



# Whistleblower Policy

Energy Locals Group

[energylocals.com.au](http://energylocals.com.au)

# Contents

1. Purpose .....	3
2. Who does this Policy apply to?.....	3
3. What matters does this Policy apply to?.....	4
4. Who can receive a disclosure?.....	5
5. How to make a disclosure .....	6
6. Support and protection for Disclosers.....	6
7. Handling and investigating a disclosure .....	7
8. Other information about this Policy.....	8

## 1. Purpose

Energy Locals Pty Ltd (ACN 606 408 879), Energy Trade Pty Ltd (ACN 165 688 568) and Strata Energy Services Pty Ltd (ACN 622 570 156) (together, the **Energy Locals Group**) are committed to protecting employees and company officers who seek to identify and call out internal misconduct that is harmful to the company, consumers, and the community.

The purpose of this whistleblower policy (**Policy**) is to:

- encourage disclosures of wrongdoing;
- help deter wrongdoing, in line with the Energy Locals Group's risk management and governance framework;
- ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- ensure disclosures are dealt with appropriately and on a timely basis;
- provide transparency around the Energy Locals Group's framework for receiving, handling and investigating disclosures;
- support the Energy Locals Group's values and long-term sustainability and reputation; and
- meet the Energy Locals Group's legal and regulatory obligations.

The Energy Locals Group recognises that this Policy is an important tool for helping us to identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosing wrongdoing and we encourage our employees (and non-employees) who are aware of possible wrongdoing to speak up.

## 2. Who does this Policy apply to?

This Policy applies to 'Eligible Whistleblowers', which includes anyone who is, or has been, any of the following in relation to the Energy Locals Group:

- an officer or employee;
- a supplier of services or goods to the Energy Locals Group (whether paid or unpaid) including their employees;
- an associate (as defined in the Corporations Act) of the Energy Locals Group; or
- a relative, dependant or spouse of any of the above.

The above Eligible Whistleblowers qualify for protection under the Corporations Act if:

- they have made a disclosure of information relation to a 'Disclosable Matter' directly to an 'Eligible Recipient' or to ASIC, APRA or another Commonwealth body prescribed by regulation;
- they have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act; or
- they have made an 'Emergency Disclosure' or 'Public Interest Disclosure'.

Further details on Disclosable matters and Eligible Recipients, Emergency Disclosures and Public Interest Disclosures are set out below in sections 3 and 4 respectively.

### 3. What matters does this Policy apply to?

#### (a) Misconduct or improper state of affairs or circumstances

Disclosable Matters involve information that the discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, in relation to the Energy Locals Group.

Misconduct or an improper state of affairs includes unethical, illegal, corrupt or other inappropriate conduct. Such conduct can involve:

- fraud, negligence, default, breach of trust and breach of duty;
- unlawful, corrupt, or irregular use of company funds or practices;
- illegal activity, including theft, dealing in or using illicit drugs, violence or threatened violence, criminal damage against property;
- unethical behaviour, including that which would breach the Energy Locals Group's policies;
- improper or misleading accounting or financial reporting practices;
- breaches of legislation relating to the Energy Locals Group's operations or activities, including the Corporations Act or any Commonwealth law that is punishable by imprisonment for a period of 12 months;
- oppressive, discriminatory, or grossly negligent conduct;
- unsafe work practices or conduct that poses a serious risk to the health and safety of those at the workplace; or
- conduct that represents danger to the public, the financial system or natural environment.

'Reasonable grounds' means a reasonable person in the whistleblower's position would also suspect that the information indicates misconduct or illegal activity.

#### (b) Excluded matters

It is important to note that disclosures that are not about Disclosable Matters do not qualify for protection under the Corporations Act (or the Tax Administration Act, where relevant). Additionally, disclosures that relate solely to personal work-related grievances, and that do not relate to detriment or threat of detriment to the discloser, do not qualify for protection under the Corporations Act.

A "personal work grievance" is a grievance about matters relating to employment or former employment that has, or tends to have, implications for the discloser personally but does not have any other significant implications for the Energy Locals Group or relates to any conduct, or alleged conduct, about a Disclosable Matter. For example:

- an interpersonal conflict between the individual and another employee;
- a decision relating to the engagement, transfer, or promotion of the individual;
- a decision relating to the terms and conditions of the individual's employment; or
- a decision to suspend or terminate the individual's employment or undertake disciplinary action.

Conduct that would be considered victimisation for making or proposing to make a report under this policy or a matter that would otherwise have serious implications for the Energy Locals Group is not otherwise excluded.

## 4. Who can receive a disclosure?

There are a number of individuals within and outside the Energy Locals Group who can receive disclosures that qualify for protection. These are listed below.

### (a) Internal Reporting

The Energy Locals Group would like to identify and address wrongdoing as early as possible and, as such, encourages disclosures to one of the Energy Locals Group's internal Eligible Recipients in the first instance.

A disclosure made internally must be made directly to an Energy Locals Group 'Eligible Recipient' to qualify for whistleblower protection under the Corporations Act. An Eligible Recipient includes:

- an officer or senior manager of a Energy Locals Group entity; or
- an internal or external auditor of an Energy Locals' Group entity.

If a discloser wishes to seek additional information before formally making their disclosure, they should contact our internal Legal team.

### (b) Legal practitioners

Disclosures to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act are protected (even in the event that the legal practitioner concludes that a disclosure does not relate to a 'disclosable matter')

### (c) Regulatory bodies and other external parties

An Eligible Whistleblower is covered by the whistleblower protections in making a report to ASIC, even if the concern has not been raised internally. This can be done by lodging a report through ASIC's [online misconduct reporting form](#) or by [writing to ASIC](#). If the report is within the auspice of APRA's responsibilities, a protected disclosure may be made directly with APRA [in writing by email or post](#).

