



Date Approved: 26 October 2021

Employee Responsible: HR Manager

Approved By: Metro Board

### 1. Introduction

Metro Mining is committed to the highest standards of openness, probity and accountability.

An important aspect of accountability and transparency is a mechanism to enable staff and other members of Metro Mining to voice concerns in a responsible and effective manner. It is a fundamental term of every contract of employment that an employee will faithfully serve his or her employer and not disclose confidential information about the employer's affairs. Nevertheless, where an individual discovers information which they believe shows misconduct or an improper state of affairs within the organisation then this information should be disclosed through an appropriate channel without fear of reprisal.

The purpose of this standard is to encourage reporting instances of Disclosable Conduct relating to Metro Mining. This standard is made available to all officers, employees, contractors, agencies or any other party with a business relationship with Metro Mining through the following channels:

- The standard will be available on the company website at [www.metromining.com.au](http://www.metromining.com.au) OR
- as a PDF version obtainable by email by sending a request to [reveal@metromining.com.au](mailto:reveal@metromining.com.au)
- A copy of the standard can also be posted by contacting 07 3009 8000 to request.

This standard is prepared in accordance with the requirements of Part 9 of the Corporations Act 2001 (Cth).

### 2. What is Disclosable Conduct?

Metro Mining defines Disclosable Conduct as misconduct or an improper state of affairs that relates to Metro Mining.

### Disclosable Conduct includes:

- Conduct contravening Metro's Code of Conduct or any other company standard including, for example, behaviour that is dishonest, unethical or corrupt
- A criminal offence or breach of any Commonwealth or State legislation or local authority by-laws including, for example, any act of fraud or theft
- Is creating an unsafe work practice or failure to comply with Health & Safety legislation
- Damage to the environment or property or failure to comply with environmental legislation
- Actual or threatened violence
- Harassment, discrimination, victimisation or bullying
- Any other conduct that may cause financial or non-financial loss to the entity or be otherwise detrimental to the interests of the entity
- Failure to comply with statutory accounting and reporting requirements
- Insider trading
- Insolvent trading.

In cases of harassment, discrimination, bullying or victimisation, an employee's first recourse should always be through Metro Mining's Grievance Procedure. However, employees should resort to whistle-blowing if:

- They feel unsafe or consider their employment or personal security is at risk should they use the Company Grievance Procedure.
- They have completed the official Grievance Procedure and still feel at risk.

### 3. Who can make a Whistle-Blower disclosure?

An Eligible **Whistle-Blower** is entitled to report Disclosable Conduct in accordance with the provisions of this Standard.

An Eligible Whistle-Blower is anyone who is currently or was previously:

- An officer or employee of Metro Mining
- An individual who supplies services or goods to Metro Mining
- An employee of a person that supplies services or goods to Metro Mining
- A relative or dependent of an individual referred to above.

#### 4. When can a Disclosure be made?

To make a disclosure, an Eligible Whistle-Blower must have 'reasonable grounds' to suspect that Disclosable Conduct has occurred. As a guideline, having 'reasonable grounds' may include circumstances where the Eligible Whistle-Blower, for example:

- Obtained information in the ordinary course of their employment,
- Was witness or party to Disclosable Conduct,
- Has physical or documentary evidence to support their disclosure, or
- Can otherwise substantiate their disclosure.

#### Exclusions

A Personal Work-Related Grievance is a concern, problem, or complaint that an employee has about their work, the workplace or someone they work with.

Examples of Personal Work-Related Grievances include:

- Lack of staff development or training
- Improper leave allocation
- Inadequate or improper supervision
- Unreasonable rosters or hours of work
- Improper wage or salary levels.

#### 5. Which Procedure to use?

It is important for individuals to consider the appropriate level to raise their concern. Metro Mining wishes to develop and mature a level of respect through the company and to do so it will be helpful if concerns are initially discussed with your immediate supervisor or manager. If the concern is about that supervisor, then it should be escalated to the Superintendent or the Manager of the Supervisor. If you are unsatisfied with a verbal response then concerns should be submitted through the company Grievance Procedure, using the appropriate forms obtainable from HR.

Once you enter a written grievance you must receive a written response and the matter may be escalated by you through the management chain. Supervisors and Managers may not refuse you the right to put forward a grievance or to escalate a grievance to the next level however, if you are concerned your well-being or employment is at risk in any way then it is appropriate for you to use the Whistleblowing Standard and procedures.

#### 6. How to Report Disclosable Conduct

An Eligible Whistle-Blower should report Disclosable Conduct to one of the following individuals (**Eligible Recipients**):

- The Whistle-Blower Protections Officer
- A 'Senior Manager', as defined by section 9 of the Corporations Act 2003 (Cth).
- This includes the Managing Director, CFO, Company Secretary, HR Manager, Environment & Communities Manager and Operations Manager.

