

Whistleblower

1. Purpose

HydroChem encourages reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving the company, employees or contracted third parties. This Policy details the process for reporting, as well as protections and measures for those who make a report to ensure they can do this confidentially and without fear of adverse action or detriment.

2. Coverage

This Policy applies to and provides protections to Protected Whistleblowers. You are a Protected Whistleblower and entitled to protection under the *Corporations Act 2001* (Cth) ('Corporations Act') and, if applicable, under the *Taxation Administration Act 1953* (Cth) if:

- You are an Eligible Whistleblower (defined below); and
- You have disclosed (or intend to disclose) Reportable Conduct to an Eligible Recipient, to the Australian Prudential Regulation Authority (APRA) or such other entity prescribed under the Corporations Act.

3. Definitions

3.1. Adverse action/detriment

This includes but is not limited to:

- dismissal;
- injury of an employee in his or her employment;
- alteration of an employee's position or duties to his or her disadvantage;
- discrimination between an employee and other employees of the same employer;
- harassment or intimidation of a person;
- harm or injury to a person, including psychological harm;
- damage to a person's property
- damage to a person's reputation;
- damage to a person's business or financial position;
- any other damage to a person.

3.2. Eligible Whistleblower

A Whistleblower is someone who discloses Report Conduct (refer 3.3) under this Policy. It can be:

- an officer or employee of HydroChem (including former employees);
- a supplier of goods or services to HydroChem, or an employee of a supplier;
- an associate of HydroChem (e.g., director); or
- a relative, dependent or dependent of the spouse of any person referred to as an Eligible Whistleblower.

3.3. Reportable Conduct:

Reportable conduct is anything an Eligible Whistleblower has reasonable grounds to suspect concerns misconduct or an improper state of affairs or circumstances.

Examples of things that may be considered misconduct or an improper state of affairs or circumstances include:

- dishonesty;
- fraud;
- corruption;
- illegal activities, including theft, drug sale/use, violence, threatened violence or criminal damage against HydroChem's property;
- acts or omissions in breach of commonwealth or state legislation;
- unethical behaviour;
- other serious improper conduct, including gross mismanagement, serious and substantial waste of HydroChem's resources;
- unsafe work practices; any other conduct which might cause financial or non-financial loss to HydroChem or be otherwise detrimental to the interests or reputation of HydroChem;
- conduct that represents a danger to the public or the financial system;
- the deliberate concealment of information tending to show any of the matters listed above.

3.4. Personal Work-Related Grievance:

This Policy does not apply to personal work-related grievances unless it has significant implications for HydroChem or another entity, that do not relate to the Whistleblower. A report made to a legal practitioner about a personal work-related grievance may also qualify for protection.

Personal work-related grievances also ineligible, include grievances about:

- personal or interpersonal conflict;
- transfers, promotions, demotions, disciplinary action, performance management, or any other grievance connected to conditions of employment or employment generally.

4. Process for making a report

4.1. Options for making a report

Reports can be made in person or by telephone, post or email. Reports can be made within business hours or outside business hours.

If, at any time, you are not sure about whether to make a report, you can get independent legal advice. Any discussions you have with a lawyer will be protected under this Policy and under law.

4.2. What to include in the report

A report should include as much detailed information as possible, to assist the investigation. Useful details include:

- date, time and location;
- names of person(s) involved, and roles;
- your relationship with the person(s) involved, if any;
- the general nature of your concern;
- how you became aware of the issue;
- possible witnesses; and
- other information that you have to support your report.

4.3. Anonymity

HydroChem respects and protects your identity if you choose to make an anonymous report, including via a third-party agency. The utmost care will be taken to protect the identity of a Whistleblower and the confidentiality of such a report, within the limits defined by applicable laws and regulations.

After submitting a report, the following policies around anonymity are in place to protect a Whistleblower's identity:

- the Whistleblower has the right to remain anonymous and does not need to identify themselves at any time during the investigation process;
- HydroChem will endeavour to help protect a Whistleblower's identity during and after submitting a report;
- at no time will HydroChem force the Whistleblower to reveal their identity;
- the Whistleblower can refuse to answer questions they feel could identify themselves;
- Should they choose to reveal their identity at any time, the Whistleblower will be advised of who will have/has access to their identity.

4.4. Eligible recipients

Reports can be made as follows:

- Email: whistleblower@hydrochem.com.au; or
- Post: Whistleblower Investigations, HydroChem, 23b Industrial Drive, Braeside 3195

Alternatively, you will still qualify (at law) for protection if you make your report to any HydroChem management, or a legal practitioner for the purpose of obtaining legal advice or representation.

5. How HydroChem will deal with a Whistleblower report

Once a report is submitted, HydroChem will notify the Whistleblower it has been received (provided the Whistleblower is not anonymous and is able to be contacted).

The report will then be assessed by the Eligible Recipient and assigned to an appropriate independent management representative, who will manage the investigation. In some instances, if an anonymous Whistleblower fails to provide sufficient information, the matter may not be able to be investigated.

Certain senior managers might be alerted to the report as part of the reporting process or if they are involved in the investigation in some manner.

Any information that could potentially identify an anonymous Whistleblower will be held in the strictest confidence and will not be shared, unless HydroChem is compelled by law.

HydroChem will investigate reports, either internally or with assistance from external advisers and will provide progress updates to the complainant throughout the process. Any investigation will be conducted promptly and fairly.

