

# Whistleblower Protection Policy



<b>Prepared by</b>	General Counsel
<b>Document ref</b>	WPP
<b>Version</b>	3
<b>Effective date</b>	19 February 2025
<hr/>	
<b>Approved by</b>	AEMO Board
<b>Title</b>	AEMO Group Whistleblower Protection Policy
<b>Date</b>	12 December 2024

This document is managed by AEMO, Finance and Governance and may be amended, replaced or revoked at any time by the AEMO Group in its absolute discretion and will be reviewed, at minimum, every two years. Any questions relating to the scope, interpretation, or operation of this Policy should be directed to the General Counsel of AEMO.

## Version History

Version	Effective date	Changes
# 01	13/12/19	Initial Policy under new framework
#02	7/12/22	Periodic review in response to evolving best practice and ASIC guidance
#03	19/02/25	Periodic review in response to evolving best practice and ASIC guidance and amalgamation with AEMO Services' Policy to establish a consistent Group policy

## Contents

Version History .....	1
1 Context and Purpose .....	3
2 Who is an eligible whistleblower? .....	3
3 What conduct is reportable? .....	4
4 What conduct is not reportable? .....	5
5 How and to whom Disclosures may be made.....	5
6 Whistleblower Protection Officer.....	6
7 Protection and support for Eligible Whistleblowers.....	7
8 Protecting confidentiality .....	8
9 Investigations .....	9
10 Fair treatment of Personnel mentioned in disclosures or to whom disclosures relate .....	11
11 Roles and Responsibilities.....	11
12 Availability of Policy .....	13
13 Compliance .....	13
14 Governance.....	13
15 Definitions .....	13
16 Related Documents .....	14
17 Appendix: Protections for whistleblowers provided by Australian law .....	16

## 1 Context and Purpose

The AEMO Group operates energy systems and markets across Australia, is the national transmission planner and undertakes new and evolving roles and functions to enable the energy transition.

AEMO Group is committed to creating and maintaining a culture of corporate compliance and ethical behaviour in which AEMO Group Personnel are responsible and accountable and behave with honesty and integrity. This culture is underpinned by AEMO Group's purpose and values, and the basic principles and standards outlined in the AEMO Group's Codes of Conduct.

The Whistleblower Protection Policy ('**Policy**') supports this commitment by ensuring that employees, contractors and other specified stakeholders can report misconduct within the AEMO Group without fear of reprisal.

The purpose of this Policy is to encourage Eligible Whistleblowers (as defined below) to report any known or suspected organisational misconduct within, or involving, the AEMO Group. The Policy seeks to achieve this by providing transparency on the processes that apply to reports made, and the protections provided by the AEMO Group to Eligible Whistleblowers, under this Policy. A person who reports organisational misconduct is called a 'whistleblower', because they are 'blowing the whistle' and uncovering potential matters of concern.

This Policy and the AEMO Group's associated internal procedures and systems are important tools for deterring and uncovering any organisational misconduct and for ensuring that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.

AEMO and its subsidiaries, including AEMO Services Ltd (ASL) and Transmission Company Victoria Pty Ltd (TCV), are regulated entities for the purposes of Part 9.4AAA of the Corporations Act, which provides certain people legal rights and protections as whistleblowers and requires such entities to have a whistleblowing policy that addresses the protections under that Act. Further information regarding these protections is set out in the Appendix to this Policy. This Policy has been prepared in line with the requirements of the Corporations Act.

A reference to the AEMO Group in this Policy should be read as a reference to AEMO, ASL, TCV and all other subsidiaries of AEMO, as applicable. For consistency in approach to whistleblower matters across the AEMO Group, this Policy applies to each entity in the AEMO Group.

Key roles and responsibilities are set out in section 15 of this Policy.

## 2 Who is an eligible whistleblower?

**Eligible Whistleblowers** under this Policy include:

- current or former officers of the AEMO Group (including a director or secretary of AEMO and any of its subsidiaries);
- current or former employees of the AEMO Group (including a full time, part time, casual or fixed term employee);

- current or former suppliers to the AEMO Group, whether services are paid or unpaid (including a contractor, consultant or service provider);
- current or former employees of a supplier to the AEMO Group;
- associates of the AEMO Group (within the meaning of the Corporations Act, including a director or secretary of AEMO or any of its subsidiaries, a person with whom an entity in the AEMO Group acts in concert, or a person with whom the AEMO Group is or proposes to become formally or informally associated); and
- relatives (including a parent, child or sibling), spouses (including a de facto partner) or dependents of one of the above parties or their spouses.

Even if you do not fall into one of the above categories, you are still encouraged to raise any concern you have through the channels outlined in this Policy. The AEMO Group will still assess the concern raised and take appropriate steps. While the AEMO Group may not be able to apply all of the protections set out in this Policy to you in this circumstance, it will look for ways to support all people who raise a concern.