Reports can be made using the contact details below:

<b>Whistle-Blower Protection Officer</b>	Company Secretary Tel: 0417 739 644 or Email: reveal@metromining.com.au
<b>Anonymous Reports</b>	Post to Reveal, Metro Mining Ltd, GPO Box 10955, Brisbane, Q 4000

#### 7. Confidentiality

An Eligible Whistle-Blower is entitled to make a report anonymously and qualify for protection under the Law (refer Appendix B). Metro Mining will take reasonable steps not to disclose the identity of the Whistle-Blower or any information likely to lead to the identification of the Whistle-Blower, unless any of the following circumstances arise:

- Metro Mining obtains the consent of the Whistle-Blower to disclose their identity or disclose information that is likely to lead to their identification
- It is reasonably necessary for purposes of performing a meaningful investigation into a report of Disclosable Conduct, to disclose information that may lead to Whistle-Blower's identification.

#### 8. Whistle-Blower Protections

Metro Mining is committed to protecting the Whistle-Blower, their colleagues and relatives from victimisation or any other Detrimental Conduct.

Detrimental Conduct includes:

- Unfair dismissal
- Unlawful dismissal

- Alteration of an employee's position or duties to his or her disadvantage;
- Discrimination against the Whistle-Blower
- Harassment or intimidation of a person
- Harm or injury to a person, including psychological harm
- Injury to the Whistle-Blower's employment
- Damage to a person's property, reputation business, financial position or any other damage

If requested by the Eligible Whistle-Blower, Metro Mining will take action to protect them.

Such action may include:

- Relocation or leave of absence during investigation where it will not be possible to maintain anonymity of the Whistle-Blower
- Retaining all files and records relating to an investigation under strict security. Any individual who releases such information will breach of this standard and will be subject to disciplinary action
- Referral to the company EAP Scheme with Gryphon Psychology

Metro Mining has appointed a Whistle-Blower Protection Officer, whose primary role is to protect the confidentiality of an Eligible Whistle-Blower. Detailed roles and responsibilities of the Whistle-Blower Protection Officer and other key personnel is contained in Appendix A.

Also refer Appendix B for the special protection under the Corporations Act.

## 9. Management of Whistle-Blower Reports

All reports of Disclosable Conduct received by Eligible Recipients will be handled to ensure confidentiality in accordance with Section 7 of this Policy. In evaluating a report of Disclosable Conduct and how it should be responded to, the Eligible Recipient may, at their own discretion, need to consult with the Whistle-Blower Protection Officer, HR Manager or a Senior Manager (as defined in Section 6). Any consultation should not compromise the confidentiality provisions of Section 7 of this Policy.

Within 48 hours of receiving the report from the Eligible Recipient, the contents of the report will be evaluated, and the appropriate response determined, which may include addressing the matter through Metro Mining's investigation process, or through another means.

It may be determined that:

- The report does not relate to Disclosable Conduct and should not be addressed through the Whistle-Blower function. The Eligible Recipient should then determine if the report can be resolved through another channel

(for example, Metro Mining's grievances, bullying or harassment procedures)

- The report relates to Disclosable Conduct and should be addressed through Metro Mining's investigation function. In this case, the report will be passed on to the Whistle-Blower Investigation Officer. The Eligible Recipient should also consider the need to report the matter to the Police and Metro Mining's Insurance provider
- There is insufficient information in the report to conduct an investigation and, where possible, refer back to the Eligible Whistle-Blower for re-evaluation and further information
- The Report relates to Disclosable Conduct in Metro Mining's investigation process. In this case, a suitably qualified external investigator to investigate the matter.

## 10. Investigation

The Company Secretary (who is also Metro Mining's Whistle-Blower Protection Officer) will oversee all investigations, except where the investigation relates to a member of the Executive Management Team. In the instance that the investigation relates to a member of the Executive Management Team, then the Board will nominate an appropriate Whistle-Blower Investigation Officer.

The Company Secretary may be required to consult with the HR Manager or a Senior Manager (as defined in Section 6), and will nominate an appropriate Whistle-Blower Investigation Officer, taking into consideration the nature and seriousness of the matter. The Whistle-Blower Investigation Officer should:

- Obtain full details and clarifications of the complaint from the Eligible Recipient.
- Advise the appropriate person to inform the member of staff against whom the complaint is made as soon as is practically possible. The member of staff will be informed of their right to be accompanied by a trade union or other representative at any future interview or hearing held under the provision of these procedures.
- Consider if the involvement of Metro Mining Auditors and the Police is required at this stage and consult with the Managing Director/Chairman.
- Fully investigate the allegations with the assistance of other individuals/bodies, where appropriate. The Whistle-Blower Investigation Officer may consider the use of external agencies if required.
- Keep the Eligible Whistle-Blower informed of the progress of the investigation and, if appropriate, of the outcome by phone and email recording such communications as and when made.
- Reach a conclusion as to whether the allegations are substantiated, unsubstantiated, or if further information

is required and provide a written report of the findings to the Metro Mining Managing Director/Chairman.

- If appropriate, provide a copy of the outcomes to Metro Mining's External Auditors to enable a review of the procedures and the potential impact on Metro Mining's internal control environment.

Upon conclusion of an investigation, the Managing Director and/or Chairman will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate Metro Mining procedures.

