



NEW HOPE
GROUP

POLICY

‘Speak Up’ (Whistleblower) Policy

Approved by the Board on:
28 January 2021

1. PURPOSE AND SCOPE

The **New Hope Group**¹ is committed to the highest standards of conduct and ethical behaviour in all of our business activities.

The purpose of this policy is to encourage **New Hope People** to report **Potential Misconduct** and to explain how they can do so safely and securely by making a **Disclosure** to a **Designated Recipient** without fear of reprisal, dismissal or discriminatory treatment.

We are committed to the core values, being: integrity, respect, wellbeing, responsibility, collaboration and resilience. We value Disclosures of Potential Misconduct because they help us identify issues that may not otherwise be uncovered.

Nothing in the policy prevents you from discussing issues or concerns with your supervisor and manager.

2. WHO DOES THIS POLICY APPLY TO?

This policy applies to all New Hope People.² New Hope People are our current and former officers, employees, associates and suppliers (including the supplier's employees). They also include the relatives, dependents and spouses of those people.

The protections in this policy apply to all New Hope People who disclose Potential Misconduct (as described in section 3) to a Designated Recipient (as described in section 4).

3. WHAT IS COVERED BY THIS POLICY?

Disclosures of Potential Misconduct are covered by this policy

Each New Hope person is encouraged to (and each employee must) make a Disclosure under this policy if the person knows of or reasonably suspects Potential Misconduct, meaning any misconduct or improper state of affairs or circumstances in relation to New Hope or its employees or officers.

Potential Misconduct does not need to be something illegal and includes (for example):

1 fraud or corruption;	8 unauthorised conduct which may endanger the health or safety of any person or the environment, or represents a danger to the public or the financial system;
2 breach of a permit or regulatory requirement, or any illegal activities; ³	9 dishonest or unethical behaviour;
3 conflicts of interest;	10 instances of forced labour, human trafficking or slavery-like offences in our operations or supply chains;
4 anti-competitive behaviour;	11 a breach of a protection described in this policy; and
5 unauthorised use of confidential information;	12 deliberate concealment of the above.
6 serious wrongdoing or impropriety that may lead to financial or non-financial loss to New Hope;	
7 breach of our Code of Conduct or our other policies, standards or codes;	

¹ "New Hope Group" includes New Hope Corporation Limited and its subsidiary companies, and may be referred to as **New Hope, we, our** or **us** in this policy.

² "New Hope People" who disclose Potential Misconduct are referred to as **you** and **your** in this policy.

³ For example, a breach of laws or regulations including an offence against, or a contravention of, certain legislation, being the *Corporations Act 2001*, the *ASIC Act 2001*, the *Banking Act 1959*, the *Financial Sector (Collection of Data) Act 2001*, the *Insurance Act 1973*, the *Life Insurance Act 1973*, the *National Consumer Credit Protection Act 2009*, the *Superannuation Industry (Supervision) Act 1993*, or an instrument made under one of those Acts, tax laws, or an offence against any Commonwealth law punishable by imprisonment for 12 months or more.

There are other channels to address Personal Work-related Grievances

Personal Work-related Grievances relate to your current or former employment with New Hope and do not have significant implications beyond those that affect you personally. Subject to the exceptions below, this policy does not cover Disclosures of Personal Work-related Grievances.

Examples of Personal Work-related Grievances include:

- interpersonal conflicts;
- decisions relating to your engagement, transfer or promotion;
- decisions relating to the terms and conditions of your engagement; or
- a decision about you being suspended, terminated or disciplined.

Exceptions: A Disclosure that includes a Personal Work-related Grievance *will* qualify for protection under this policy if it:

- is mixed with information about Potential Misconduct;
- suggests behaviour or conduct extending beyond the individual's personal circumstances;
- relates to any detriment or threat to you because you previously disclosed Potential Misconduct;
- relates to certain offences or breach of laws punishable by imprisonment for a period of 12 months or more, or otherwise has significant implications for New Hope; or
- is made to an Australian-qualified lawyer to seek advice about whistleblower protections.