### 3 What conduct is reportable?

**Eligible Whistleblowers are encouraged to report any conduct (whether actual, proposed or suspected) that they have reasonable grounds to suspect concerns misconduct or an improper state of affairs or circumstances in relation to the AEMO Group, which may include:**

- breaches of any Commonwealth or State legislation (including energy laws and rules);
- serious breaches of an AEMO Group Code of Conduct, or any other policy;
- conduct that is dishonest, fraudulent, corrupt or amounts to bribery;
- conduct that is illegal (including theft, drug use or sale, violence or threatened violence and criminal damage);
- conduct that is a serious and substantial waste, mismanagement or misuse of the AEMO Group's resources;
- conduct that poses a serious risk to any person's workplace, health, safety or the environment;
- conduct that causes, or may cause, any loss or reputational impact to the AEMO Group, or is otherwise detrimental to the AEMO Group's interests;
- conduct that presents a danger to the public or financial system;
- detrimental conduct against a person for making a report under this Policy; or
- deliberate covering up for any of the above matters,

(each, a '**Disclosure**').

Disclosures may not necessarily concern conduct that contravenes a law.

An Eligible Whistleblower does not have to be sure that any reported conduct has occurred to raise a concern (for example, if they only have some information leading to a suspicion, but not all the details) and they will be protected under this Policy even if their concern turns out to be incorrect. However, intentionally making a false report is a serious matter and may result in disciplinary action, including dismissal of an employee, termination of contract or other action.

## 4 What conduct is not reportable?

This Policy does not generally apply to personal work-related grievances. Personal work-related grievances are disclosures of information concerning a grievance about any matter:

- in relation to the Eligible Whistleblower's employment or former employment; and
- that has personal implications for the Eligible Whistleblower; and
- which does not otherwise have significant implications for the AEMO Group; and
- does not concern conduct that can be reported as a Disclosure, as described above.

Examples of personal work-related grievances include: an interpersonal conflict between the discloser and another employee; a decision that does not involve a breach of workplace laws; or a decision about the engagement (including terms and conditions of engagement), transfer or promotion of the discloser, including decisions about suspension, termination or disciplinary action relating to an employee.

Personal work-related grievances are dealt with by the applicable grievance resolution and human resources policies, and disclosers of personal work-related grievances should refer to these policies for information.

However, if an Eligible Whistleblower identifies matters as part of a personal work-related grievance that:

- could amount to reportable conduct;
- would have significant implications for the AEMO Group;
- relate to a person suffering from or being threatened with detriment for making a Disclosure under this Policy; or
- relate to both a personal work-related grievance and a matter qualifying as a Disclosure under this Policy, the matter should be disclosed under this Policy.

## 5 How and to whom Disclosures may be made

An Eligible Whistleblower may make a Disclosure to:

- the AEMO Group's authorised independent integrity hotline – Stopleveline;
- where they are an employee, to their Executive General Manager (or, in the case of an ASL employee, their General Manager), verbally or in writing (including by email); or
- if the Eligible Whistleblower prefers not to discuss the matter with that manager for any reason, or is not an AEMO Group employee, a report may be made to any senior manager<sup>1</sup> or the Company Secretary,

(each, an **'Authorised Recipient'**).

---

<sup>1</sup> In the case of AEMO, Executive General Manager level or above; and in the case of ASL, General Manager level or above

**Stopline is an independent, specialist organisation, separate from the AEMO Group, with staff trained in confidential reporting and whistleblower protection. Stopline operates a 24/7 whistleblower hotline, available 365 days a year. You can reach Stopline by using the QR Code, telephone at 1300 30 45 50, by fax at 03 9882 4480, or by email at [aemo@stopline.com.au](mailto:aemo@stopline.com.au). Written disclosures can be sent by post to: AEMO, c/o Stopline, PO Box 403, Diamond Creek, VIC 3089, Australia.**



The role of Stopline and the other Authorised Recipients in this capacity is to receive reports that qualify for protection under this Policy. You are encouraged to make a report through one of the above channels, so that it can be promptly and effectively addressed by the AEMO Group. However, additional reporting options are also set out in the Appendix to this Policy.

The AEMO Group encourages Eligible Whistleblowers to make disclosures to Stopline in the first instance or to another Authorised Recipient where an Eligible Whistleblower would feel more comfortable doing so. If an Eligible Whistleblower would like to make an anonymous report, it is recommended that they do so through Stopline, which facilitates anonymous reports being made. The AEMO Group also suggests an Eligible Whistleblower maintain ongoing two-way communication with the AEMO Group, including via Stopline, so we may ask follow up questions or provide feedback.

Eligible Whistleblowers can choose to remain completely anonymous, identify themselves to the Authorised Recipient only, or give their permission for the Authorised Recipient to disclose their identity to the Whistleblower Protection Officer, Whistleblower Investigations Officer and/or any other person required to be aware of their identity for the purposes of conducting an investigation into the concern or implementing any actions arising from an investigation. If an Eligible Whistleblower decides to disclose their identity, the AEMO Group will take steps to protect their identity and to protect them from detriment. If they do not disclose their identity, this may limit the AEMO Group's ability to progress a report, undertake any investigation or take any further action.

