

## ENERGY BAY GROUP Whistleblower Policy

### 1 Scope

This Whistleblower Policy (Policy) applies to Energy Bay Group Pty Ltd (ACN 674 256 467) and each of its subsidiaries and controlled entities (the “Group”, “Energy Bay”, “we”, “us” or “our”).

This Policy also extends to Eligible Whistleblowers as defined under the Corporations Act 2001 (Cth) (Corporations Act), including directors, employees, former employees, suppliers, and associates of Energy Bay, and the relatives or dependants of any of the aforementioned individuals.

### 2 Purpose

The purpose of this Policy is to:

- enable the secure and confidential disclosure of concerns relating to misconduct;
- ensure such disclosures are assessed and investigated appropriately;
- protect individuals from retaliation or detriment as a result of making a disclosure in good faith; and
- document and provide transparency regarding how reported concerns are received and, where appropriate, investigated by Energy Bay.

### 3 What can be reported

Persons to whom this policy applies are encouraged to report any disclosable matter. The disclosure is a disclosable matter if an Eligible Whistleblower has reasonable grounds to suspect misconduct or an improper state of affairs or circumstances in relation to Energy Bay, including but not limited to:

- an illegal activity;
- breach of a relevant law, licence, code or regulation;
- breach of Company policy;
- conduct considered dangerous to the public or to the financial system; or
- any other misconduct, including fraud, negligence, corruption, false accounting, misleading, misappropriation of funds, misuse of Company resources, and collusion with customers or suppliers; and
- concealment of any of the above.



Disclosable matters do not have to involve unlawful conduct.

## 4 Work related grievances

Personal work-related grievances are generally not covered by this Policy and generally do not qualify for protections under the Corporations Act unless they involve victimisation related to a whistleblower disclosure.

Personal work-related grievances are generally grievances relating to a person's current or former employment or engagement that only have implications for them personally, and do not have any other significant implications for Energy Bay or relate to a disclosable matter outline in section 3 of this Policy.

Where an employee has a concern relating to their employment, they should attempt to resolve the concern informally. If an employee has not been able to resolve the concern in an informal way, or feels it is not possible to do so, employees should refer to the Grievance and Complaints Policy or contact the Head of People and Culture for assistance.

## 5 Making a disclosure

Reports may be made to the following individuals or offices within Energy Bay:

- the Company Secretary;
- the HR team; and
- any director or senior executive (including the Senior Leadership Team), **(Energy Bay Eligible Recipients)**.

You may also raise these concerns anonymously to one of the persons above.

Where an Eligible Whistleblower has a concern about a disclosable matter and you would like to make a report under this Policy, you are encouraged to reach out via the following channels:

- directly via email or phone; or
- by email to [whistleblowing@energybay.com](mailto:whistleblowing@energybay.com)

Reports may also be made externally to Energy Bay to:

- an external auditor or actuary of Energy Bay;
- your lawyer, if disclosing to obtain legal advice or representation under the whistleblower provisions of the Corporations Act;



## 6 Handling a Disclosure

Energy Bay's response to a disclosure will vary depending on the nature of the disclosure and the amount of information provided. To ensure fair treatment:

- all disclosures will be investigated in a timely and confidential manner by appropriately trained people. Where appropriate, a formal process will be followed; and;
- Energy Bay personnel identified in a disclosure and / or against whom a disclosure is made, will be provided with an opportunity to respond, where appropriate.

Energy Bay will provide disclosers with regular updates, including through anonymous channels, where appropriate. While anonymous disclosures will also be investigated and subject to the protections under this Policy, choosing to remain anonymous may impact Energy Bay's ability to properly investigate the matters raised, provide updates and monitor the Eligible Whistleblower's wellbeing. If the report is not anonymous, with the consent of the Eligible Whistleblower, Energy Bay will be able to take action to support their wellbeing and safeguard their interests.

All records of the disclosure and investigation process will be kept secure.

## 7 Protections for Eligible Whistleblowers

### 7.1 Protection from detrimental conduct

Energy Bay personnel must not engage in and must protect Eligible Whistleblowers from any actual or threatened detrimental conduct as a result of the disclosure. A threat may be express or implied or conditional or unconditional.

Examples of the kinds of detrimental conduct which Eligible Whistleblowers from which will be protected include dismissal, demotion, changes to employment or terms of employment, harassment, bullying or intimidation, and damage to property or reputation. Any person found to have engaged in such conduct may be subject to disciplinary or legal consequences.

Energy Bay will assess the risk of detriment and will make practical protections and support available to the Eligible Whistleblower depending on the circumstances. If an Eligible Whistleblower has been subject to actual or threatened detrimental conduct, they should inform an Eligible Recipient.

### 7.2 Protection of identity

Energy Bay Eligible Recipients of the disclosure must keep the identity of the Eligible Whistleblower or information likely to reveal their identity, confidential to the fullest extent possible and as required by law. Information will not be disclosed unless:

- the Eligible Whistleblower gives their consent;



- it is legally required to be reported to a relevant regulator or otherwise authorised by law; or
- if it is raised with a lawyer for the purpose of obtaining legal advice or representation about the whistleblower protection laws.

Energy Bay Eligible Recipients may disclose non-identifying information (for example, by redacting personal information) where reasonable steps have been taken to reduce the risk that the Eligible Whistleblower will be identified, and the disclosure is for the purpose of investigating the matter or reporting to the Board or the senior leadership team.

## **8 Policy review and implementation**

This Policy has been approved by the Board and has effect on and from 9 June 2025. The Policy Owner is the General Counsel.

This Policy is to reviewed in conjunction with the Supplementary Policies contained in Appendix 1.

The Company will ensure that this policy is communicated to all employees.

Energy Bay reserves the right to vary, replace or terminate this Policy from time to time.

This Policy will be reviewed by the Board:

- on an annual basis; or
- more frequently if there is a significant shift in legislative and/or regulatory requirements or business operations.



9 **Appendix: Supplementary Policies**

This Policy should be read in conjunction with the following Energy Bay policies and frameworks:

Energy Bay Supplementary Policies
ESG Policy
Risk Management Policy
Employee Code of Conduct
Supplier Code of Conduct
Privacy Policy
EEO, Discrimination and Harassment Policy
Grievances and Complaints Policy

