel: 08 9956 4591 Email: nick.mosenthal@emrgoldengrove.com
Stacey Apostolou Chief Financial Officer	West Perth Office	Tel: 08 9956 4551 Email: Stacey.apostolou@emrgoldengrove.com
Peter Danks Human Resources Superintendent	Golden Grove Site	Tel: 08 9956 4083 Email: peter.danks@emrgoldengrove.com
Shay Pennisi Human Resources Advisor	Golden Grove Site	Tel: 08 9956 4205 Email: shay.pennisi@emrgoldengrove.com

3.4.2 To Your Call - an independent Whistleblower service provider

If for any reason you do not feel comfortable or able to make a Disclosure internally you may do so to EMR Golden Grove's independent Whistleblower service provider, Your Call.

Your Call operates under a Service Agreement with our organisation and acts as the intermediary, providing the means for a Whistleblower to retain anonymity. Disclosures received by Your Call are reported to EMR Golden Grove in accordance with this Policy. Your Call also enables us to obtain further information if required and enables the Whistleblower to receive updates from us.

This is done via the use of an online anonymous Message Board which the Whistleblower will have access to after making a Disclosure.

The Message Board allows a Whistleblower to:

- communicate with Your Call and/or (Organisation) without revealing their identity
- securely upload any relevant documentation and/or material that they wish to provide
- receive updates
- request support or report victimisation

This option allows a Whistleblower to:

- remain completely anonymous if they wish
- identify themselves to Your Call only
- identify themselves to both Your Call and EMR Golden Grove

Your Call enables Disclosures to be made anonymously and confidentially. Whilst we prefer Whistleblowers to disclose their identity in order to facilitate any investigation, Whistleblowers are



not required to identify themselves and will not be named in any report to EMR Golden Grove unless they have consented to their identity being disclosed.

Your Call reporting options include:

- Website: <https://www.yourcall.com.au/report> (Available 24/7)
- Telephone: 1300 790 228 (9am to Midnight, Mon-Fri AEST, excluding Public Holidays)
- Email: goldengrove@yourcall.com.au
- Post: Locked Mail Bag 7777, Malvern, VIC 3144

Online reports can be made via the website address listed above. Our organisation's unique identifier code is: EMRGG.

In the event a Disclosure received by Your Call relates to a Disclosure Officer, Your Call will exclude that Disclosure Officer from all communications when providing the Disclosure to EMR Golden Grove. The Disclosure Officers who are not named in the Disclosure will then receive and determine how the matter will be addressed or investigated as required.

Your Call is authorised by EMR Golden Grove to receive disclosures of misconduct for the purposes of the Act. Your Call remains an independent intermediary at all times and will only communicate with those authorised within our organisation.

National Relay Service

If you are deaf, or have a hearing or speech impairment, you can contact Your Call online or through the National Relay Service. Simply choose your contact method at www.relayservice.gov.au and request Your Call's hotline 1300 790 228

3.4.3 To external authorities and entities:

Concerning misconduct under the Act

If the misconduct relates to Section 1317AA (1) of the Act a Disclosure may be made to:

- Australian Securities & Investments Commission (ASIC)
- Australian Prudential Regulation Authority (APRA)
- a Commonwealth authority prescribed for the purposes of Section 1317AA (1)

Concerning Disclosures made to legal practitioner

A Disclosure made to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of Part 9.4 of the Act (which includes the Whistleblower protections and confidentiality of a Whistleblower's identity) will be protected under the Act.

Concerning public interest Disclosures

A Disclosure may be made in the public interest to a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a journalist if:

1. you have previously made a Disclosure of that misconduct, and
2. at least 90 days have passed since the previous Disclosure was made; and
3. you do not have reasonable grounds to believe that action is being, or has been, taken to address the misconduct to which the previous Disclosure related; and
4. you have reasonable grounds to believe that making a further Disclosure of the misconduct would be in the public interest; and
5. after the end of the 90 day period you give the person to whom you made the previous Disclosure a written notification that:
 - a. includes sufficient information to identify the previous Disclosure; and
 - b. state that you intend to make a public interest Disclosure; and



6. the public interest Disclosure is made to:
 - a. a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or
 - b. a journalist; and
7. the extent of the information disclosed in the public interest Disclosure is no greater than is necessary to inform the recipient referred to in paragraph (6) above of the misconduct or the improper state of affairs or circumstances referred to in subsection 1317AA(4) or the conduct referred to in subsection 1317AA(5), as the case may be.