Eligible Whistleblowers may seek information regarding this Policy and the AEMO Group's internal procedures on a confidential basis from the General Counsel of AEMO prior to making a disclosure.

## **6 Whistleblower Protection Officer**

The Whistleblower Protection Officer (see section 15) is empowered to take appropriate steps in their discretion to protect the Eligible Whistleblower from any detriment resulting from their Disclosure.

The Whistleblower Protection Officer may also guide the Eligible Whistleblower through the process and ensure the Eligible Whistleblower receives appropriate care and support, as the Whistleblower Protection Officer deems necessary in the circumstances.

The relevant Entity Leader (see section 15) will appoint an alternative Whistleblower Protection Officer in consultation with the relevant Committee Chair, where they deem it appropriate (for example, because of a perceived conflict of interest).

## 7 Protection and support for Eligible Whistleblowers

The type of protection offered, at the AEMO Group's discretion, will depend on the circumstances, but could include offering a leave of absence while the reported conduct is investigated, implementing alternative working arrangements, such as working from home until the matter is resolved, or a move to another suitable business group or office location within the AEMO Group. It could also include monitoring and managing the behaviour of other Personnel, implementing investigation processes where appropriate and/or taking disciplinary action where appropriate.

The Eligible Whistleblower may also be supported by the Whistleblower Protection Officer throughout the process, including by organising professional counselling, where the Whistleblower Protection Officer deems it necessary and appropriate, and providing general support and reassurance.

The AEMO Group is committed to protecting and supporting Eligible Whistleblowers who make a disclosure to which this Policy applies. The AEMO Group will look for ways to support all people who raise a concern, but it will not be able to provide non-employees with the same type and level of support that it provides to employees. Where this Policy cannot be applied to non-employees, the AEMO Group will still seek to offer as much support as reasonably practicable.

**The AEMO Group strictly prohibits any detriment or threatened detriment being suffered by an Eligible Whistleblower or another person in connection with a Disclosure**, including without limitation:

- dismissal, where they are an employee;
- injury of an employee in their employment;
- where they are an employee, demotion or any other alteration of their position or duties to their disadvantage;
- any form of threats, harassment or intimidation;
- discrimination, including between an employee and other employees of the same employer;
- harm or injury, including psychological harm;
- damage to property;
- damage to reputation, business or financial position; or
- any other damage.

Any known or suspected threats or retaliation against an Eligible Whistleblower by an employee, officer or contractor of the AEMO Group will be investigated by the relevant Whistleblower Protection Officer or their delegate and may result in appropriate disciplinary action, including dismissal or termination of contract. The Whistleblower Protection Officer will also take reasonable steps necessary to prevent continuation of any detriment and to minimise its effects, including, at their discretion, implementing additional protections for the Eligible Whistleblower.

The AEMO Group will at all times be able to raise and address with an individual matters that arise in the ordinary course of their employment or contractual relationship (for example, any separate performance or misconduct concerns), or take appropriate action to protect a person from detriment, and this will not amount to reprisal action.

## 8 Protecting confidentiality

An Eligible Whistleblower who raises a report under this Policy will be afforded the confidentiality protections set out in this Policy. In particular, if you are an Eligible Whistleblower and you raise a Disclosure, your identity (and any information that the AEMO Group has because of your Disclosure that someone could likely use to identify you) will only be disclosed:

- with your consent;
- if the report is required or allowed by law (for example, disclosure by the AEMO Group to a lawyer to obtain legal advice about whistleblower protections under law); or
- if in the case of information likely to identify you, in circumstances where it is reasonably necessary to disclose the information for the purposes of an investigation, but your identity is not disclosed and all reasonable steps are taken by the AEMO Group to prevent someone from identifying you.

Eligible Whistleblowers raising concerns through Stopleveline or to an Authorised Recipient (e.g. via email), can remain anonymous and still be protected under this Policy, if they choose not to disclose their identity. Eligible Whistleblowers can refuse to answer questions posed by Stopleveline or another Authorised Recipient or the AEMO Group at any time that they feel answering the question could reveal their identity. Eligible Whistleblowers may also adopt a pseudonym, if appropriate.

If an Eligible Whistleblower wishes to remain anonymous, they should maintain an ongoing two-way communication with Stopleveline or another applicable Authorised Recipient, so that any follow up questions can be addressed, or further information provided.

If an Eligible Whistleblower chooses to disclose their identity, the AEMO Group will take steps to ensure their identity is kept confidential, which may include redacting their personal information or any other information that may lead to their identification, from documentation or communications and referring to them in a gender-neutral context.

The AEMO Group will also take steps to ensure all records, both physical and electronic, of the disclosure are stored in a secure location, and access to information and documents will be limited to those directly involved in managing and investigating the disclosure.

Where an Eligible Whistleblower provides their consent to the limited sharing within the AEMO Group of their identity, this will assist the AEMO Group to protect and support them in relation to their report and facilitate investigating, reporting and taking any appropriate action arising as a result of a Disclosure. If an Eligible Whistleblower does not consent to the limited sharing within the AEMO Group of their identity and the information provided by them as needed, this may limit the AEMO Group's ability to progress the Disclosure and to take any action in relation to it.

