



WHISTLEBLOWER POLICY

INTRODUCTION

The *Corporations Act 2001* (Part 9) (the “**Act**”) gives special protection to persons that make disclosures about misconduct, wrongdoing or otherwise by a company or its officers. These disclosures can be made anonymously and still be protected. Those protections ensure that any reported disclosures are investigated and reviewed impartially whilst protecting the confidentiality of the whistleblower. The objective of this Whistleblower Policy (“**Policy**”) is to encourage reporting of misconduct and wrongdoing, to ensure that we appropriately manage any corporate risk, without fear of victimisation by the whistleblower.

PURPOSE

J.J. Richards & Sons Pty Ltd and its associated entities (“**JJR**”) are committed to a culture of good commercial practice and highly ethical behaviour.

This Policy deals with issues relating to those employees, suppliers and third parties who wish to raise issues about whether JJR or its employees have complied with applicable laws and other standards of behaviour policies or codes of conduct.

APPLICATION

This Policy applies to all the categories of individuals outlined below. An individual is considered a whistleblower and so eligible for the protections offered under the Act if they are or have been:

- a. an officer of JJR;
- b. an employee;
- c. an individual that supplies goods or services, paid or unpaid;
- d. an employee of a person that supplies goods or services (paid or unpaid) to JJR;
- e. associated with JJR;
- f. a relative of any of the above persons;
- g. a dependent of any of the above, or spouse of the above; or
- h. an individual prescribed by regulation.

WHAT CAN BE REPORTED

You are eligible to be a whistleblower and so obtain the protections afforded by the Act, if you are one of the above categories of individuals and you have reasonable grounds to suspect that there is misconduct or an improper state of affairs or circumstances regarding JJR its officers or staff engaging in conduct that:

- a. breaches the Corporations Act 2001 (for example anti-competitive conduct, insider trading);
- b. breaches financial sector laws that are enforced by ASIC or APRA;
- c. breaches against any other law of the Commonwealth that is punishable by imprisonment for 12 months or more (for example tax evasion, money laundering); or
- d. represents a danger to the public (including environmental risk, dangers to health and safety) or the financial system.

To obtain whistleblower protection you need reasonable grounds to suspect a breach of the matters identified at part 3 above. You may still qualify for whistleblower protection even if your disclosure turns out to be incorrect following investigation and review. But note the above does not apply to personal work-related grievances of the discloser such as promotions, decisions to suspend, discipline or termination of employment or your employment conditions. Any such grievances should be addressed through our complaints process which is provided for in our Employee Handbook and displayed in your workplace in a prominent location and may be protected by other legislation such as the Fair Work Act 2009 (Cth).

WHO TO REPORT TO

To obtain whistleblower protection, disclosure in relation to the above matters may be made to any of the following:

- a. a board member, company officer or senior management of JJR;
- b. an auditor or member of an audit team conducting an audit of JJR;
- c. ASIC, APRA, ATO or any other prescribed Commonwealth body;
- d. anyone authorised by JJR to receive disclosures (for example General Counsel, Corporate Governance - details below).

In certain situations, disclosure may be made to:

- a. a lawyer if the purpose is to obtain advice or representation in relation to whistleblowing under the Act; or
- b. A journalist or member of parliament (Commonwealth or State/Territory) in relation to an emergency that concerns substantial or imminent danger to the health or safety of persons or the environment and the whistleblower has already disclosed same to JJR 90 days previously, and the whistleblower has reasonable grounds to believe that action has not been taken by JJR to address the matter.

You may remain anonymous when making a report, you are not required to provide your identification details. You can choose to remain anonymous over the course of an investigation and after the investigation is finalised. You may refuse to answer any questions that you feel could reveal your identity at any time.