It is important for HydroChem to be transparent with our employees and outline the process to investigate a report submitted through our Whistleblower channels.

All employees, contractors and directors must cooperate fully with any investigation.

Below, are the different steps that will be followed until a case is closed:

- I. Report (anonymous or otherwise) is received by Eligible Recipient and acknowledged.
- II. Eligible Recipient will do an initial assessment to confirm it is a valid report.

- III. The investigation will begin, with due regard to the rights of all persons involved, including but not limited to the principles of procedural fairness. This may include corresponding with the Whistleblower (where possible); seeking a response from the individual to whom the report relates; and interviewing relevant witnesses.
- IV. Management and the Whistleblower will be updated throughout the investigation, subject to privacy obligations.
- V. Once the investigation is finalised, management and the Whistleblower will be updated.
- VI. At this point, any subsequent action will take place.

As part of our investigative process, HydroChem will update the Whistleblower of the progress of the investigation. These updates may include the following:

- confirm receipt of a report;
- advise that an investigation process has begun;
- provide progress updates of an active investigation; and
- provide notice that an investigation has been closed.

HydroChem's commitment is that the Whistleblower will be updated as regularly as practicable while the investigation is ongoing. They will then be updated once the investigation is closed. As much information on the investigation as possible will be provided, subject to relevant privacy guidelines.

If, after receiving information at the conclusion the investigation, the Whistleblower is not satisfied with the result, they can escalate their dissatisfaction to the Chief Executive Officer ('CEO'). The Whistleblower can provide this escalation in writing so that a formal review can take place. While the CEO commits to review the request, HydroChem is under no obligation to reopen the investigation. If the CEO concludes that the investigation was conducted properly and no new information exists that would change the results of the investigation, the investigation will be concluded.

6. Other designated bodies that can receive reports

Reports of Reportable Conduct may also be protected when made to:

- ASIC;
- APRA;
- the Commissioner of Taxation;
- a legal practitioner; or
- another Commonwealth authority prescribed by law.

7. How Whistleblowers are protected

This Policy protects a Whistleblower from any adverse action or detriment, provided that the Whistleblower identifies themselves to HydroChem and the report is:

- reportable conduct, as defined in this Policy;
- submitted in good faith and without malice;
- based on a Whistleblower's reasonable belief that the alleged conduct or issue related to the alleged conduct constitutes or may constitute a material breach of a law or other standard of behaviour; and
- does not result in personal gain or advantage for the Whistleblower.

HydroChem will not take any adverse action against, or subject any detriment to, a Whistleblower because they have made a report which meets the above-mentioned conditions, unless the Whistleblower is a participant in the prohibited conduct subject of the report.

If the Whistleblower was involved in the prohibited conduct subject of the report, the fact the Whistleblower has made the report may be taken into account in determining the severity of disciplinary measures, if any, that may be taken against the Whistleblower.

In cases of considered risk of adverse action or detriment, or if the Whistleblower feels they have already been subjected to adverse action or detriment, they should contact whistleblower@hydrochem.com.au.

Potential steps to protect the Whistleblower from a considered risk of adverse action or detriment may include:

- the Whistleblower taking leave;
- the Whistleblower being reassigned to other duties;
- the Whistleblower being reassigned to another location.

Provided, as far as is practicable, the above causes no detriment to the Whistleblower.

Any adverse action or detriment against a Whistleblower because they have made a report is a serious breach of this Policy and may result in disciplinary action, up to and including dismissal. If the Whistleblower feels their report of detriment was not resolved adequately, it can be escalated to the CEO.

Other parties participating or assisting in an investigation will be protected from adverse action or detriment in the same manner as the Whistleblower.

8. Protections for those to whom a Whistleblower report relates

HydroChem acknowledges that individuals to whom Reportable Conduct relates must be treated fairly and supported throughout any process implemented under this Policy. If a report is made and an investigation takes place:

- any investigation will be handled sensitively and confidentially so as to protect the rights and privacy of all parties involved;
- unless unreasonable to do so in the circumstances, in any investigation, a person to whom a report relates will be provided with particulars of the allegations against them and be afforded an opportunity to respond;
- unless unreasonable to do so in the circumstances, in any investigation, once a determination has been made as to whether the allegation(s) are substantiated, a person to whom a report relates will be advised of the outcome.

9. Separation of issues

While HydroChem will protect the Whistleblower from any adverse action or detriment, job performance is to be maintained as far as is practicable.

Any performance or contract issues with the Whistleblower will still be raised via usual processes as long as they are kept separate and not influenced from any reports that have been made.

10. Availability of this Policy

This Policy will be:

- released to all staff via notification in the HydroChem General Channel on Microsoft Teams
- included as part of induction for all new staff;
- made available on the Hub (HydroChem's intranet);

11. Legislative/Regulation protection and assistance

If any jurisdiction or locale where HydroChem operates has Whistleblower protection laws that provide a higher level of protection than what is included in this Policy, the local legislation will take precedence.

12. Governance

From time to time, this Policy will need to change to maintain alignment with our values, best practices, improvements, as well as legislation and regulations. Any changes to our Whistleblower Policy will be communicated with all employees and any relevant stakeholders.

The Board is updated annually on the Whistleblower program, inclusive of reports, investigations, and results. Reports or investigations carrying an undue amount of risk will be reported to the Board of Directors outside of this process. The Board can at any time ask about anonymous reports, investigations, as well as the state of HydroChem's Whistleblower program.



Mike Lenton

CEO