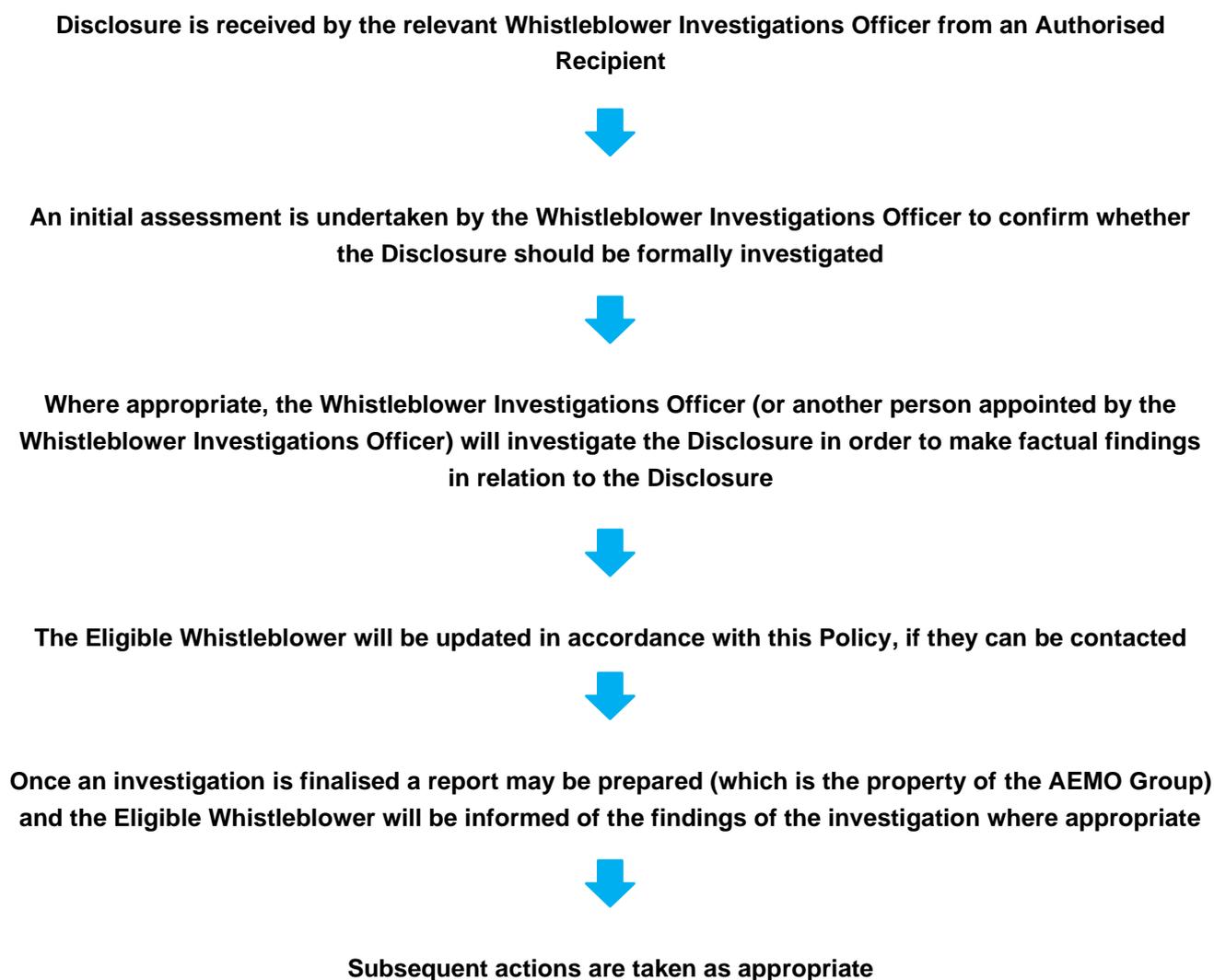
Any Personnel who come into the possession of information relating to a Disclosure, including the identity of an Eligible Whistleblower, must not disclose that information to any individual or entity unless they are given

express permission to by the AEMO Group. A breach of this requirement may result in disciplinary action, up to and including termination of employment or engagement as relevant.

If an Eligible Whistleblower reasonably believes that there has been a breach of confidentiality, they can lodge a complaint with the Whistleblower Protection Officer.

## 9 Investigations

The diagram below outlines the high-level steps the AEMO Group will generally take once a Disclosure has been received:



While making a Disclosure under this Policy does not guarantee that it will be formally investigated, the AEMO Group, through the Whistleblower Investigations Officer (see section 15), will initially assess and consider all reports made under this Policy and a decision will be made as to whether a report should (and can) be investigated further.