Concerning emergency Disclosures

You may also make an emergency Disclosure to a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory or a journalist if:

1. you previously made a Disclosure that qualifies for protection under the Act (Part 9.4 under subsection 1317AA(1)); and
2. you have 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; and
3. you give the body to which the previous Disclosure was made a written notification that:
 - a. includes sufficient information to identify the previous Disclosure; and
 - b. state that you intend to make an emergency Disclosure; and
4. the emergency Disclosure is made to:
 - a. a member of the Parliament of the Commonwealth, the Parliament of a State or the legislature of a Territory; or
 - b. a journalist; and
5. the extent of the information disclosed in the emergency Disclosure is no greater than is necessary to inform the recipient referred to in paragraph (4) above of the substantial and imminent danger.

4. SUPPORTING EVIDENCE OF MISCONDUCT

Any Disclosure should state that it is made pursuant to the Act or this Policy.

EMR Golden Grove does not require a Disclosure to include absolute proof of misconduct. Where possible it should include:

- the name, job title and workplace address of the person the subject of the Disclosure
- details of the misconduct including dates and places
- names of anyone who may substantiate the Disclosure
- any other evidence that supports the Disclosure such as email, documents, CCTV

These details will assist us in deciding how best to deal with and resolve the Disclosure.

4.1 Making a false Disclosure

Anyone who makes a Disclosure knowing it to be false or misleading may be subject to disciplinary action, up to and including dismissal.

5. CONFIDENTIALITY & PRIVACY

EMR Golden Grove and Your Call will treat Disclosures in the strictest confidence. All reports and records relating to a Disclosure will be stored securely and able to be accessed only by authorised staff.

The confidentiality provisions do not preclude any authorised person (see s3.4) involved in receiving or managing the Disclosure from sharing the information in accordance with the Act, including with a legal practitioner for the purpose of obtaining legal advice or legal representation or the sharing of information is made with the consent of the Discloser



5.1 No requirement for Whistleblower to identify

There is no requirement for a Whistleblower to identify themselves in order for a Disclosure to qualify for protection under the Act.

5.2 Maintaining Whistleblower Confidentiality

A Whistleblower's identity will not be disclosed by EMR Golden Grove or Your Call unless:

- the Whistleblower consents to their identity being disclosed
- the Disclosure is required by law

An unauthorised Disclosure of:

- the identity of a Whistleblower and / or
- information that is likely to lead to the identification of the Whistleblower where the information was obtained because of the Disclosure

will be regarded as a serious disciplinary matter and will be dealt with in accordance with EMR Golden Grove's disciplinary procedures.

Unauthorised Disclosure of a Whistleblower or identifying information is also an offence/contravention under the Act which carries serious penalties for individuals and companies.

6. WHISTLEBLOWER PROTECTIONS

If a Whistleblower makes a Disclosure that qualifies for protection under the Act:

- they are not subject to any civil, criminal or administrative liability (including disciplinary action) for making the Disclosure; and
- no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against them on the basis of the Disclosure; and
- the information is not admissible in evidence against the Whistleblower in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

EMR encourages everyone to speak up against misconduct. Anyone who makes a Disclosure will be provided with immunity from disciplinary action relating to the Disclosure if:

- the Disclosure was made with reasonable grounds for suspecting misconduct has or may occur;
- the Disclosure was made to an authorised person or agency (see s3.4); and
- the Whistleblower has not engaged in serious misconduct or illegal conduct relating to the Disclosure

7. PROTECTION AGAINST VICTIMISATION OR RETALIATION

We will do everything reasonably possible to support and protect from victimisation or retaliation, anyone who:

- makes a Disclosure
- is mentioned in the Disclosure
- acts as a witness
- otherwise assists with the investigation and resolution of the Disclosure

We will thoroughly investigate reports of victimisation or retaliation. If proven, those who have engaged in retaliation or victimised another will be subject to disciplinary action up to and including dismissal.

Victimisation is also an offence under the Act which carries serious penalties for individuals and companies.

Nothing in this Policy is intended to change or take away any other protections which may be available at law.