PROTECTIONS

When the above conditions have been fulfilled the Act operates to give protection to whistleblowers. JJR will not take any adverse action against a person if they have made a disclosure under this Policy. JJR will ensure fair treatment. Under the Act:

- a. to the maximum extent possible a whistleblower cannot be subject to any civil, criminal, or administrative liability (such as disciplinary action) for coming forward (however see note below);
- b. a whistleblower cannot be subject to contractual remedy (i.e. termination of an employment contract) on the basis that a disclosure constitutes a breach of contract; and
- c. any person or company who engages in conduct that makes express or implied, conditional or unconditional threats to cause detriment or victimisation to a whistleblower (such as dismissal, injury, harassment, damage to property, detrimental change of position) will commit an offence and will be subject to civil penalty, prosecution and liable to compensate the whistleblower.

However, a whistleblower may be subject to civil, criminal, or administrative liability if the whistleblower is complicit in the actual activity, i.e. through serious misconduct or illegal conduct that led to the complaint.

INVESTIGATION PROCEDURE AND CONFIDENTIALITY

Once a report has been made to one of the above categories of people, a report will be made to the General Counsel, Corporate Governance at JJR.

JJR will investigate the matter in an objective, fair and independent manner, timeframes will vary depending on the nature of the matter reported. Evidence such as documents, or witness statements may need to be gathered and will be held securely. The general objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported. If required, external parties such as investigators or Government authorities may need to be informed or involved.

JJR recognises that maintaining appropriate anonymity and confidentiality is crucial in ensuring that potential whistleblowers come forward and make disclosures in an open and timely manner and without fear of reprisals being made. Your identity will not be disclosed unless you have consented to same and JJR encourages you to continue to participate in ongoing and active discussions. It is important to note that the investigation and review process may be limited in circumstances where a disclosure is made anonymously, and the discloser has refused to provide or has not provided a means of contacting them.

JJR will ensure that appropriate confidentiality is maintained by taking necessary steps to:

- a. redact all personal information or reference to the discloser;
- b. refer to the discloser in a neutral context;
- c. appoint qualified staff to handle, investigate and review all disclosures;
- d. securely store all documents and other materials relating to disclosures; and
- e. limit access to information relating to a disclosure to the person directly involved in investigating the disclosure.

JJR will ensure that your anonymity is protected throughout and following the disclosure, investigation, and review process by ensuring that all communications, notes or otherwise are stored in a secure digital file with access restricted to only authorised and/or qualified personnel. And where appropriate redacting any identifiable information.

JJR acknowledges that it is illegal for JJR to disclose the identity of a whistleblower without consent or disclose information that is reasonably likely to lead to the identification of the whistleblower. In some situations, JJR may be required by law to disclose the identity of a whistleblower (for example court proceedings) or to report certain matters to ASIC, APRA, or the Australian Federal Police. If warranted JJR may seek its own legal advice, in such circumstances a whistleblower's identity may need to be disclosed.

If you have requested a response or provided your contact details, JJR will endeavour to update you as our investigation proceeds.

JJR will monitor and evaluate the likelihood of the risks of the identity of a whistleblower becoming known, whether there are any conflicts or problems in the workplace and whether any threats to cause determent are made. JJR will take action to mitigate and control the risk of determent on a case-by-case basis.

COMPENSATION

You may seek compensation and other remedies through the courts if you suffer or incur loss, damage or injury because of a disclosure and the person to which you made the disclosure failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct (which could include inadvertent or negligent disclosure of your identity).

If you believe you have suffered determent as a result of a disclosure, you may lodge an informal complaint with the General Counsel, Corporate Governance (details below). Each complaint will be investigated by an internal legal officer who is not involved in dealing with disclosures.

JJR encourages any whistleblower to seek independent legal advice before pursuing any claim for loss, damage, or injury in respect of a disclosure.

ASSISTANCE AND ACCESS

If you have questions in relation to this Policy, please contact the General Counsel, Corporate Governance.

This Policy will be communicated to our employees through the Employee Handbook and People Manual and is otherwise accessible on the JJR website and our internal intranet and may be updated from time to time as required.

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