The AEMO Group will investigate Disclosures where deemed appropriate and, where the Eligible Whistleblower can be contacted, will keep the Eligible Whistleblower informed with updates of the progress of the investigation, subject to considerations of confidentiality and privacy and the fair treatment of other persons who are the subject of the Disclosure. The frequency of these updates will vary, at the Whistleblower Investigations Officer's discretion, depending on the nature of the disclosure. These updates may include:

- confirming receipt of a Disclosure;
- advising that an investigative process has begun (where an investigation is appropriate);
- providing updates on the investigation status (even if there has been no progress); or
- advising when an investigation has been closed.

While the AEMO Group may communicate the findings of any investigation to an Eligible Whistleblower who has made a report in its absolute discretion, it may not always be appropriate to provide details of the outcome having regard to confidentiality and privacy considerations. If appropriate, the person(s) to whom the report relates will also be informed of the findings of any investigation.

The relevant Entity Leader may appoint an alternative Whistleblower Investigations Officer in consultation with the relevant Committee Chair, where they deem it necessary (for example, because of a perceived conflict of interest).

The Whistleblower Investigations Officer may appoint an investigator, either internal or external to the AEMO Group, or may undertake an investigation themselves with assistance from other individuals, whilst preserving the confidentiality of the investigation. Where an investigator is appointed, the Whistleblower Investigations Officer will continue to oversee and coordinate the investigation and any response by the AEMO Group.

The investigator's role is to examine the substance of the reported conduct, applying key investigation principles such that they act:

- fairly, objectively and in accordance with the rules of natural justice;
- in line with best practice in investigations;
- in a manner which protects confidentiality; and
- impartially to the Eligible Whistleblower, the relevant Business Unit and the person that is the subject of the reported misconduct.

Where an investigation is undertaken, the objective will be to determine whether there is enough evidence to substantiate the matters reported. Findings will be made on the balance of probabilities and will be that the allegation(s) are:

- fully substantiated;
- partially substantiated (for example, if one but not all allegations are substantiated);
- not able to be substantiated;
- unsubstantiated; or
- disproven.

The investigator will seek to give any employees against whom misconduct is alleged a fair opportunity to respond to those allegations, subject to confidentiality considerations.

The timeframe for an investigation will vary depending on the nature of the allegations, the number of individuals to be interviewed (including any witnesses), and any other relevant matters. The AEMO Group

endeavours to complete investigations within 90 days of receipt of a report, but this time period may be exceeded depending on the circumstances of the matter.

Where an investigation verifies that wrongdoing has occurred, any action taken will depend on the individual circumstances of the matter and will be determined by the relevant decision-maker. The AEMO Group may take appropriate disciplinary action in its discretion in response to misconduct or other inappropriate behaviour. This may include, but is not limited to, verbal or written warnings, suspension of employment or termination of employment or engagement of a person(s) involved in any such conduct. If an investigation finds that criminal activity is likely to have occurred, the matter may also be reported to the police and / or other regulatory authorities.

The method for documenting and reporting the findings of an investigation will depend on the nature of the report. Subject to confidentiality considerations, any findings or report from an investigation may be reported to the relevant decision-maker and other individuals who have oversight of this Policy, or who are otherwise required to be aware of the findings and/or report in order for the AEMO Group to take appropriate action under this Policy. Where the findings concern one of these individuals, the full documented findings may not be communicated to this person, depending on the circumstances of the matter. Any report prepared in relation to an investigation remains the property of the relevant AEMO Group entity and will not be provided to an Eligible Whistleblower or any other person to whom a report relates.

## 10 Fair treatment of Personnel mentioned in disclosures or to whom disclosures relate

**The AEMO Group is committed to ensuring the fair treatment of Personnel who are mentioned in Disclosures or to whom Disclosures relate, and will take reasonable steps to this end,** including by:

- maintaining confidentiality during an investigation to the extent that it is practicable;
- providing support to any employee or contractor who is the subject of a whistleblower complaint where appropriate and, to the extent practicable, including counselling and other support services;
- allowing any employee that is subject to a Disclosure to receive procedural fairness, including a sufficient opportunity to be heard before findings are made in an investigation, so that the investigation results in an equitable and correct outcome; and
- basing investigation findings on the balance of probability.

## 11 Roles and Responsibilities

The roles and responsibilities of Personnel with regards to this policy are as follows:

Roles	Responsibilities
<b>Board</b>	<ul style="list-style-type: none"> <li>• Oversees the whistleblowing program for the relevant AEMO Group entity as part of that entity's broader risk management and corporate governance framework.</li> <li>• Approve updates to this Policy for the relevant AEMO Group entity.</li> </ul>
<b>Committee</b>	<ul style="list-style-type: none"> <li>• Assists the Board with its responsibilities with regards to the whistleblowing program.</li> </ul>

