



# Phoslock Environmental Technologies

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## PHOSLOCK ENVIRONMENTAL TECHNOLOGIES LIMITED

### WHISTLEBLOWER POLICY

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*Approved by the Board of Phoslock Environmental Technologies Limited on: 14 January 2020*

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## Whistleblower Policy

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# Whistleblower Policy

## 1 Policy Outcome

Phoslock Environmental Technologies Limited, (“PET” or the Company) is committed to the highest standards of conduct and ethical behaviour and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance.

PET encourages people to speak up when they see activity or behaviour that they feel is wrong or does not match its values. The purpose of this Policy is to provide clear guidance on how we approach and manage reports of this nature. With our Whistleblower Policy, we aim to ensure that:

- Every person covered by this Policy has the opportunity to speak up anonymously when they feel we are not adhering to our corporate values. Our people should have a place to report misconduct, be confident that reports will be heard and acted on, and we will make improvements based on the results.
- Our people are confident that they are able to make reports anonymously. We are committed to protecting an informant's identity and informants only need to reveal themselves if they choose to.
- We will investigate every report of misconduct. At the end of the investigation, we will document the results and provide feedback where appropriate.

Under the Corporations Act a person providing a report on matters outlined in Section 3 has legislative protection when making the report.

## 2 Our Commitment

PET wants its employees (and other eligible persons) to:

- Know how they can provide information on any concerns they have;
- Understand where they can report their concerns;
- Know what happens after they make a report;
- Feel safe when they make a report;
- Know about their right to be anonymous; and
- Know that we will ensure they are not subject to any retaliation or other abuse because they made a report.

## 3 What is a Reportable Matter?

A Reportable Matter is any concern (actual or suspected) about the following conduct, or the deliberate concealment of such conduct, including conduct that is:

- Fraudulent
- Illegal Corrupt
- Dishonest
- Unethical
- Violates the law
- Creates an unsafe environment
- Breaches any of our policies
- Comprises discrimination
- Comprises harassment and/or bullying of any kind
- Any other conduct, which is detrimental to the Company or its people and could cause financial or non-financial loss

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However, a Reportable Matter does not include personal workplace related grievances. These are generally grievances relating to a staff member's current or former employment or engagement that may have implications for that person personally, but do not have broader implications for the Company.

### 4 Persons to whom this Policy applies

The following are eligible persons and fall under the protection of this Policy:

- Employees (including directors)
- Contractors, consultants, service providers, suppliers and business partners;
- Former employees;
- Persons employed by subsidiaries controlled by PET, including the persons identified above.

### 5 Making a Report

To make a report, you may contact any of the following:

1. Non Executive Director - Chair Person of Governance, Risk & Compliance Committee (GR&C)
2. Managing Director
3. A member of ORAC.

These reporting options are intended to provide the informant with an avenue where they feel comfortable and which fits the nature of the matter being reported. **Contact details for these reporting options are listed at the end of this Policy.**

A decision not to report the matter to a specific person from the list above may (for example) be made where that person is the subject of the report or if you have another reason to believe that the person is not likely to deal with the report properly.

### 6 Anonymity of the Informant

PET will respect and protect your identity if you choose to make an anonymous report. You can choose to remain anonymous when:

- first making a report on a Reportable Matter;
- interacting with the person investigating your report, and
- after the investigation is closed.

At any given time, you may identify yourself, if you choose, but this is your choice and at no point do you need to do this, nor will you be forced to provide your identity.

If you decide to disclose your identity, the person/s to whom you have agreed to disclose your identity will take all steps necessary to ensure your identity is protected. We will also take all steps necessary to ensure that you do not suffer any retaliation as a result.

It is worth noting that every endeavour will be made to investigate a report, but in some cases, there are limitations on what can be achieved if an informant decides to remain anonymous.

### 7 The Investigation Process

The investigation process (as outlined below) will vary depending on the precise nature of the matter being investigated. The purpose of the investigation is to determine whether or not your concerns are substantiated, with a view to the Company then rectifying any wrongdoing uncovered to the extent that this is practicable in all the circumstances and otherwise to take all appropriate action.

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The investigation will be thorough, objective, fair and independent of you, anyone who is subject of the report, and any business unit concerned. The investigation will also have proper regard to the principles set out in the Australian Standard on Whistleblower Protection Programs.

