



Pax Australia Pty. Ltd
Quality aerosol and liquid manufacturers
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Whistleblower Policy

1. Introduction

Pax is committed to the highest standards of conduct and ethical behaviour in all our business activities, to promoting and supporting a culture of fair dealing with honesty and integrity, ethical behaviour, corporate compliance and good corporate governance.

We are committed to adhering to all statutory obligations, rules and values.

Our Whistleblower Policy is in place so as to ensure 'our employees, other Workers and people associated with our company' (i.e. our people) can raise concerns regarding any serious wrongdoing including unethical, illegal, corrupt, fraudulent, undesirable or inappropriate conduct without fear of being subject to victimisation, harassment, intimidation, disadvantage or reprisal.

In cases where 'our people' feel they need to be protected in relation to raising a matter, this Policy outlines the protections that will apply.

2. Purpose

The purpose of this policy is to;

- provide you with an understanding of what can be reported under this policy;
- demonstrate the importance that Pax places on ensuring a safe and supportive environment where 'our people' feel confident to raise breaches of internal rules or Reportable Conduct (i.e. Reportable or Disclosable Conduct) relating to the business, its officers and employees;
- assist creating a culture that encourages 'our people' to speak up and raise breaches of internal rules or policy, or Reportable Conduct relating to the business, its officers and employees
- encourage 'our people' to report an issue if they genuinely believe someone has engaged in serious wrongdoing;
- set out and explain the avenues available to report to Pax any breach of internal rules or policy and/or serious wrongdoing, including what happens when you make a report.
 - Whilst it is generally expected that these issues will be raised through the normal channels of line management, we acknowledge that reporting by these avenues may be inappropriate or necessary in certain situations.
- outline how Pax will deal with reports of serious wrongdoing; and
- outline how you will be protected if you make a report.

3. Who Does This Policy Apply To?

This policy applies to 'our people'. i.e. all current and former Pax:

- Employees
- Directors

- Officers
- Contractors (and their employees) to Pax
- Suppliers (and their employees) to Pax; and
- Consultants (and their employees) working with Pax

4. What Is Reportable Conduct?

You may make a report under this policy if you believe that a Pax director, officer, employee, contractor, supplier, tenderer or other person who has business dealings with Pax has engaged in Reportable Conduct which:

- is dishonest, fraudulent or corrupt activity, including bribery or other activity in breach of the Pax Business Ethics Policy;
- is illegal activity (such as theft, drug use/sale, violence, harassment/intimidation, criminal damage to property or other breaches of state or federal law);
- is unethical or in breach of Pax policies (such as dishonestly altering company records or data, providing false or misleading information in a document, adopting questionable accounting practices, wilfully breaching Pax Code of Conduct or other policies or procedures);
- is potentially damaging to Pax, a Pax employee or a third party, such as unsafe work practices, environmental damage, health risks or abuse/misuse of Pax property or company resources;
- a serious risk to public health, public safety or the environment;
- amounts to an abuse of authority;
- may cause financial loss to Pax or damage its reputation or be otherwise detrimental to Pax interests;
- a breach of legislation relating to Pax operations or activities;
- is oppressive, grossly negligent, involves harassment, discrimination, victimisation or bullying; or
- involves any other kind of serious impropriety.

See Annexure A which describes the special protections available to Whistleblower's who disclose conduct which may breach the Corporations Act.

Not everything that can be complained about amounts to Reportable Conduct.

Occasionally you may have a complaint in relation to work practices, required service levels, policy decisions, or an employment-related grievance with another person within the business, which is in fact not Reportable Conduct or a breach of Pax rules or policies.

If you have a Complaint about a work practice, service issue or policy decision or you wish to raise a grievance issue, speak to your supervisor, or the relevant committee or Human Resources' contact person.

