

Procedure Name:	Whistleblower Protection	Date:	13 August 2019
Procedure Number:	DES BM 002	Version:	1.1
Business Unit:	Secretariat and People	Contact:	Compliance Manager



WHISTLEBLOWER PROTECTION

1.0 Purpose

Delta Electricity is committed to the protection of individuals who, with objectively reasonable grounds to suspect wrongdoing, report improper conduct occurring within the organisation.

The Whistleblower Standard describes how that commitment is implemented. This Standard forms part of the compliance program and supports Delta's Code of Conduct. The aim of this Standard is to promote the reporting of improper conduct, which may cause financial or non-financial loss to Delta or damage its reputation.

2.0 Scope

This Standard applies to all of Delta's operations and all current and former employees, suppliers and contractors (and their employees) and visitors.

The whistleblower protections also extend to relatives and dependents, e.g. spouse, child, sibling, parent or any other liner relative, of the categories listed above.

3.0 Responsibilities

This Standard places responsibilities on employees at all levels within Delta and on suppliers and contractors (and their employees) and visitors.

All such persons have an important role to play in supporting those who have made legitimate disclosures.

All persons within the scope of this Standard:

- are encouraged to report known or suspected instances of improper conduct, including suspected fraud and corruption, maladministration, and/or serious and substantial waste;
- must abstain from any activity that is, or could be perceived to be, victimisation of any person who has made a disclosure; and
- protect and maintain the confidentiality of any person known or suspected to have made a disclosure.

4.0 Reporting and investigations

4.1 Making a disclosure

a) Who to make a disclosure to:

A disclosure, should in the normal course, be first made to an Executive Manager.

However, if there is a concern over doing so (e.g. believe the Executive Manager is involved in the improper conduct), the report should be made to the Company Secretary .

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Next Review:	13 August 2021

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Directors should report such matters to the Chair or, if concerned with doing so, the Company Secretary.

b) How to make the disclosure:

A disclosure can be reported in writing or verbally. A report in writing is encouraged as this can help to avoid any confusion or misinterpretation. However, if a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The person making the disclosure should also keep a copy of this record.

Those reporting who are concerned about being seen making a disclosure should ask to meet in a discreet location away from the workplace.

A discloser may or may not wish remain anonymous.

c) Disclosures about Directors or Company Secretary:

Staff disclosures regarding Directors should be made to the Company Secretary. The Company Secretary will then determine the appropriate course of action for investigation. Disclosures regarding the Company Secretary or persons who have a close association with them should be made to the Managing Director who will determine the appropriate course of action for investigation.

4.2 Investigation

Should the Company Secretary or other relevant person determine that the disclosure is of significance, that person will determine an appropriate course of action which may include, but not be limited to, an investigation.

An investigating committee may be established and may comprise the Company Secretary, selected Delta Electricity Senior Management representatives, and/or other persons. The investigation is to provide recommendations to the Managing Director, or Board where required, on an appropriate course of action to address the disclosure.

An external investigator may be engaged, as deemed appropriate by the Company Secretary or other relevant person.

A person must not be a member of an investigation committee, or involved in an investigation, if they are subject to or involved in the disclosure.

Any investigation must be kept confidential to the extent required by law.

4.3 Confidentiality

All disclosures shall be treated as confidential.

Disclosers should only discuss their disclosure with those dealing with the disclosure (at Delta or on its behalf), or as required by law, or to obtain professional advice. If you have any questions about this obligation, or need to discuss your disclosure with another person, contact the Company Secretary immediately beforehand.

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Delta will not disclose:

- a) any information provided by a discloser;
- b) the discloser's identity, or any information that could lead to a discloser's identity being revealed,

without the consent of the discloser.

Delta may be obliged or permitted to disclose this information by law or where there is a real risk of damage, injury, loss or a safety concern arises in connection with the health and wellbeing of any person. Delta may consult the discloser should any of these circumstances arise.

If confidentiality cannot be maintained, Delta will develop, in consultation, a plan to support and protect the discloser from victimisation.

4.4 Feedback to disclosers

Where the identity of a discloser is known, Delta will ensure the discloser is kept informed of the actions taken in relation to a disclosure wherever possible and practicable.

Feedback provided to the discloser may include:

- Actions that will be taken in response to the report;
- Likely timeframes for any investigation;
- Support that is available for disclosers, e.g. EAP;
- Information on the ongoing nature of the investigation;
- Advice if the identity of the discloser needs to be disclosed;
- Enough information to show appropriate action was, or is proposed to be, taken in response to the disclosure;
- Advice if the discloser will be involved as a witness in any further matters, e.g. criminal or disciplinary hearings.

4.5 False, frivolous or vexatious reporting

To have the benefits and protections of this Standard, the discloser must have objectively reasonable grounds to suspect wrongdoing.