Roles	Responsibilities
	<ul style="list-style-type: none"> <li>• Reviews this Policy every two years and in response to an event or change of circumstances. The updated Policy will be presented to the Board for approval. Reviews will ensure the Policy evolves in line with changes in the nature, scale and complexity of the AEMO Group's business and its operating and regulatory environments.</li> <li>• Receives summary information relating to Disclosures, investigations and results on a periodic basis in respect of the relevant AEMO Group entity.</li> <li>• Committee Chair is consulted on appointment of a Whistleblower Protection Officer or Whistleblower Investigations Officer.</li> </ul>
<b>Entity Leader</b>	<ul style="list-style-type: none"> <li>• Receive Disclosures as an Authorised Recipient.</li> <li>• Accountable to the relevant Board for fostering a positive and transparent compliance culture and for monitoring and reporting on adherence to the AEMO Group's obligations.</li> </ul>
<b>Executive Management</b>	<ul style="list-style-type: none"> <li>• Understand their own responsibilities if they receive or are involved in managing a Disclosure (including to maintain confidentiality and prohibit victimisation).</li> <li>• Foster a positive and transparent compliance culture that promotes speaking up and discourages victimisation.</li> </ul>
<b>Whistleblower Protection Officer</b>	<ul style="list-style-type: none"> <li>• Protect Eligible Whistleblowers from detriment arising from a Disclosure.</li> <li>• Guide the Eligible Whistleblower through the process and ensure they receive appropriate care and support, as the Whistleblower Protection Officer deems necessary in the circumstances.</li> <li>• Investigate any known or suspected retaliation or threats of retaliation against an Eligible Whistleblower.</li> <li>• Take reasonable steps necessary to prevent continuation of any detriment and to minimise its effects.</li> </ul>
<b>Whistleblower Investigations Officer</b>	<ul style="list-style-type: none"> <li>• Conduct initial assessment of Disclosures and determine whether a formal investigation should be undertaken.</li> <li>• If appropriate, appoint an internal or external investigator, and oversee and coordinate the investigation conducted by that investigator.</li> <li>• Investigate the substance of Disclosures where appropriate in order to make factual findings in relation to the Disclosure.</li> </ul>
<b>Personnel</b>	<ul style="list-style-type: none"> <li>• Report any actual, proposed or suspected conduct that they have reasonable grounds to suspect concerns conduct giving rise to a Disclosure to Stopline or another Authorised Recipient.</li> <li>• If they become aware of the identity of an Eligible Whistleblower, witness or a person subject to a Disclosure, they must keep it strictly confidential.</li> <li>• Must not harass, threaten or bully an Eligible Whistleblower or otherwise engage in detrimental conduct described in section 7. This may lead to disciplinary action, including dismissal or termination of contract.</li> </ul>

Roles	Responsibilities
	<ul style="list-style-type: none"> <li>Familiarise themselves with this Policy and associated documents relating to Disclosures.</li> </ul>

## 12 Availability of Policy

The AEMO Group makes this Policy available on the intranet and on its websites. It also provides appropriate training to relevant officers and employees.

## 13 Compliance

All AEMO Group Personnel must comply with the law, act consistently with the principles and standards of the applicable AEMO Group Code of Conduct, comply with other applicable AEMO Group policies and procedures and work towards establishing an effective disclosure culture within their areas of responsibility.

All employees, officers, suppliers and employees of suppliers must comply with this Policy. If any employee breaches this Policy, they may be subject to disciplinary action (up to and including termination of employment). Agents and contractors (including temporary contractors) who are found to have breached this policy may have their contracts with the AEMO Group terminated or not renewed.

Where you are concerned that a breach of this Policy has occurred or will occur, you should report your concern to the Whistleblower Protection Officer.

This Policy does not form part of any person's contract of employment or terms of engagement.

## 14 Governance

The Board (via the Committee) is regularly updated on the AEMO Group's whistleblowing program, inclusive of summary information relating to reports, investigations, and results, which are de-identified as required. Reports or investigations concerning material incidents may be reported to the Board outside of the usual updates. The Board at any time can ask about the state of the Group's whistleblowing program.

## 15 Definitions

The following words have the below meaning when used in this Policy:

Term	Australian Energy Market Operator Limited (AEMO)	AEMO Services Ltd (ASL)	Transmission Company Victoria Pty Ltd (TCV)
AEMO Group	AEMO and its Subsidiaries, including ASL and TCV.		
Board	AEMO Board.	ASL Board.	TCV Board.

Term	Australian Energy Market Operator Limited (AEMO)	AEMO Services Ltd (ASL)	Transmission Company Victoria Pty Ltd (TCV)
Committee	Finance, Risk and Audit Committee.	Risk, Compliance and Audit Committee.	N/A.
Corporations Act	<i>Corporations Act 2001 (Cth)</i>		
Entity Leader	Chief Executive Officer of AEMO	Executive General Manager AEMO Services.	Chief Executive Officer of AEMO.
Executive Management	Executive Leadership Team.	Executive Team.	AEMO Executive General Manager, System Design
Business Unit	Division.	Business Unit.	TCV
Personnel	All AEMO Personnel (Directors, employees, contractors, secondees and/ or consultants working for or on behalf of AEMO).	All ASL Personnel (Directors, employees, contractors, secondees and/ or consultants working for or on behalf of ASL).	All TCV Personnel (Directors, employees, contractors, secondees and/ or consultants working for or on behalf of TCV).
Whistleblower Investigations Officer	General Counsel or another senior AEMO Group employee nominated by the Chief Executive Officer of AEMO after consultation with the Chairs of the Committees.		
Whistleblower Protection Officer	Group Manager HR Services or another senior AEMO Group employee nominated by the Chief Executive Officer of AEMO after consultation with the Chairs of the Committees		

