



MITSUI E&P
Australia

Whistleblower Policy

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Whistleblower Policy

The Mitsui E&P Australia Holdings Pty Ltd group of companies operates under the brand Mitsui E&P Australia (MEPAU) and is a wholly owned subsidiary of Mitsui & Co., Ltd. (Mitsui). References in this policy to MEPAU include references to Mitsui E&P Australia Holdings Pty Ltd and all of its subsidiaries.

This policy applies to reports of unacceptable conduct which are made by current or past:

- MEPAU directors, officers and employees (including interns and secondees);
- MEPAU contractors and suppliers (whether paid or unpaid) and their employees; and
- associates¹ of MEPAU, for example, a director or secretary of a related company of MEPAU.

It also applies to reports of unacceptable conduct which are made by any relatives, dependents or spouses (or that spouse's dependents) of individuals listed above to the extent required by law.

1.0 Purpose

MEPAU is committed to the highest standards of conduct and ethical behaviour in all business activities and to promoting and supporting a culture of honest and ethical behaviour, corporate compliance and good corporate governance.

2.0 When does this policy apply?

MEPAU encourages the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving MEPAU businesses and provides protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal.

If you report a serious misconduct that qualifies as a **disclosable matter** (see section 5) to an **eligible recipient** (see section 4), you are an **eligible whistleblower** (see section 3) protected under a **Whistleblower Regime**². Disclosures made in accordance with the requirements of a Whistleblower Regime are called **protected disclosures**.

¹ As defined in the *Corporations Act 2001* (Cth)

² Australia - *Corporations Act 2001* (Cth) and *Taxation Administration Act 1953* (Cth);
New Zealand - *Protected Disclosure Act 2000*

3.0 Who is an eligible whistleblower?

You are an eligible whistleblower if you are:



A

A current or former officer or employee of MEPAU or its related body corporate.



B

A person who has supplied goods or services to MEPAU, and employees of those suppliers (e.g. contractor, secondee and can include volunteers).



C

A relative, dependent, spouse or spouse's dependent of A or B.

4.0 How can you make a protected disclosure?

There is no requirement for disclosures to be made in a particular form. Disclosures may be made in writing (e.g. via email), in person or via telephone, and may also be made on anonymous basis.

If you become aware of any issue or behaviour that you consider to be a disclosable matter, you may make a report to:



A

An officer or senior manager of MEPAU.



B

EthicsPoint

[Report Concern](#) Online

AU 1800 551 155

AU 1800 881 011

NZ 000 911

Enter code 844 331 3628.

5.0 What is a 'disclosable matter' qualifying for protection?

5.1 Misconduct

Information is a disclosable matter if the discloser has reasonable grounds to suspect that the information disclosed concerns misconduct or an improper state of affairs or circumstances in relation to MEPAU including fraud, negligence, default, breach of trust or breach of legal duty which may constitute an offence under the law, as well as information that indicates a significant risk to public safety or the stability of the financial system.

5.2 Personal work-related grievances

A disclosure about a personal work-related grievance does not qualify for protection. A personal work-related grievance is generally one about any matter in relation to the discloser's current or former employment, or having (or tending to have) implications for the discloser personally, such as:



A

Personal conflicts within the workplace.



B

Decisions relating to engagement, promotion and termination of employees.



C

Workplace bullying disputes.

However, whistleblower protections do apply if the disclosed information relating to a personal work-related grievance:

- a) concerns a contravention, or an alleged contravention, of the prohibition of victimisation under a Whistleblower Regime; or
- b) concerns conduct, or alleged conduct, that falls under section 5.1 above.