Due to the varied nature of Whistle-Blower reports, which may involve both internal and external investigators and the Police, it is not possible to prescribe precise timeframes for investigations. The Whistle-Blower Investigation Officer should ensure that investigations are undertaken as quickly as possible without affecting the quality and depth of those investigations.

### 11. Finalising the Whistle-Blower Process

If the Eligible Whistle-Blower is not satisfied their concern is being properly dealt with by the Whistle-Blower Investigation Officer, they have the right to raise it in confidence with the Managing Director/Chairman, or any other Eligible Recipients.

If the investigation finds the allegations are unsubstantiated and all internal procedures have been exhausted, but the Eligible Whistle-Blower is unsatisfied with the outcome of the investigation, Metro Mining recognises the lawful rights of employees and ex-employees to make disclosures to prescribed persons (such as the Health and Safety Executive, the Audit Commission, or the utility regulators), or, where justified, elsewhere.

### 12. Review

Metro Mining will review this standard annually to ensure that it remains effective and meets best practice standards.

## APPENDIX A

### Roles and Responsibilities

#### Whistle-Blower Protection Officer

- Ensure confidentiality in the investigation and protecting the employee's identity
- Monitor and manage the behaviour of other employees related to the reported incident
- Offer a leave of absence while a matter is investigated
- Relocate employees to a different working group or department

#### Whistle-Blower Investigation Officer

- Keep information relating to investigations stored safely
- Conduct a full investigation into any reported Disclosable Conduct

#### Managing Director/Chairman

- Determine and administer an appropriate remedy for an Eligible Whistle-Blower who has suffered any detriment
- Receive and respond to complaints made by an Eligible Whistle-Blower regarding Metro Mining's investigation process

#### Eligible Recipient

- Assess Whistle-Blower reports within 48 hours of their receipt
- Determine the channel through which a report from an Eligible Whistle-Blower will be addressed

### Special protection under the Corporations Act

The Corporations Act gives special protection to disclosures about any misconduct or improper state of affairs relating to Metro if the following conditions are satisfied:

(a) the whistleblower is or has been:

- (i) an officer or employee of a Metro company;
- (ii) an individual who supplies goods or services to a Metro company or an employee of a person who supplies goods or services to a Metro company;
- (iii) an individual who is an associate of a Metro company; or
- (iv) a relative, dependent or dependent of the spouse of any individual referred to at (i) to (iii) above;

(b) the report is made to:

- (i) a Protected Disclosure Officer;
- (ii) an officer or senior manager of a Metro company concerned;
- (iii) Metro' external auditor (or a member of that audit team);
- (iv) an actuary of a Metro company;
- (v) ASIC;
- (vi) APRA; or
- (vii) a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act even if the advice is to the effect that the disclosure does not relate to a disclosable matter;

(c) the whistleblower has reasonable grounds to suspect that the information being disclosed concerns misconduct, or an improper state of affairs or circumstances in relation to the Metro. This may include a breach of legislation including the Corporations Act, an offence against the Commonwealth punishable by imprisonment for 12 months or more, or conduct that represents a danger to the public or financial system.

Examples of conduct which may amount to a breach of the Corporations Act include: insider trading, insolvent trading, breach of the continuous disclosure rules, failure to keep accurate financial records, falsification of accounts, failure of a director or other officer of the Group to act with the care and diligence that a reasonable person would exercise, or to act in good faith in the best interests of the corporation or failure of a director to give notice of any material personal interest in a matter relating to the affairs of the company.

(d) The protections given by the Corporations Act when these conditions are met are:

(i) the whistleblower is immune from any civil, criminal or administrative legal action (including disciplinary action) for making the disclosure;

(ii) no contractual or other remedies may be enforced, and no contractual or other right may be exercised, against the whistleblower for making the report;

(iii) in some circumstances, the reported information is not admissible against the whistleblower in criminal proceedings or in proceedings for the imposition of a penalty;<sup>4</sup>

(iv) anyone who causes or threatens to cause detriment to a whistleblower or another person in the belief or suspicion that a report has been made, or may have been made, proposes to or could be made, may be guilty of an offence and may be liable for damages;

(v) a whistleblower's identity cannot be disclosed to a Court or tribunal except where considered necessary; and

(vi) the person receiving the report commits an offence if they disclose the substance of the report or the whistleblower's identity, without the whistleblower's consent, to anyone except ASIC, APRA, the AFP or a lawyer for the purpose of obtaining legal advice or representation in relation to the report.

### Confidentiality

If a report is made, the identity of the discloser must be kept confidential unless one of the following exceptions applies:

(a) the discloser consents to the disclosure of their identity;

(b) disclosure of details that might reveal the discloser's identity is reasonably necessary for the effective investigation of the matter;

(c) the concern is reported to ASIC, APRA, or the AFP; or

(d) the concern is raised with a lawyer for the purpose of obtaining legal advice or representation.

Disclosures may be made anonymously and the discloser may choose to remain anonymous and remain protected under the Corporations Act.

A "public interest disclosure" or an "emergency disclosure" may be made to a journalist or a parliamentarian under certain circumstances and qualify for protection. The discloser should seek independent legal advice before making such a disclosure