



HSEQ-SOP-022 – WHISTLEBLOWER POLICY & PROCEDURE

Purpose

Keece Group is committed to the ongoing integrity, ethics and successful implementation and adoption of the policies and procedure of our organization. To this end **Keece Group** will, as far as is practicable, ensure that any willful disobedience and noncompliance with said practices are identified and managed.

To that end, the purpose of this Policy is to:

- provide our team with an understanding of what can be reported under this Policy;
- demonstrate the importance Keece Group places on ensuring a safe and supportive environment where our team members can feel confident to raise breaches of internal policies or Disclosable Conduct relating to the Organisation, its business units, officers, management, employees or members of our supply chain;
- assist to create a culture within Keece Group that encourages our people to speak up and raise breaches of internal rules or policy, or legal breaches relating to the Organisation, its business units, officers, management, employees or members of our supply chain;
- Define and explain what constitutes Disclosable Conduct/Protected Disclosures
- Define the process and protection provided for those that take actions defined within this policy.

What is Disclosable Conduct / Protected Disclosure?

Australian and New Zealand legislation promotes whistleblowers to identify and report actions taken by company stakeholders that breach the laws of Australia or New Zealand. Protected Disclosures / Disclosable Conduct means an act or omission committed by the company or it's senior management that:

- A. contravenes, or may contravene,
 - a. Employment Law: AU - Fair Work Act (FW Act), or, NZ - Employment Relations Act 2000 or;
 - b, Business Law: AU Competition and Consumer Act 2010; or, NZ- Contract and Commercial Law Act 2017; or;
 - c. any other government legal Act or Framework or law.
- B. constitutes, or may constitute, an offence against the laws of the Commonwealth, Australian States or New Zealand Government.
- C. believes on reasonable grounds that there is, or has been, serious wrongdoing by the organisation; in it's duties and responsibilities.

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Scope

Who can blow the whistle within Keece?

1. a manager, an officer either employed or previously employed by Keece
2. an employee or former employee of Keece Group or one of its business units;
3. a person who is (or was) a supplier to, or has (or had) a transaction with, Keece Group or one of its business units;
4. a lawyer on behalf of a discloser in one of the above categories.

What can you blow the whistle for?

- breaches the Organisation's internal rules and policies; and/or
- breaches of the legal values and requirements under which Keece Group and all entities operate, whether local, state, or federal in Australia and laws of the Government of New Zealand.

Protection of the Whistle Blower.

If the person disclosing has made the disclosure in accordance with requirements of the Act (as outlined within this policy), they are entitled to protection even if they are mistaken (following investigation) or there is no serious wrongdoing.

The protections to be provided are: confidentiality, not retaliated against or treated less favourably, no victimisation, and immunity from civil, criminal and disciplinary proceedings.

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Responsibilities

A. Employees

- Are responsible for speaking up or disclosing actual or potential instances of serious wrongdoing if they believe in good faith that serious misconduct has taken place or is likely to take place. At all times, employees must act honestly, fairly and with integrity. This procedure is not for raising personal grievances.
- If you wish to make a protected disclosure, you need to ensure you take responsibility to ensure it complies with the Act (there are laws being broken) and make the disclosure in good faith.

B. Management

Managers are responsible for ensuring all employees are familiar with this policy and understand their obligations. They are also responsible for creating an environment that supports the implementation of this policy.

C. Directors and Senior Management

Directors and Senior Management are responsible for adhering to the Act's process and guidance when a protected disclosure is received and the timeframes for response and investigation. Managing the conduct of required investigations and for ensuring appropriate actions are taken as a result. Upholding the discloser's rights of confidentiality and non-retaliation, as per the protection afforded by the Act.

D. Person making the report

Report any past, present or likely future activity or behaviour which is defined as Reportable Conduct as per this Policy.

E. Receipt of the report and investigator

- Update Whistleblower and management with their investigation results in a timely manner
- Maintain confidentiality when handling reports when practical and appropriate in the circumstances, and be objective, fair and independent throughout the investigation process.
- Conduct a sufficient and proper inquiry into the content of a Whistleblower report.
- Ensure protections of Whistleblower are instituted and maintained

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Whistleblower – Application and Procedure

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| CONFIDENTIALITY | <p>The recipient of a protected disclosure (receiver) must use their best endeavours to keep confidential information that might identify the person who made the disclosure. However, a receiver need not keep the discloser’s identity confidential if the discloser consents, or there are reasonable grounds to believe that the release of the identifying information is essential – (a) (b) (c) (d) for the effective investigation of the disclosure; or to prevent a serious risk to public health, public safety, the health or safety of any individual, or the environment; or to comply with the principles of natural justice; or to an investigation by a law enforcement or regulatory agency for the purpose of law enforcement.</p> <p>Before releasing identifying information, if the release deemed essential (as above) the receiver must, if practicable, consult the discloser about the release. After releasing identifying information for any reason listed above, the receiver shall inform the discloser.</p> |
| EMPLOYEE RIGHTS & PROTECTION | <p>No disciplinary action can be taken against an employee for making a protected disclosure, or for referring one to an appropriate authority – if deemed necessary.</p> <p>In addition, an employee who suffers retaliatory action for making a protected disclosure can take personal grievance proceedings under the Employment Relations Act.</p> <p>Retaliation includes dismissal, refusal or omission to afford favourable terms conditions or benefits, or other detriment or disadvantage. If the person making the disclosure is not an employee, they cannot be treated less favourably because of the disclosure.</p> <p>These protections apply even if the whistle-blower was mistaken and there was no serious wrongdoing, provided the disclosure was made in good faith.</p> |
| FALSE ALLEGATIONS | <p>The protections provided for in the Act do not apply where a false allegation is made (i.e., the person knows that it is false or acts in bad faith). Protection under the Act does not apply where the disclosure of information is made outside of the provisions of the Act (e.g., the procedures are not used, or where the media are informed).</p> |
| INVESTGATION PROCEDURE | <p>Investigations will be conducted following the prescribed investigation procedure as outlined \forms\Disclosable-Conduct-investigation-checklist.doc.</p> <ul style="list-style-type: none"> • The investigator will conduct the investigation as soon as practicable and will ensure it is fair and independent from any persons to whom the disclosure relates. • The investigator will conduct the investigation promptly, and in an objective and fair manner, ensuring that every individual subject to the investigation is granted sufficient opportunity to reply to allegations before any findings are made. • Issues identified from the investigation will be resolved or otherwise finalised. |
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Records

Keece Group shall maintain all records relation to manual handling tasks as stipulated in the **Keece Group** HSEQ Manual.

Change Log.

V1.02024 – Document Release

Reference Documents

- [Fair Work Commission – Guidance for Whistleblowers](#)
- Occupational Health and Safety Regulations 2017
- [Information Sheet 238 Whistleblower rights and protections](#)
- [Fairwork Commission – Investigation Checklist](#)

New Zealand

- Ombudsman – Protected disclosures: internal policies and procedures – a guide for organisations
- Speak Up Guidelines NZ Corporations Act 2001 (Corporations Act)
- [Protected Disclosures \(Protection of Whistleblowers\) Act 2022](#)

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