8. RECEIPT AND INVESTIGATION OF A DISCLOSURE

8.1 A Disclosure made to Your Call

Your Call is an independent external intermediary between the Whistleblower and EMR Golden Grove.

Your Call will:

- receive the Disclosure made to Your Call
- make a record of the information provided
- ensure the Whistleblower identity is kept confidential from EMR Golden Grove unless otherwise authorised by the Whistleblower or required by law
- allow the Whistleblower to access the Your Call Message Board to enable communications with EMR Golden Grove. Whistleblowers may post questions and information on line for the attention of EMR Golden Grove. The Whistleblower can remain anonymous throughout the communications
- Your Call will refer the Disclosure, including the information and documents provided by the Whistleblower, to the appointed Disclosure Officers within one business day

Your Call is not the decision maker. All decisions relating to dealing with the Disclosure including the investigation and resolution of the Disclosure are entirely the responsibility of EMR Golden Grove.

8.2 A Disclosure made or referred to EMR Golden Grove

Disclosure Officers have been appointed by EMR Golden Grove to receive Disclosure directly from a Whistleblower (if an internal Disclosure is made) or from Your Call (if an external Disclosure is made).

The Disclosure Officers will:

- Determine if the reported circumstances or conduct are a Disclosure for the purposes of the Act. If the Disclosure is not covered by the Act, the Whistleblower will be advised of alternative processes to follow
- carefully assess the information provided to decide the best action to take, including whether an investigation is required, to determine whether the misconduct is proven or not proven
- keep the information provided in a confidential and secure system
- coordinate and oversee the investigation where an investigator has been appointed
- appoint a Disclosure Officer as Whistleblower Protection Officer to support and protect the Whistleblower, if necessary, from victimisation or retaliation
- advise the Whistleblower (through Your Call where anonymity is requested) of the progress of the matter and the outcome of the matter, to the extent it is legally permissible and appropriate to do so
- take all reasonable steps to ensure the identity of the Whistleblower and the person/s who is the subject of the Disclosure are kept confidential

8.3 Investigation

The Disclosure Officer/Other will carefully assess and use the information provided in the Disclosure to decide the best action to take, including whether an investigation is required and, if so, determine the appropriate investigation process, including:

- the nature and scope of the investigation
- who will conduct the investigation and whether that person should be external to our organisation
- the nature of any technical, financial or legal advice that may be required
- whether the investigation should be conducted by EMR Golden Grove or whether independent external expertise is required
- a timeframe for the investigation (having regard to the level of risk)



Every investigation must be conducted in a constructive, impartial and lawful way according to the principles of natural justice and procedural fairness.

The Investigator will:

- gather information, material and documentation concerning the Disclosure as quickly as possible. (This may involve taking steps to protect or preserve documents, materials and equipment).
- take a statement or record of interview with witnesses as required (where the Whistleblower wishes to remain anonymous and does not wish to make a statement they will not be asked to do so).
- keep information gathered in the investigation securely
- take all reasonable steps to protect the identity of the Whistleblower. Where the identity of the Whistleblower may be revealed due to the nature of the information in allegations / investigation, the investigator will warn the Whistleblower of this probability. The Whistleblower's identity will not be disclosed unless required by law.
- complete the investigation and provide a report of their findings as soon as is reasonably practical

Investigator's Report

At the conclusion of the investigation, the investigator will provide a written report to the Disclosure Officer appointed to oversee the matter, including:

- a finding of all relevant facts
- whether the Disclosure is proven, not proven or otherwise
- recommendation/s, when requested to do so, as to any action that may be taken in respect of the findings

EMR Golden Grove may use the report to determine the action (if any) to be taken including disciplinary action and communication of findings to the relevant parties involved to the extent that it is legally permissible and appropriate to do so.

Reporting the matter to external authorities

EMR Golden Grove will refer:

- the information in the Disclosure
- the findings of an investigation

which revealed conduct that may constitute a legal or criminal offence or when required to so by law to the relevant external agency, such as the police, ASIC or APRA.

9. INFORMATION, ADVICE AND SUPPORT

Employees can contact EMR Golden Grove's Employee Assistance Program provide Lifeskills on 1800 870 080 for free, confidential, professional counselling support.

9.1 Obtaining information and advice

If you need information and advice about making a Disclosure or the support and protection available to a Whistleblower, you are encouraged to discuss this with a nominated Disclosure Officer or your legal representative.