## 16 Related Documents

Control Document	Document Ref	Description
Stopleveline FAQs		Frequently asked questions relating to the Stopleveline service
Group Fraud and Corruption Prevention Policy		AEMO Group's policy for the prevention of fraud and corruption

Control Document	Document Ref	Description
Group Compliance Policy		Sets out AEMO Group's position, approach and commitment to compliance management.
Code of Conduct		Sets out standards applicable to all people representing the relevant entity of the AEMO Group.

## 17 Appendix: Protections for whistleblowers provided by Australian law

### How will I be protected if I raise a concern?

As set out in this Policy, the AEMO Group is committed to protecting Eligible Whistleblowers who make a Disclosure in accordance with this Policy.

Two key protections inform all aspects of this Policy, being to protect the confidentiality of Eligible Whistleblowers who make such Disclosures and to protect people from detriment being caused to them in relation to such Disclosures. Further detail about these protections is set out below.

Protections can also arise under law. For example, for reports that arise in connection with the AEMO Group's operations, the *Corporations Act 2001* (Cth) (**Corporations Act**) and the *Taxation Administration Act 1953* (Cth) (**Taxation Administration Act**) protect Eligible Whistleblowers where they make a disclosure about a “disclosable matter” to a person specified under those Acts.

A “**disclosable matter**” under the Corporations Act will arise where an Eligible Whistleblower makes a report in circumstances where they have reasonable grounds to suspect that the information concerns misconduct or improper state of affairs in relation to an entity of the AEMO Group, including, but not limited to, conduct that:

- constitutes an offence against a range of corporate and financial sector legislation specified under the Corporations Act;
- constitutes an offence against any law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;

- represents a danger to the public or the financial system; or
- is otherwise prescribed by regulation.

In addition, a disclosure may also be protected as a “disclosable matter” under the Taxation Administration Act where a report relates to a breach of Australian tax law or tax-related misconduct.

Disclosures that are not protected under the Corporations Act or the Tax Administration Act may have protection under other legislation, such as the *Fair Work Act 2009* (Cth).

A report about a “disclosable matter” by an Eligible Whistleblower will be protected under the Corporations Act and the Taxation Administration Act if it is made to Stopline or any Authorised Recipient. These protections are also available in relation to such disclosures made to another person specified under those Acts as set out further below.

If you make a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation, your disclosure will also be protected even if it does not relate to a “disclosable matter”.

Conduct which is the subject of a Disclosure and does not amount to a “disclosable matter” under the Corporations Act or the Taxation Administration Act will not be protected under those Acts, but will be protected in accordance with this Policy.

The key protections under this Policy and applicable Australian laws are as follows:

**Confidentiality:** The AEMO Group protects the confidentiality of people who raise concerns, by limiting how both your identity and information that

is likely to lead to your identification is shared. Your identity will be kept confidential to the fullest extent possible and only shared as permitted by you or law.

Under the Corporations Act (and the Tax Administration Act, where relevant), where a report is made about a “disclosable matter” by an Eligible Whistleblower to Stopline, an Authorised Recipient, or another person specified under those Acts (as set out below), that Eligible Whistleblower’s identity (and information which is likely to identify them) can only be disclosed without their consent, if the disclosure is to:

- the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA);
- the Australian Federal Police (AFP);
- the Australian Commissioner of Taxation, the Commissioner of the Australian Charities and Not-for-profits Commission (ACNC), the Inspector-General of Taxation, or the Tax Practitioners Board, in respect of tax-related misconduct; or
- a legal practitioner for the purpose of obtaining legal advice or legal representation, or

if it is reasonably necessary to disclose information for the purposes of an investigation, provided their identity is not disclosed and all reasonable steps are taken by the AEMO Group to reduce the risk that they will be identified.

It is an offence for a person to identify an Eligible Whistleblower or disclose information in a report about a “disclosable matter” made by them that is likely to lead to their identification, other than as set out above. Reports can also be made anonymously and still be protected under the Corporations Act.

**Non-victimisation:** The AEMO Group protects people from detriment caused because they or

another person raised a concern or plan to raise a concern. The AEMO Group does not tolerate anyone threatening to cause or causing detriment to you because of a desire or decision to raise a concern. Doing so is taken seriously by the AEMO Group and may lead to disciplinary action.

In certain circumstances, these protections will also be enforceable under the Corporations Act or the Tax Administration Act (where a report relates to tax-related misconduct). Under this legislation, it is an offence for a person to engage in conduct (or threaten to engage in conduct) that causes detriment to you (or another person) if:

- that person believes or suspects that you (or another person) made, may have made, proposes to make, or could make a disclosure that qualifies for protection; and
- the belief or suspicion is the reason (or part of the reason) for the conduct.