Examples of things that would usually not be Reportable Conduct include:

- complaints about the level of attention received from the business or from a particular manager/supervisor;
- a difference of opinion about a policy being adopted by the business;
- not being elected as a workplace representative;
- (typical) employment disputes with your employer;

- disagreeing with decisions instigating or supporting a particular practice as required by a Customer in the course of normal business Management.

5. Who Can Report A Matter?

Every person in the Organisation has a role and responsibility in ensuring the Organisation is run ethically and in accordance with its internal rules and policies.

Where matters related to breaches of internal rules or policies or Reportable Conduct are identified they should be raised as soon as possible.

In instances where a person has concerns about making a report, reports can be made anonymously.

6. Who Can I Make A Report To?

Pax has several channels for making a report if a person becomes aware of any issue or behaviour which he or she considers to be Reportable Conduct.

- a. Pax employees or contractors working within a Pax team
 - You may raise the matter with your immediate supervisor, manager or another senior manager within the business.
 - Where you believe the response to your matter raised is not appropriate, then alternative reporting mechanisms are available.
 - A supervisor/manager in receipt of a report must take the matter to a Protected Disclosure Officer or a senior manager within the business, in accordance with the protocols regarding confidentiality set out in paragraph 8.
 - Pax employees or contractors working within a Pax team may also report directly to a Protected Disclosure Officer, as outlined below.
- b. Any person may make a report to any of the following Protected Disclosure Officers:
 - Debbie Maranthou, Human Resources Manager
Ph: 02 9829 0019
Email: debbiem@paxaus.com.au
 - Paul Curryer, CEO
Ph: 02 9829 0003
Email: paulc@paxaus.com.au

- c. Reports may also be made in writing:

c/- Pax Australia Pty Ltd
P.O. Box 189
Ingleburn NSW 2195

(mark to attention of one of the Protected Disclosure Officers above).

- d. Via web:
<https://www.paxaus.com/business-ethics> or
<https://www.paxaus.com/whistleblower>
- e. Via fax:
02 9829 4815

A whistleblower may either report anonymously, or can provide their contact details. Every effort will be made to protect the identity of any person reporting via these mechanisms.

7. Pax Investigation Of Reportable Conduct

Pax will investigate all matters reported under this Policy as soon as possible after the matter has been reported. A Protected Disclosure Officer may, with the whistleblowers consent (i.e. assuming they are known and not reporting anonymously), appoint a person to assist in the investigation of a matter raised in a report. Where appropriate, Pax will provide feedback to the whistleblower regarding the investigation's progress and/or outcome (subject to considerations of the privacy of those against whom allegations are made).

The investigation will be conducted in an objective and fair manner, and otherwise as is reasonable and appropriate having regard to the nature of the Reportable Conduct and the circumstances.

To avoid jeopardizing an investigation, a Worker who has made a report under this policy is required to keep confidential the fact that a report has been made (subject to any legal requirements).

8. Protection Of Whistleblowers

Pax is committed to ensuring confidentiality in respect of all matters raised under this policy. A Worker who makes a report in good faith will be treated fairly and will not suffer any disadvantage in their employment or engagement, even if the report is subsequently determined to be incorrect or not substantiated.

Protection of your identity and confidentiality

Subject to compliance with legal requirements, upon receiving a report under this Policy, Pax will not, nor will any supervisor, manager or Protected Disclosure Officer, disclose any particulars that would suggest or reveal your identity as a whistleblower, without first obtaining your consent.

Any disclosure that you consent to will be disclosed on a strictly confidential basis. However, the Protected Disclosure Officer is able to disclose the complaint without your consent to ASIC, APRA, the Australian Federal Police or the NSW Police Force.

Protection of files and records

All files and records created from an investigation will be retained under strict security and unauthorised release of information to someone not involved in the investigation (other than senior managers or directors who need to know to take appropriate action, or for corporate governance purposes) without your consent as a whistleblower will be a breach of this policy.

Whistleblowers are assured that a release of information in breach of this policy will be regarded as a serious matter and will be dealt with under Pax disciplinary procedures.

