

Policy

- Whistleblower

Version	Originator	Reviewed	Date	Approved	Date	Changes made	Next review date
0	George Dunbar	Andy Kimpton	06/03/2025	Board	17/03/2025	Original	17/03/2027

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PURPOSE

KOR Equipment Solutions Pty Ltd and its subsidiaries (collectively, “KOR”) is committed to the highest standards of conduct and ethical behaviour in its activities, and in promoting a culture of honest and ethical behaviour, compliance and good governance. The following policy and procedures provide a framework for the reporting and investigating of improper conduct.

This policy does not replace any existing grievance and complaints, conduct or compliance policies but provides an additional avenue for matters to be raised in relation to specific types of conduct.

This policy complies with the laws of both Australia and New Zealand. Where those laws differ, this policy applies the higher standard from either jurisdiction.

OBJECTIVE

The objectives of this policy and following procedures are to:

- ensure adherence to *Corporations Act 2001* (Corporations Act) by giving certain people within Australia the legal rights and protections as Whistleblowers and adherence to the Protected Disclosures (Protection of Whistleblowers) Act 2022 for certain people within Zealand,
- encourage employees to disclose any malpractice, misconduct or unethical behaviours, conflicts of interest to which they become aware of,
- provide protection for employees who report allegations of such malpractice, misconduct or conflicts of interest and
- ensure that all allegations are thoroughly investigated with suitable action taken, where deemed necessary.

SCOPE

This policy details the process for all KOR employees, officers, directors, suppliers, contractors, consultants and any person dealing with KOR to report improper conduct and the protections that such persons will be afforded where such reports are made in accordance with this policy.

DEFINITIONS

Defined terms used in this policy are defined below:

Whistleblower: Any person dealing with KOR in any capacity, whether an employee, director, officer, contractor, contractors' employee, or consultant who whether anonymously or not, makes or attempts to make a disclosure of improper conduct.

POLICY

This policy is designed to ensure that honesty and integrity within KOR is always maintained and to provide a framework to:

- enable and encourage persons to disclose concerns regarding suspected or actual Improper Conduct;
- set out the process that will be followed in investigating a report of Improper Conduct;
- set out the protections that are provided to a Whistleblower.

Employees who participate or assist in an investigation will also be protected. A Whistleblower that reports Improper Conduct in accordance with this policy, will be protected against adverse action, harassment, discrimination and any other form of detrimental reprisal for reporting Improper Conduct, even if the allegations prove to be incorrect or unsubstantiated.

This policy is not designed to deal with general employment grievances and complaints. Below are some examples of reportable suspected or actual malpractice, misconduct or conflicts of interest (each considered "**Improper Conduct**"):

- dishonesty;
- fraud;
- corruption;
- illegal activities (including theft, drug sale/use, violence, threatened violence, or criminal damage against Company assets/property);
- discrimination, vilification, sexual harassment, harassment, bullying and victimisation;
- acts or omissions in breach of Commonwealth or state legislation or local authority bylaws;
- unethical behaviour;

- other serious improper conduct (including gross mismanagement, serious and substantial waste of KOR resources, or repeated breaches of administrative procedures),
- unsafe work-practices;
- retaliation against a Whistleblower;
- any other conduct which may cause financial or non-financial loss to KOR or be otherwise detrimental to the interests or reputation of KOR, or any of its employees; and
- the deliberate concealment of information tending to show any of the matters listed above
- any other serious misconduct that may harm KOR or public interest.

Protection of Whistleblower

This policy protects the Whistleblower against any reprisals for reporting Improper Conduct, provided that the report is:

- submitted in good faith and without any malice or intentionally false allegations; and
- based on the Whistleblowers reasonable belief that the malpractice or misconduct, or an issue related to malpractice or misconduct constitutes, or may constitute, a material violation.

A Whistleblower who reports Improper Conduct that meets the above-mentioned conditions will be protected against any reprisals or threat of reprisals against the Whistleblower, unless the Whistleblower is a participant in the prohibited activities about which the report is made. This means that KOR will not penalise, dismiss, demote, suspend, threaten or harass a Whistleblower, or transfer the Whistleblower to an undesirable job or location, or discriminate in any manner against the Whistleblower, to take reprisals or retaliate as a result of the Whistleblower having reported Improper Conduct, , unless the Whistleblower has perpetrated (in whole or in part) the Improper Conduct.

KOR considers any reprisals against a Whistleblower to be a serious breach of this policy and likely to result in disciplinary measures, including dismissal. This protection applies to anyone providing information related to an investigation pursuant to this policy.

KOR's Employee Assistance Program is available to Whistleblowers where the Whistleblower is eligible (for example an employee).

Confidentiality

KOR recognises that maintaining appropriate confidentiality is crucial in ensuring a potential Whistleblower comes forward and discloses their knowledge or suspicions about Improper Conduct in an honest and timely manner and without fear of adverse repercussions.

A report of Improper Conduct can be made openly or anonymously. Where a Whistleblower disclosure is made anonymously, every effort shall be made to protect the anonymity of the Whistleblower unless the law otherwise permits and even then, only to the extent absolutely necessary. KOR supports any person who chooses to keep themselves anonymous.

KOR will adhere to any statutory requirements in respect of the confidentiality and privacy of the Whistleblower and the reported Improper Conduct and investigations into same. In appropriate cases, disclosure of the identity of the Whistleblower or the allegation made by them may be unavoidable, such as if court proceedings result from a disclosure pursuant to this policy. This does not, however, restrict KOR from making disclosures to the Police, regulatory bodies and legal advisers to the extent that it may be necessary.