Once a report (anonymous or otherwise) on a Reportable Matter is received, the following steps will be undertaken:

1. The report will be referred immediately to the Non-Executive Director (GR&C) who will then notify the Managing Director that a report has been received.
2. The Non-Executive Director (GR&C) will make an initial assessment to confirm it is a valid report and that an investigation is warranted.
3. The Non-Executive Director (GR&C) will then confer with the Managing Director to determine who is best placed to investigate the report.
4. The investigation may include communicating with the informant, if there is a channel to do this.
5. Once the investigation has been finalised, a written report will be prepared and provided to the Non-Executive Director (GR&C) and the Managing Director.
6. The Non-Executive Director (GR&C) and Managing Director will consider the report and advise the Board (in an appropriate manner) of the findings and any recommendations made.

### 8 Who Is Alerted to a Reportable Matter

Once a matter is reported and a decision is made to investigate the allegations, it may be necessary to make inquiries of certain relevant staff or officers of the Company. If it does become necessary, as part of the investigation, to alert any staff and officers to the report, any information that could potentially identify an anonymous informant will be held in the strictest confidence and will not be shared, unless required under the law.

### 9 The Process for Updating the Informant

As part of the investigation process, the Non-Executive Director (GR&C) will update the informant of the progress of the investigation. These updates can include the following:

- Confirmation of receipt of a report from the informant.
- Confirming that the investigation process had begun.
- Advising that the investigation is currently ongoing.
- Advising that the investigation has been closed.

PET's commitment is that the informant will be updated once a month while the investigation is ongoing. The informant will be updated once the investigation has been closed.

PET (via the Non-Executive Director GR&C) will strive to provide as much feedback on the investigation as possible. However, due to privacy guidelines, there is often information that cannot be shared with the informant.

### 10 How Informants Are Protected

After a report is submitted, the following aspects around anonymity are in place to protect an informant's identity:

- The informant has the right to remain anonymous and does not need to identify themselves at any time during the investigation process.
- The only persons who will have access to the report, and material gathered during the course of the investigation, will be the party nominated to undertake the investigation, the Non-Executive Director (GR&C) and Managing Director. This is for the purpose of

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protecting an informant's identity both during the investigation and after the investigation is concluded.

- At no time will PET, staff or officers force the informant to reveal their identity.
- The informant can refuse to answer questions, which they feel could identify themselves.

If the informant reveals themselves at any time, the identity will be restricted to the person to whom the identity was disclosed to, and with the consent of the informant, the person investigating the report, the Managing Director and the Non-Executive Director (GR&C).

### 11 Potential Retaliation

An informant might be concerned about possible retaliation against them by the Company or its staff or officers. To minimise this concern, where a matter has been reported on a just basis, without spite or in the absence of concern as to continuing employment, the PET will protect the informant from:

- Being terminated or having their employment ceased;
- Negative Performance Appraisal;
- Harassment on the job or workplace bullying;
- Warnings or disciplinary actions;
- Discrimination;
- Any other action that can be perceived as retaliation for making a report.

### 12 Considered Risk of Retaliation

Where an informant believes that retaliation is near or imminent, and they are targeted for retaliation, the informant should immediately contact the Whistleblower Protection Officer who, with the consent of the informant, will discuss the matter with the Non-Executive Director (GR&C) and take such action as may be appropriate to address the informant's concern.

For the purposes of this Policy, the Whistleblower Protection Officer is Lachlan McKinnon whose contact details are listed at the end of this Policy.

The Whistleblower Protection Officer will have the powers and duties consistent with the Australian Standard on Whistleblower Protection Programs.

### 13 Already Retaliated Against

If the informant feels that they have already been retaliated against, they should escalate this immediately to the Whistleblower Protection Officer who will investigate the matter. The Whistleblower Protection Officer with the consent of the informant will discuss the matter with the Non-Executive Director (Compliance) and determine how the situation should be resolved.

### 14 How PET will deal with Retaliation

PET will not tolerate any attempts to retaliate against an informant who has made a report on a Reportable Matter. Any employee or associated person considered to be engaged in such action will face disciplinary action. One possible course of action is termination of their employment/contract with the Company.