More information: Employees should refer to the Code of Conduct or the Equal Employment Opportunity (EEO) Policy for further information on how to raise Personal Work-related Grievances. If you are unsure if your concern relates to Potential Misconduct or is a Personal Work-related Grievance, you can speak to the Whistleblower Protection Officer or a member of the New Hope Human Resources team.

4. HOW TO DISCLOSE POTENTIAL MISCONDUCT

Who you can make a Disclosure to

We encourage you to report Potential Misconduct by making a Disclosure to any one of the following Designated Recipients:

- the **Whistleblower Protection Officer**, Dominic O'Brien (General Manager People and Legal);
- the Manager - Risk and Audit; or
- the Chairman of the New Hope board.

These channels are our core team for receiving Disclosures and are best placed to support you and deal with your Disclosure efficiently and confidentially. However, under Australian law, Disclosures of Potential Misconduct can be made to any New Hope director or executive or any other 'eligible recipient' described in the **Appendix**.⁴

Contact details for Designated Recipients are available for employees on the New Hope intranet or by calling New Hope reception on 07 3418 0500.

⁴ The eligible recipient (if they are a New Hope employee, executive or director) will be required to comply with all of the obligations in this policy as if they were a Designated Recipient listed above.

You may also Disclose Potential Misconduct by:

- sending an email to the Whistleblower Protection Officer at speakup@newhopegroup.com.au; or
- writing to the company (for the attention of a Designated Recipient) at GPO Box 2440, Brisbane, Queensland 4001.

What you should include in your Disclosure

You should provide as much information as possible, including details of the Potential Misconduct, people involved, dates, locations and any potential sources of additional evidence.

Reasonable grounds required

You will be protected by this policy if you have reasonable grounds to suspect that the information you are disclosing is true, even if the information later turns out to be incorrect. However, you must not make a Disclosure that you know is not true or is misleading. If you knowingly make a false Disclosure, this may result in disciplinary action.

Your identity and cooperation

We encourage you to provide your name when making your Disclosure, as this will make it easier for us to respond. We may be unable to investigate your Disclosure or be limited in what we can do if we cannot contact you or you do not agree to allow an investigator to contact you.

However, you can choose to remain anonymous, including during any investigation or after any investigation is finalised. You may also refuse to answer questions you feel could reveal your identity.

Even if you do not provide your name, we invite you to provide a means for us to contact you, for example by providing an anonymous email address. This will enable us to ask you any follow-up questions, if necessary, and to tell you how we have responded to your Disclosure. If you have concerns about whether to provide your name, you can contact the Whistleblower Protection Officer to discuss how we can protect your identity (including steps to preserve your anonymity such as using a pseudonym).

5. HOW WE PROTECT AND SUPPORT YOU

Confidentiality

We treat Disclosures as confidential and will protect you by limiting how your identity and information about you is shared. Your identity will be kept secure and confidential to the fullest extent possible and only shared as permitted by you or by law (see the **Appendix** for details). For example, access to digital records will be restricted to people directly involved in handling the Disclosure and all records relating to Disclosures will be stored safely and securely. Where the protections of this policy apply, we will not share your identity without your agreement, and we can only share information in your Disclosure to the extent that any identifying information has been removed and it is reasonably necessary to share for purposes of the investigation.

Protection from detriment

No one may cause detriment to you (or threaten to do so) because they think you made or plan to make a Disclosure. We may take disciplinary action up to and including terminating the employment or engagement of anyone shown to have caused or threatened detriment.

Examples of detriment include discrimination, causing physical or psychological harm, damaging property and varying an employee's role or duties. Detriment does not include administrative action that is reasonable for the purpose of protecting you from detriment or action taken to manage unsatisfactory work performance.

If you are an employee, examples of steps we may take to protect you from detriment include:

- managing the behaviour of other employees;
- relocating individuals, and
- offering you a leave of absence.

Support is also available to employees under the New Hope Employee Assistance Program as explained in our Code of Conduct.

If you are not a New Hope employee we will look for other ways to support you, where practical.