6.0 What kind of protections are available to whistleblowers?

6.1 Confidentiality

Eligible recipients must maintain strict confidentiality of the identity of a whistleblower and any information that would lead to their identification, unless one of the following exceptions applies:

- a) if the disclosure by the eligible recipient is made with the consent of the whistleblower;
- b) if the disclosure by the eligible recipient is made to:
 - i. a prescribed regulator or the police;
 - ii. a legal practitioner for the purposes of obtaining advice or legal representation in relation to the operation of a Whistleblower Regime; or
- c) in the case of information that may lead to the identification of the whistleblower:
 - i. the disclosure is reasonably necessary for the purpose of investigating the original protected disclosure; and
 - ii. all reasonable steps are taken to reduce the risk that the whistleblower will be identified.

6.2 No legal action

If a whistleblower makes a disclosure that qualifies for protection under a Whistleblower Regime:



A

The whistleblower is not subject to any civil, criminal and administrative liability (including disciplinary action) for making the disclosure.



B

No contractual action or other remedy may be enforced, and no contractual or other right may be exercised, against the person on the basis of the disclosure, including termination of a contract on the basis that making a disclosure is a breach of that contract.

6.3 No victimisation (i.e. detriment and threats)

MEPAU strictly prohibits any unlawful conduct against a whistleblower that causes, or will cause, any 'detriment', which includes (without limitation):

- a) dismissing a whistleblower from employment;
- b) injuring a whistleblower in their employment;
- c) altering a whistleblower's position or duties to their disadvantage;
- d) discriminating between a whistleblower and other employees;
- e) harassing or intimidating a whistleblower;
- f) harming or injuring a whistleblower, including psychological harm;
- g) damaging a whistleblower's property, reputation, business or financial position; or
- h) any other damage to a whistleblower.

Not only actual detriment but also threats of detriment (whether express or implied, conditional or unconditional) are unlawful.

6.4 Workplace right for employees

It is an employee's right to make a disclosure that qualifies for protection under a Whistleblower Regime. MEPAU is prohibited by law from taking adverse action against employees or contractors because they have exercised, or propose to exercise, such a workplace right.

7.0 How will MEPAU investigate disclosures under this policy?

7.1 Assess and decide whether to investigate

A report made under section 4 of this policy will be reported to the Chief Administrative Officer (CAO) of MEPAU, or to the Chief Executive Officer (CEO) of MEPAU in the case of a report being made about the CAO, who then will carry out a preliminary review of the report and decide whether the reported conduct should be investigated.

The CAO/CEO will advise the disclosing person of the decision whether to investigate, unless the report has been made anonymously. If the CAO/CEO decides that the reported conduct will be investigated, the CAO/CEO will arrange for an investigation to be conducted, which may include delegating the investigation to another officer within MEPAU or to an external investigator, as is appropriate and suitable for the matter in question.

7.2 How an investigation will be conducted

Investigations will be conducted in a fair, timely, consistent and unbiased manner, and will be suitably independent of any person(s) whose conduct has been reported on under this policy. The CAO/CEO or their delegate will, as appropriate, provide the disclosing person with feedback on the progress of the investigation.

Unless there are restrictions or other reasonable bases for not doing so, the CAO/CEO or their delegate will inform the person(s) whose conduct has been reported on, and will provide an opportunity for them to respond to the reported conduct in a confidential manner.

7.3 How an investigation ends

The CAO/CEO or their delegate may conclude the investigation with a report that includes findings on the reported conduct and a summary of the evidence on which the findings are based.

The findings may include (but are not limited to) recommended actions or disciplinary actions, or it may find that no further action is required.

To the extent permitted under applicable laws, the CAO/CEO or their delegate may inform the disclosing person, and/or the person whose conduct has been reported on, of the findings.

7.4 Escalation if you are not satisfied

You may request the CAO/CEO to escalate, or you may escalate directly to the CEO or the Board of MEPAU, if you are:



A

A whistleblower and suffer any victimisation; and/or are not satisfied with the findings of the investigations.



B

Named in the report and are not satisfied with the findings and/or if you consider the investigation was not adequately conducted.

8.0 How will this policy be kept up to date?

MEPAU will periodically review and update this policy as required. See MEPAU's website for the latest published version.

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