Where these protections apply, you are also protected from liability for making the report (either by way of civil, criminal or administrative legal proceedings, or contractual or other remedies being sought against you). Further, information you disclose in a report made to a regulator or Commonwealth authority cannot be used in legal proceedings against you (except for proceedings in relation to giving false information). However, you will not be granted immunity from the consequences of any misconduct you have engaged in that is revealed by your report (including, but not limited to, any disciplinary action).

### **When will I be protected?**

The AEMO Group provides protections to people who raise Disclosures pursuant to this Policy, as set out in this Policy.

The AEMO Group also provides these protections to any Eligible Whistleblower who makes a Disclosure that is a “disclosable matter” under the

Corporations Act (or the Tax Administration Act, where relevant) to Stopline, an Authorised Recipient, or another “eligible recipient” under law, which includes:

- a director, officer or senior manager of AEMO or a related body corporate;
- an auditor, or a member of the audit team conducting an audit of AEMO or a related body corporate;
- an actuary of AEMO or a related body corporate;
- ASIC, APRA or, in the case of tax-related misconduct, the Australian Commissioner of Taxation, the Tax Practitioners Board, or the Inspector-General of Taxation;
- a prescribed entity of which you are a member, for the purpose of obtaining assistance in relation to the disclosure of tax-related misconduct;
- a medical practitioner or psychologist, for the purposes of obtaining medical or psychiatric care, treatment or counselling (including psychological counselling); or
- a legal practitioner, for the purpose of obtaining legal advice or legal representation in relation to the operation of Part 9.4AAA of the Corporations Act. It may be advisable to obtain independent legal advice prior to making a report about a “disclosable matter”.

In limited circumstances, certain “public interest” or “emergency” disclosures made to journalists or parliamentarians are also protected by law. It is important that you understand the criteria for making a “public interest” or “emergency disclosure” before doing so. For example, you must have previously made a disclosure to ASIC, APRA or another prescribed body before you can make a “public interest” or “emergency” disclosure and, in the case of a “public interest” disclosure, at

least 90 days must have passed since the previous disclosure. Eligible Whistleblowers, seeking to make public interest or emergency disclosures should refer to section 1317AAD of the Corporations Act and should seek their own independent legal advice prior to disclosure to ensure protection is afforded in the specific circumstances.

You are encouraged to raise a disclosure with Stopline or an Authorised Recipient in the first instance, so that the AEMO Group can be in a position to identify and address any wrongdoing as early as possible. However, you can qualify for protection regardless of which of the above eligible recipients you choose to raise a disclosure with. As set out in this Policy, the AEMO Group takes any reports made under this Policy seriously and will treat such reports sensitively and confidentially.

#### **What should I do if a protection is breached?**

The AEMO Group takes any breach of these protections seriously. Where you believe a breach has occurred, you should raise this with the Whistleblower Protection Officer (or, if they are implicated in your concern, with Stopline or an Authorised Recipient). An Eligible Whistleblower can also seek independent legal advice or, if there has been a suspected breach of confidentiality, lodge a complaint with a regulator, such as ASIC, APRA or the Australian Taxation Office, for investigation.

If you suffer detriment because a person believes or suspects that you or another person has, proposes to make, could make or may make a report that qualifies for protection under the Corporations Act, you can also seek compensation and other remedies through the courts if you suffer loss, damage or injury because of the disclosure, including if the AEMO Group fails to take reasonable precautions and exercise due diligence to prevent the detrimental conduct. You should

seek legal advice if you are considering seeking such remedies.

### **Is anything not covered by the Whistleblower Protection Policy?**

The Policy and the protections under law (including the Corporations Act) generally do not apply to personal work-related grievances. These are reports which relate to your employment with the AEMO Group and only have implications for you personally. For example, a personal work-related grievance would include an interpersonal conflict between an Eligible Whistleblower and another employee, a decision about the engagement, transfer, or promotion of an Eligible Whistleblower, or a decision to suspend or terminate the engagement of an Eligible Whistleblower or otherwise discipline them. Instead, these matters should be reported in accordance with the AEMO Group's internal grievance resolution policy and guidelines.

However, this Policy and the law can still apply in some circumstances, such as where your concern:

- relates to a “disclosable matter” (see above);
- has significant implications for the AEMO Group;
- relates to any detriment suffered by you, or which you are threatened with, for raising a concern;
- relates to conduct where there is a breach of employment or other laws punishable by imprisonment of 12 months or more, or the conduct represents a danger to the public; or
- relates to misconduct beyond your personal circumstances.

If you seek legal advice or legal representation in relation to the operation of the whistleblowing provisions under the Corporations Act, your disclosure will also remain protected as set out

above and will not constitute a personal work-related grievance.

Where in doubt, you should make your report to an Authorised Recipient or to Stopline and your report will be dealt with under the right policy.