In the event you do not formally make a Disclosure, EMR Golden Grove may nevertheless be compelled to act on the information provided during the discussion if the information reasonably suggests misconduct has or may occur.

9.2 Support

If necessary, EMR Golden Grove will nominate a Disclosure Officer as Whistleblower Protection Officer to arrange or coordinate support for anyone who has made or is in the process of making a Disclosure. The



support may include a support person and or other support services as may be appropriate based on the circumstances.

The Whistleblower Protection Officer will:

- assess the immediate welfare and protection needs of a Whistleblower
- safeguard the interests of a Whistleblower in accordance with this policy and the law
- address any issues or concerns of victimisation/detrimental treatment

Employees, including those making a Disclosure or who may be the subject of a Disclosure, are encouraged to access the Employee Assistance Program, a free, confidential counselling service. Lifeskills can be contacted on 1800 870 080.

9.3 Policy communication and availability

This policy is available to employees and officers on the EMR Golden Grove Intranet. Awareness materials (e.g. posters) will be made available in relevant areas such as meeting rooms and crib rooms. The Whistleblower Policy will be provided in new-starter information (for employees) and inductions.

10. REVIEW OF POLICY EFFECTIVENESS AND REPORTING TO THE BOARD

To ensure the effective operation of this Policy and the appropriate management of cases, the appointed Disclosure Officers shall convene twice per calendar year as a Disclosure Committee. The Disclosure Committee shall review the Policy, the nature and resolution of matters Disclosed (so far as confidentiality allows), education / awareness of the Policy and any other relevant matters.

Following any period where a Disclosure has been made, the General Manager Operations CEO/other will arrange for the compilation of a suitably sanitised report (to maintain anonymity and confidentiality) to the following quarterly Board Audit & Risk Committee. In the event no Disclosures are made, the GM Operations will report at least annually to the Board Audit & Risk Committee on the effectiveness of this Policy.

Subject to privacy and confidentiality the report will include:

- a brief description of the Disclosure/s
- the action taken in response to the Disclosure/s
- the outcome/s
- the timeframe in resolving/finalising the Disclosure/s

11. GLOSSARY

In this Policy, the following terms have these meanings. These Definitions are intended as guidance and do not replace any definition at law.

Term	Definition
Act	means the Corporations Act 2001 (Commonwealth) as amended by the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Commonwealth).
Actuary	for EMR Golden Grove this may include (but is not limited to) a representative of our Insurers, investment advisors or bankers involved with the evaluation of risk and opportunity.
Disclosure	means a report by an eligible person (see Section 2) about misconduct (see Section 3) covered by the Act. Disclosures meeting the requirements of the Act provide certain protections for the Whistleblower.
Disclosure Officer	means a person appointed by EMR Golden Grove to receive Disclosures.



Term	Definition
Journalist	means a person who is working in a professional capacity as a journalist for any of the following: <ul style="list-style-type: none"> a newspaper or magazine; a radio or television broadcasting service; an electronic service (including a service provided through the internet) that: <ul style="list-style-type: none"> is operated on a commercial basis, or operated by a body that provides a national broadcasting service (within the meaning of the Broadcasting Services Act 1992); and is similar to a newspaper, magazine or radio or television broadcast.
Misconduct	means suspected or actual misconduct or an improper state of affairs in relation to EMR Golden Grove or a related body corporate. Examples can be found at section 3.2 and Attachment 1 of this Policy.
Officer	means an officeholder (directors and company secretary) of EMR Golden Grove.
Senior Manager	means the GM Operations, Chief Financial Officer, Mining Manager, Processing & Maintenance Manager or Geology Manager.



12. ATTACHMENT 1 - MISCONDUCT UNDER SECTION 1317AA (5) OF THE ACT

This includes conduct that constitutes an offence against, or a contravention of, a provision of any of the following:

1. the Act;
 2. the ASIC Act;
 3. the Banking Act 1959;
 4. the Financial Sector (Collection of Data) Act 2001;
 5. the Insurance Act 1973;
 6. the Life Insurance Act 1995;
 7. the National Consumer Credit Protection Act 2009;
 8. the Superannuation Industry (Supervision) Act 1993;
 9. an instrument made under an Act referred to in any of subparagraphs 1. to 8.; or
- 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; or
 - is prescribed by the regulations for the purposes of this paragraph