PROCEDURE

Reporting procedures

Any person who has reasonable grounds to suspect that Improper Conduct has occurred is encouraged to report that suspicion to their manager in the first instance, or if this is considered inappropriate, then the Head of Shared Services or if this is considered inappropriate, then the Chief Executive Officer (CEO). Reports may also be made to the external auditor of KOR, as required by law.

Reports can be submitted to “**Eligible Recipients**” via the following ways:

Eligible Recipient of a Report of Improper Conduct	Contact Details
In the case of employees, their line manager	
Head of Shared Services	Name: George Dunbar Phone: +61 417 987169 Email: gdunbar@KOR.com.au
Chief Executive Officer (CEO)	Name: Andy Kimpton Phone: +61 439 738 645 Email: akimpton@kor.com.au
External Auditor: Stannards	Name: James Dickson Phone: +61 402 443 314 Email: james.dickson@stannards.com.au

All reports of Improper Conduct should provide specific, adequate and pertinent information with respect to, among other things, dates, places, persons/witnesses, amounts, and other relevant information, to allow for a reasonable investigation to be initiated and conducted. If the Whistleblower discloses his/her name, the person receiving the claim will acknowledge having received the complaint and may initiate a follow-up meeting. However, if the report is submitted on an anonymous basis there will be no follow-up meeting regarding the report of Improper Conduct and KOR will be unable to effectively communicate with the Whistleblower if more information is required or if the matter is to be referred to external parties for further investigation.

All reports of Improper Conduct received are treated on a confidential basis and Whistleblowers are encouraged to disclose their identity to obtain the protection afforded to them at law.

In the event a report relates to the CEO, the Head of Shared Services will not disclose the report to the CEO and shall engage directly with the Chairperson of the Board regarding ongoing management and investigation.

Likewise, if a report relates to the Head of Shared Services the CEO shall engage directly with the Chairperson of the Board regarding ongoing management and investigation and will not disclose the report to the Head of Shared Services.

KOR is committed to handling all concerns internally and ensuring every Whistleblower is protected. Whistleblowers may report Improper Conduct to appropriate external parties, such as their legal advisers for the purposes of obtaining legal advice or representation, and external regulators in the relevant jurisdiction. In doing so, the Whistleblower will still qualify for protection under this policy.

Procedures following disclosure

Once a report of Improper Conduct in accordance with this policy has been received from a Whistleblower, an investigation shall commence. An Eligible Recipient who receives a report, may confer with the CEO and/or the Board (as appropriate) for the purposes of obtaining guidance on the investigation to ensure that the report is dealt with in accordance with this policy, other relevant policies of KOR and in accordance with applicable laws.

Investigations

Investigations will be conducted promptly and fairly with due regard for the nature of the allegation and the rights of the persons involved in the investigation. Evidence, including any materials, documents or records shall be held securely by the investigator. The person receiving the disclosure must report it as soon as possible to Head of Shared Services, unless the reported Improper Conduct relates to the Head of Shared, in which case the Eligible Recipient must report it to the CEO. The CEO and Head of Shared Services (unless the report relates to one of them, in which case they will not be involved) shall then determine if the allegation is in fact, pertinent to any of the issues mentioned in this policy. If the allegations are deemed pertinent to this policy the CEO in consultation with Head of Shared Services will determine the appropriate method for the investigation. In certain cases, the CEO may seek the assistance of an internal employee, the Board, and/or external advisers such as investigators, accounting or legal advisers, as deemed necessary.

During the investigation, the investigator will have access to all the relevant materials, documents, and records. The directors, officers, employees and agents of KOR must cooperate fully with the investigator. During the investigation, all reasonable means to protect the confidentiality of the information regarding the Whistleblower will be applied.

Communications to the Whistleblower

The Eligible Recipient shall keep the Whistleblower, if not anonymous, informed of the outcomes of the investigation of the relevant allegations, subject to the considerations of confidentiality and privacy of those against whom allegations are made.

Intentional False Reports & Reckless Reports of Improper Conduct

If the investigation of the report of Improper Conduct reveals that a deliberately false report, or a report that is reckless as to the truth, has been made, then the individual who made the report will not be entitled to protection under this policy. A false report of Improper Conduct could have significant effects on KOR and the reputations of the person or persons to which the false or reckless report relates. Where applicable, a false report of Improper Conduct will be treated as grounds to take disciplinary action against the person who made that false or reckless report.

Actions if Improper Conduct is Determined

At the conclusion of the investigation, the investigator shall report the findings to the CEO unless the report relates to the CEO, in which case the same principle that applies under the section "Reporting" shall apply to the conclusion steps of the investigation. Where the investigation substantiates that the Improper Conduct has occurred, KOR will consider and where appropriate, implement recommendations to prevent the Improper Conduct from reoccurring, as well as any action that should be taken to remedy any harm or loss arising from the Improper Conduct, including disciplinary proceedings against the person responsible for the Improper conduct. In such circumstances, the matter may be referred to appropriate authorities, as is deemed necessary by the CEO, or if that is not appropriate, then the Board.

Board to be kept Informed

A report will be prepared and presented to the Board on an annual basis outlining the number of reports received and summary of report and outcome.

Further information

For further information, please refer to any other related policies or contact your immediate manager for further assistance or KOR's HR Business Partner.

RELATED MATERIAL

- Corporations Act 2001
- Protected Disclosures (Protection of Whistleblowers) Act 2022