Fairness

A Pax employee or contractor within a Pax team who is subjected to detrimental treatment as a result of making a report in good faith under this policy should inform a senior supervisor/manager or a Protected Disclosure Officer within the business immediately. If the matter is not remedied, it should be raised in accordance with paragraph 4 of this policy.

Detrimental treatment includes dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a report.

The Corporations Act 2001 (Cth) also gives special protection to disclosures about breaches of that Act, as long as certain conditions are met.

- refer to Annexure A for further details

9. Anonymous Reporting

A report can be made anonymously.

However, it may be difficult to properly investigate anonymous reports.

If authorities take further legal action on the reported matter, it may become necessary for the whistleblower to identify themselves. If the whistleblower wishes to benefit from statutory protections provided to whistleblowers (e.g. under the Corporations Act 2001), they may also have to disclose their name.

In instances such as these Pax will continue to ensure that the whistleblower is protected from retaliation.

10. Reporting In Good Faith

A report may have serious consequences, including potential damage to the career prospects and reputation of people who are the subject of allegations of wrongdoing. Therefore, it is very important that those who make a report under this policy do so in good faith, with reasonable grounds for believing that the information is correct or likely to be correct.

Pax takes very seriously all reports made under this policy and it looks particularly unfavourably on any false reports or claims. Disciplinary action may be taken against any employee who makes a report that is not in good faith. A report will not be considered to be made in good faith if it is frivolous, raised for a malicious reason or ulterior motive, or if it is not based on facts and/or circumstances that provide a reasonable basis for the report. Repeated reports about trivial matters may also be considered not to be made in good faith.

11. Responsibility Of Employees In Relation To Reportable Conduct

Pax relies on its employees and Workers to help maintain and grow its culture of honest and ethical behaviour.

Pax will not tolerate conduct that should be reported under this Policy. It is therefore expected that any Worker who becomes aware of known or suspected conduct will make a report under this policy or under other applicable policies.

It is not acceptable to 'walk past', 'turn a blind eye', or 'simply ignore' reportable matters.

12. Reporting Procedures

Protected Disclosure Officers (as appropriate) will report to the Board of Management on the number and type of whistleblower incident reports monthly enabling Pax to address any issues.

These reports will be made on a 'no names' basis, maintaining the confidentiality of matters raised under this policy.

13. Amendment Of This Policy

This policy cannot be amended without approval from the Pax Board of Management. It will be reviewed from time to time to ensure that it remains effective and meets best practice standards and the needs of Pax.

[LAST AMENDED: 24th December 2019]

Signed:



Paul Curryer
Chief Executive Officer

Date: 24/12/2019

14. Annexure A – Special Protections Under The Corporations Act

The Corporations Act gives special protection to disclosures about potential breaches of the Corporations Act where the following conditions are satisfied:

- a. the whistleblower is an officer or employee of Pax, or a person or company who has a contract for the supply of goods and services with Pax (a 'contractor') or an employee of such a contractor; and
- b. the report is made to:
 - a Protected Disclosure Officer;
 - a director, officer or senior manager of Pax;
 - Pax external auditor (or a member of that audit team); or
 - the Australian Securities and Investments Commission (ASIC);
- c. the whistleblower gives their name before making the report (i.e. the report is not anonymous); and
- d. the report is made in good faith, and the whistleblower has reasonable grounds to suspect that there has, or may have, been a breach of the Corporations Act by Pax or any of its officers or employees.

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

- the whistleblower cannot be subject to legal liability for making the report;
- anyone who victimises or threatens the whistleblower is guilty of an offence and may be liable for damages; and
- 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, the Australian Federal Police or the Australian Prudential Regulatory Authority (APRA).

*Examples of conduct which may amount to a breach of the Corporations Act include:

- insolvent trading;
- failure to keep accurate financial records;
- falsification of accounts;
- failure of a director or other officer of the company 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 company;
- failure of a director to give notice of any material personal interest in a matter relating to the affairs of the company.