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### 15 Separation of Issues

PET may still raise any issues related to the informant's work or performance. While the PET will protect the informant from any retaliation, it is also important that the informant is still effective in their job.

PET may continue to raise any performance or contract issues with the informant if these issues are kept separate from, and not influenced at all by, any reports or information that is received during the course of an investigation.

### 16 Protection of Other Persons

In the course of investigating a report received, other staff and persons may be required to provide information or otherwise become involved in the investigation. PET will protect those persons from retaliation in the same manner as the informant.

### 17 Additional Protections

In the event that an action or conduct of the Managing Director is the subject of a Reportable Matter, then the Whistleblower Protection Officer will stand in the shoes of the Managing Director for all purposes under this Policy. The Non-Executive Director (GR&C) will direct all liaison points. The Managing Director will not be advised of the report or otherwise involved during its investigation or resolution. The identity of the informant will be fully protected.

### 18 Legislative/Regulation Protection and Assistance

Nothing in this Policy should be taken as restricting you from reporting any matter or providing any information to a regulator (such as ASIC) or co-operating with any other person in accordance with any relevant law, regulation or other legal requirement.

### 19 Changes to the Whistleblower Policy

From time to time, PET's Whistleblower Policy may need to be updated to keep it consistent with our values, and better practice, as well as changes to the law. Any changes to our Whistleblower Policy will be communicated to all employees and other relevant stakeholders.

Any proposed changes to the Policy must be approved by the PET Board of Directors. In addition, this policy must be reviewed on a regular basis (at least annually) and proposed changes must be approved by the PET Board of Directors.

The Operational, Risk & Audit Committee (ORAC), in conjunction with the Non-Executive Director (GR&C), is responsible for advising the PET Board of any proposed changes to this Policy.

### 20 Staff Awareness

The Managing Director is responsible for ensuring all staff are aware of this Policy and for the overall implementation of PET's Whistleblowing Program.

The Policy will be distributed to each staff member upon its adoption by the Company, and will be placed on the Company's shared drive, which is accessible to all staff and officers.

All new staff will be provided with a copy of the policy on their commencement with the Company.

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### 21 Reporting to the SG Hiscock Board

The Non-Executive Director (GR&C), in conjunction with the Managing Director, will consider when it is appropriate to report a matter investigated under this Policy to the PET Board, the progress of investigations, including findings and any recommendations for rectification or other actions to be taken. However, any information that could potentially identify an informant will be held in the strictest confidence and will not be shared.

### 22 False Reporting

A false report could have significant effects on PET's reputation and the reputations of other staff members and could also cause considerable waste of time and effort.

Any deliberately false reporting of a matter, whether under this Policy or otherwise, will be treated as a serious disciplinary matter.

### 23 Records

The Non-Executive Director (GR&C) will maintain a record of all whistleblowing incidents and actions taken under this Policy.

### 24 Questions

Any questions about this Policy or specific questions about Whistleblower Protection issues can be directed to the Non-Executive Director (GR&C).

### 25 Contact List

	Name & Role	Mobile Telephone	Email address
	<b>Contact Persons for Making a Report</b>		
1	Non-Executive Director, Governance, Risk & Compliance	0408 319 405	<a href="mailto:brenda.shanahan@dmpam.com.au">brenda.shanahan@dmpam.com.au</a>
2	Robert Schuitema, Managing Director	0412 305 442	<a href="mailto:rs@phoslock.com.au">rs@phoslock.com.au</a>
3	Lachlan McKinnon, ORAC	0438 576 764	<a href="mailto:lmckinnon@phoslock.com.au">lmckinnon@phoslock.com.au</a>
	Robert Schuitema, ORAC	0412 305 442	<a href="mailto:rs@phoslock.com.au">rs@phoslock.com.au</a>
	<b>Whistleblower Protection Officer:</b> <ul style="list-style-type: none"><li>Lachlan McKinnon</li></ul>	0438 576 764	<a href="mailto:lmckinnon@phoslock.com.au">lmckinnon@phoslock.com.au</a>
	<b>Alternative Whistleblower Protection Officer:</b> <ul style="list-style-type: none"><li>Robert Schuitema</li></ul>	0412 305 442	<a href="mailto:rs@phoslock.com.au">rs@phoslock.com.au</a>

#### Version Control

Version number	Date	Author	Brief description of changes