If you think one of these protections has been breached, you should Disclose this to the Whistleblower Protection Officer.

Protections are also enforceable under Australian law. These are outlined in the **Appendix**.

6. HOW WE RESPOND TO YOUR DISCLOSURE

How we handle and investigate Disclosures

All Disclosures received will be treated sensitively and seriously, and will be dealt with promptly, fairly and objectively.

Procedure and timing

The exact procedure and timing for investigating and responding to your Disclosure will vary depending on the circumstances, including the content of your Disclosure and the nature of Potential Misconduct. For example, disclosures of a danger to life or the environment will require an accelerated investigation and response, while Disclosures relating to complex matters may take longer to investigate and report on.

On an indicative basis, the procedure for responding to and investigating a Disclosure will be as set out in the following table.

Table: indicative process

Indicative Step	Description of procedure
1 Acknowledgment	The Designated Recipient will (if you have provided contact details) confirm to you that the Disclosure has been received and will be referred to the Whistleblower Protection Officer.
2 Referral to Whistleblower Protection Officer	Unless you otherwise request, and subject to the confidentiality obligations in this policy, the Designated Recipient will refer the Disclosure to the Whistleblower Protection Officer.

Indicative Step	Description of procedure
3 Initial Assessment and determination	The Whistleblower Protection Officer will conduct an initial assessment of the Disclosure to determine whether it relates to Potential Misconduct and to consider the appropriate steps to be taken in response. This may or may not include an investigation. The Whistleblower Protection Officer (or the Designated Recipient) will advise you, giving reasons where appropriate, if a decision is made not to investigate the Disclosure further.
4 Appointment of Investigator	If the Whistleblower Protection Officer determines that a formal investigation is appropriate, then an independent Investigator will be appointed to carry out the investigation. The Investigator may be an internal or external resource but must be independent of any persons suspected of being involved in the Potential Misconduct.
5 Report of findings	The Investigator must provide a report of his or her findings to the Whistleblower Protection Officer. If the Investigator determines it is not possible to complete the investigation in time, the Investigator should report any preliminary findings and make a request to the Whistleblower Protection Officer for additional time to continue the investigation. The method for documenting and reporting the findings will depend on the nature of the Disclosure.
6 Assessment of Investigator's findings	The Whistleblower Protection Officer will review the Investigator's report and determine what (if any) actions should be taken. The Whistleblower Protection Officer has standing instructions to report any material issues promptly to the Audit Committee (subject to the confidentiality obligations in this policy).
7 Keeping you informed	The Whistleblower Protection Officer (or the Designated Recipient) will, where appropriate, keep you informed through the above stages, and advise you of the outcome of the investigations and what further steps, if any, New Hope proposes to take as a result. ⁵

Limitations of investigation

There are inherent limitations with any investigation process and many factors that may affect New Hope's ability to fully investigate a Disclosure. For example, the investigation may be limited where New Hope does not have the means to contact you, or where you fail to provide relevant information.

Fair treatment of persons named in a Disclosure

A person being investigated will be treated fairly and objectively, with any findings made on the basis of reliable evidence. Where and when appropriate, a person being investigated will be given details of the Disclosure that involves them (to the extent permitted by law) and an opportunity to respond.

⁵ There are circumstances where it may not be appropriate to provide details of the outcome to you, including due to consideration of the privacy of those against whom allegations are made.

Available actions

Where an investigation identifies a breach of our Code of Conduct or any other New Hope policies and procedures, appropriate disciplinary action may be taken. This may include but is not limited to terminating or suspending the employment or engagement of persons involved.

What to do if you are concerned about our response

If you have concerns about the handling of your Disclosure, you may raise your concerns with the Whistleblower Protection Officer or another Designated Recipient. You may also lodge a complaint with a regulator, such as ASIC, APRA or the ATO if you are not satisfied with the handing of your Disclosure.

New Hope will not be obliged to open or re-open an investigation if it is satisfied that the previous investigation was conducted properly, or if new information is either not available or would not change the findings of the investigation.