Where a disclosure has been made falsely, maliciously, frivolously or vexatiously, then that conduct itself should be considered a serious matter and may render the discloser subject to disciplinary action.

Such disclosures not only demonstrate dishonesty and inappropriate behaviour, but also:

- waste Delta's resources and time in investigating the disclosure;
- impact and aggrieve those wrongly subject of the disclosure; and
- disrupt the workplace and workplace relationships.

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No action will be taken for disclosures made where there are objectively reasonable grounds to suspect wrongdoing which cannot be substantiated following investigation.

4.6 Appeal of determination by Investigation Committee

Following advice of the outcome of an investigation, should the discloser believe appropriate action has not been taken with regard to the alleged improper conduct an appeal may be lodged with the Company Secretary or Managing Director for determination.

5.0 Protection against victimisation

Delta is committed to the protection of disclosers against victimisation taken in reprisal for making a disclosure.

If the person making the disclosure believes such action has been taken against them, they should follow the reporting guidelines in Section 4.1 of this Standard. Protection may also be provided under relevant legislation in certain circumstances.

Disciplinary action may be taken against any employee or other person found to have victimised a discloser in any way.

Victimisation may be an offence under some laws and persons engaged in such conduct can also be required to pay damages for any loss suffered by that person.

Delta acknowledges that making a disclosure should not provide disclosers immunity from the reasonable consequences resulting from involvement in improper conduct. Liability for a person's conduct is not affected by the person's disclosure of that conduct. An admission may be taken into consideration when considering disciplinary action.

Protections for disclosers outlined in this Standard are generally not available for the disclosure of personal work-related grievances.

5.1 Responding to victimisation

If the Company Secretary becomes aware of a reprisal against a person who has made a disclosure, the Company Secretary should ensure an investigation is undertaken and the matter advised promptly to the Managing Director and relevant Executive Manager. Steps are to be taken to stop the activity and protect the discloser.

The Company Secretary is to ensure appropriate disciplinary or other action is taken against anyone proven to have subjected a discloser to victimisation. If you report a reprisal, you will be kept informed of the progress of any investigation and the outcome.

The Managing Director or Executive Manager may issue specific directions to help protect against reprisals, including issuing warnings to cease such actions and relocating the employees involved. The discloser or subject employee may also be granted a leave of absence whilst the investigation is completed.

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6.0 Support Mechanisms

6.1 Support for those reporting a wrongdoing

Employees, contractors, visitors or suppliers who have reported a wrongdoing and who feel that they are suffering any form of stress as a result of their disclosure can also seek assistance from Delta's Employee Assistance Program (EAP).

Contact Details: Employee Assistance Program (EAP) 1800 818 728

6.2 Support for the subject of a report

Delta is committed to ensuring persons who are the subject of a report of wrongdoing are treated fairly and reasonably.

The employee who is the subject of a report will be:

- treated fairly and impartially;
- told his / her rights and obligations under Delta's policies and procedures;
- kept informed during any investigation;
- given the opportunity to respond to any allegation made against him / her; and
- told the result of any investigation.

7.0 Contacts

The **Company Secretary** is the employee responsible for receiving disclosures of improper conduct and to coordinate investigations into such matters, presently:

Company Secretary
 Steve Gurney
 Vales Point Power Station
 Vales Road
 Mannering Park NSW 2259
 Telephone: (02) 4352 6003
 Mobile: 0438 229 043
 Email: company.secretary@de.com.au

8.0 Awareness

Delta will ensure that this standard is available on its intranet, DeltaWeb, for all employees to access. Access to this standard will be available to Contractors through the contract administrator or the Material Supply Group.

Whistleblower protection awareness is provided through Delta's Code of Conduct training module.

9.0 Definitions

Improper conduct means conduct by an employee, contractor or supplier of Delta which is:

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- corrupt or fraudulent activity;
- serious and substantial mismanagement of Delta’s resources;
- illegal activity (including theft, drug sale/use, violence or threatened violence and criminal damage of Delta’s property);
- contrary to, or in breach of, Delta’s Code of Conduct and/or Policies and Procedures; or
- conduct pertaining to a serious unsafe work practice or environmental risk.

Improper conduct is interchangeable with misconduct or an improper state of affairs

Victimisation means any action causing, comprising or involving any of the following:

- injury, loss or damage;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from, or prejudice in, employment; and/or
- disciplinary proceedings,

taken because the discloser made a disclosure or is believed to have made a disclosure.

9.0 References

This standard is supported by the following:

- *Corporations Act 2001* (Cth)
- DEP BM 001 Compliance Policy
- DES BM 008 Compliance Management System
- DES PE 001-13 - Discipline
- DES BM 001 – Fraud and Corruption Prevention Plan
- DES PE 004-01 – Grievance Handling and Prevention and Management of Bullying, Harassment and Discrimination Complaints
- Delta Electricity Code of Conduct

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