### (d) Reports to a Journalist or Parliamentarian

Protected disclosures can be made to a journalist or a member of the Commonwealth Parliament or state or territory parliamentarian if the disclosure concerns matters in the public interest or matters of emergency. A discloser should contact an independent legal advisor before making a public interest disclosure or emergency disclosure.

#### Criteria for Public Interest Disclosures:

- a protected report must have been previously made to ASIC or APRA;
- 90 days must have passed since the concern was reported to ASIC or APRA;
- the Eligible Whistleblower must not have reasonable grounds to believe that action to address the concerns is being or has been taken;
- the Eligible Whistleblower must have reasonable grounds to believe that it would be in the public interest to report their concern to a journalist or parliamentarian;

- after 90 days elapsing from the time the report to ASIC or APRA was made, the Eligible Whistleblower must give ASIC or APRA written notice that includes sufficient information to identify the earlier report (e.g., by contacting the officer that considered the concerns and quoting the reference number) and state their intention to make a public interest disclosure; and
- the person who the public interest disclosure is made to must be a journalist or parliamentarian.

**Criteria for Emergency Disclosures:**

- a protected report must have been previously made to ASIC or APRA;
- the Eligible Whistleblower must have reasonable grounds to believe that the information in the report concerns substantial and imminent danger to the health or safety of one or more people or to the natural environment;
- the Eligible Whistleblower must give written notice that includes sufficient information to identify their earlier report and states their intention to make an emergency disclosure;
- the person who the emergency disclosure is made to must be a journalist or parliamentarian.

This Policy, as well as legislated whistleblower protections, do not apply to external disclosures made to the public in any other circumstances.

## 5. How to make a disclosure

Protected disclosures can be made to the Eligible Recipients listed in section 4 above. When doing so, the discloser must first inform the Eligible Recipient that they wish to make a report under this Policy. Reports can also be made via an anonymous email, which is set out below:

[whistleblowerreports@energylocals.com.au](mailto:whistleblowerreports@energylocals.com.au)

## 6. Support and protection for Disclosers

### (a) Legal protections

Disclosers cannot be subject to any civil, criminal or administrative liability, for making a Protected Disclosure. No contractual or other remedy may be enforced, and no contractual or other right may be exercised against a discloser on the basis of the Protected Disclosure. However, disclosers may be subject to civil, criminal or administrative liability for conduct that is revealed by the Protected Disclosure. If the Protected Disclosure is to ASIC, APRA or the Commissioner of Taxation, or is a public interest disclosure or emergency disclosure as permitted under the Corporations Act the information is not admissible in evidence against the discloser in criminal proceedings, or in proceedings for the imposition of a penalty, except for proceedings in respect of providing false information.

If a Discloser has been victimised because of making a protected disclosure or in the belief that they have made, or may make, such a disclosure, they may be entitled to a remedy. Such remedies include compensation, an order prohibiting the victimisation or an apology. The victimiser can be ordered to pay substantial monetary fines or imprisoned.

(b) **Anonymous reporting**

A discloser may choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. Disclosers can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up questions. The investigator will take all reasonable steps to reduce the risk that the investigation will cause the eligible whistleblower to be identified.

Information about the eligible whistleblower's identity may be disclosed where necessary to ASIC, APRA or the Australian Federal Police, to a legal practitioner for the purpose of obtaining legal advice in relation to the operation of the whistleblowing protection laws or under other arrangements consented to by the whistleblower.

(c) **Persons implicated in a report**

The Energy Locals Group will ensure that any investigation process is confidential and fair. We will endeavour to maintain the privacy of employees to whom a disclosure relates and provide them with an opportunity to respond (where appropriate and subject to our requirements to maintain confidentiality).

(d) **Support**

Disclosers or employees or officers who are implicated in a report may access the Energy Locals Group Employee Assistance Program on 1300 364 273, appoint an independent support person from human resources management or connect with a third-party support provider such as Lifeline (13 11 14) and Beyond Blue (1300 224 636).

## 7. Handling and investigating a disclosure

(a) **Handling a disclosure**

The Energy Locals Group will assess each disclosure to determine whether:

- it qualifies for protection; and
- a formal, in-depth investigation is required.

A discloser will be provided with regular updates if the discloser can be contact (including through anonymous channels). The frequency of these updates, as well as the way in which the disclosure and investigation is documented, may vary depending on the nature of the disclosure.

(b) **Investigating a disclosure**

The objective of an investigation is to determine whether there is evidence that substantiates the concern raised in the disclosure. The Energy Locals Group will endeavour to:

- investigate the disclosure within a reasonable period;
- ensure that any investigation is fair and objective;
- avoid conflicts of interest in carrying out any investigation; and
- keep information relating to disclosures (including the identity of the discloser) confidential, except as required by law and permitted under this Policy.

## 8. Other information about this Policy

This Policy will be available on the intranet of each Energy Locals Group's intranet and website.

This Policy will be reviewed on a periodic basis and the Energy Locals Group reserves the right, at our absolute discretion, to change this Policy from time to time. You are required to periodically review the Policy to update yourself on any changes to the Policy.

If you have any questions about this Policy, please contact our internal Legal team.





Energy Locals Pty Ltd  
ABN 23 606 408 879

Part Level 1 and Level 2/11 Newton Street  
Cremorne VIC 3121

1300 693 637  
[hello@energylocals.com.au](mailto:hello@energylocals.com.au)

[energylocals.com.au](http://energylocals.com.au)