7. TRAINING

We will provide regular training to:

- employees about this policy and their rights and obligations under it; and
- New Hope People who are involved in receiving and dealing with Disclosures, about how to handle and respond to Disclosures.

8. OVERSIGHT AND REPORTING

The New Hope Board has ultimate responsibility for this this policy, with oversight functions allocated to the Audit Committee.

The Whistleblower Protection Officer will provide a summary of Disclosures made under this policy (with identifying and confidential information appropriately removed), together with outcomes and learnings from investigations, on a quarterly basis to the Audit Committee.

This policy will be periodically reviewed for effectiveness and to check whether any changes are required. This policy does not form part of terms of employment and may be amended from time to time.

9. FURTHER INFORMATION

This policy will be available on our website and intranet. Any questions about this policy or making a Disclosure should be referred to the Whistleblower Protection Officer.

APPENDIX – LEGAL PROTECTIONS

When do legal protections apply?

To qualify for protection under the Corporations Act or the Tax Administration Act, New Hope People must report Potential Misconduct directly to a Designated Recipient or an *eligible recipient* described below. Anonymous Disclosures can be protected under the law.

The protections do not apply to Disclosures that are not about Potential Misconduct, such as Personal Work-related Grievances.

Who are eligible recipients?

Eligible recipients are persons who can receive Disclosures that qualify for legal protection. We encourage you to make your Disclosure through one of the Designated Recipients listed in section 4 of the policy, but you can also make a Disclosure to one of:

- our directors, officers or senior managers, which for New Hope includes any member of the executive leadership team and any director;
- our internal or external auditors, members of an audit team conducting an audit, or actuaries;
- in relation to a tax related matter, our CFO or our employees with tax duties, or our registered tax agents or BAS agents;
- an Australian-qualified lawyer, in order to seek advice about whistleblower provisions (in which case your disclosure will be protected even if the matter turns out not to be Potential Misconduct); or
- ASIC or APRA, or (for a tax related matter) the ATO.

In limited circumstances, certain 'public interest' or 'emergency' disclosures can be made a member of Commonwealth Parliament or a journalist and are also protected by law. If you are seeking to make such a disclosure, it is important you understand the criteria that must be met, which include:

- that a disclosure to ASIC or APRA has already been made;
- (in the case of a 'public interest' disclosure) at least 90 days have passed and you have reasonable grounds to believe that no action is being taken, or (in the case of an 'emergency' disclosure) you have reasonable grounds to believe the disclosure concerns a substantial and imminent danger to health, safety or the environment; and

- you give the body you made the disclosure to written notice that you intend to make a 'public interest' or 'emergency' disclosure.

You may wish to contact a lawyer about whether the above criteria have been met prior to making such a disclosure.

What are the legal protections?

Your identity is protected: It is illegal to share your identity or information about you unless permitted by you or by law.

The law allows your identity to be shared in limited circumstances, namely with your consent or to ASIC, APRA, a member of the Australian Federal Police, or to an Australian-qualified lawyer to seek advice about whistleblower provisions. The law also allows information in your disclosure to be shared where reasonably necessary for an investigation into your disclosure and reasonable steps are taken to reduce the risk of you being identified.

Causing or threatening you detriment because you made or plan to make a disclosure is illegal: If you suffer loss or injury because you made or plan to make a disclosure you may seek compensation or other remedies through the courts.

Other protections: You are protected from civil, criminal or administrative legal action being taken against you because you made a disclosure. This means legal or disciplinary action cannot be taken against you for breach of your employment contract, breaching confidentiality or unlawfully releasing information because you made a disclosure. Information you disclose cannot be used in a prosecution against you (other than for giving false information).

However, you will not have immunity from liability or disciplinary action for any misconduct you have engaged in.

If you think one of these protections has been breached, we encourage you to raise this with an eligible recipient so we can investigate and address your concern. You can also contact a regulator such as ASIC, APRA or the ATO, and you may wish to contact a lawyer for independent legal advice.

REMEMBER: The Whistleblower Protection Officer is here to help you and may be contacted by telephone on (07) 3418 0500 or by email at speakup@newhopegroup.com.au.