# AFT PHARMACEUTICALS LIMITED

# (AFT Pharmaceuticals)

# Whistleblowing Policy

## 1. What is this Policy about?

AFT Pharmaceuticals is committed to conducting its business with honesty and integrity. We expect all staff to maintain high professional standards and to conduct themselves in accordance with our Code of Culture & Ethics. However, all organisations face the risk of things going wrong from time to time, or unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential to prevent such situations from occurring and to address them if they occur.

This policy encourages AFT Pharmaceuticals Persons to report a suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected. It also provides AFT Pharmaceuticals Persons with guidance on how to raise concerns.

AFT Pharmaceuticals is committed to complying with the laws and practices that protect the rights of people who raise concerns about wrongdoings in or by AFT Pharmaceuticals.

## 2. Who must comply with this policy?

This policy applies to all persons working for AFT Pharmaceuticals and its wholly owned subsidiaries, including employees at all levels, directors, officers, consultants, contractors, interns and secondees (**AFT Pharmaceuticals Persons**).

There are additional requirements that apply to officers and employees in Australia. These are as set out in Annexure A to this policy and are available for review on the company website – aftpharm.com.

This policy does not form part of any employee's contract of employment and may be amended at any time.

## 3. What is Whistleblowing?

Whistleblowing is the reporting of suspected wrongdoing or dangers in relation to our activities.

Each AFT Pharmaceuticals Person must use good judgement to enhance trust, respect and the reputation of AFT Pharmaceuticals, including taking action to prevent the occurrence of a wrongdoing.

To the extent that any AFT Pharmaceuticals Person becomes aware of any activities of wrongdoing, they should follow the process set out in this policy.

Wrongdoings might include:

- financial irregularity, including a fraud against AFT Pharmaceuticals or a customer or supplier, misappropriation of funds or facilitation of tax evasion;
- corrupt conduct, including giving, accepting or authorising bribes;
- criminal conduct, including theft or violence;

- unethical or other improper conduct, including a breach of our Code of Culture & Ethics;
- failure to comply with a legal or regulatory obligation, including conduct that may cause danger to health and safety or to the environment; or
- engaging in or threatening to engage in retaliatory conduct against a person who has made a disclosure or is believed or suspected to have made or be planning to make a disclosure.

## 4. How do I raise a concern?

If you want to make a disclosure about a wrongdoing, you can report it to any of the following:

- your Manager
- Chief of Staff
- Chief Financial Officer
- Chief Executive Officer
- An Independent Director of the Board (via email to independentdirector@aftpharm.com)

## *5.* What information do I need to provide?

It is helpful if you are able to provide some or all of the following information when you are reporting a wrongdoing as this will assist in any investigation. However, it is more important that a concern is raised even if not all details are provided.

Information that is helpful to provide as part of your reporting of any serious wrongdoing:

- Nature of the wrongdoing
- Any background to the wrongdoing including dates and history of the issue
- Why you believe the allegation of wrongdoing is true (relying on facts rather than speculation if possible)
- Any supporting information you may have.

Please be aware that the earlier you report a concern, the easier it may be to take action.

We will arrange a meeting with you as soon as possible to discuss your concern. You may bring a colleague or another person you trust to any meetings under this policy. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.

The law recognises that, in some circumstances, it may be appropriate for you to report your concerns to an external body such as a regulator. In most cases you should not find it necessary to report the incident to anyone externally as this policy provides an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. We strongly encourage you to seek advice before reporting a concern to anyone external.

## 6. Will my concerns be treated with confidentiality?

You have the right to report an allegation of a wrongdoing anonymously. AFT Pharmaceuticals is

committed to protecting AFT Pharmaceuticals Persons in making genuine disclosures and all reasonable efforts will be made to ensure that anonymous disclosures remain anonymous. Anonymity cannot be guaranteed in limited circumstances (e.g. court orders).

AFT Pharmaceuticals Persons wishing to report a wrongdoing should be aware that it will be more difficult to investigate and take action in relation to wrongdoing that is reported anonymously. We encourage individuals to put their name to concerns which they raise in case additional information is required further into the investigation. You will be given support if required.

AFT Pharmaceuticals Persons who make a disclosure about a wrongdoing must at all times keep the information disclosed confidential between themselves and the person to whom they have disclosed the information.

Any information you disclose will be treated confidentially and only shared to the extent necessary to allow the person to whom the disclosure was made, or the Chief Executive, or an Independent Director (as applicable) to conduct a fair and thorough investigation, and to take any remedial action, in accordance with applicable laws.

All AFT Pharmaceuticals Persons have a duty to cooperate, as required, in the investigation of reports of any potential discrimination, retaliation, threats or harassment resulting from the reporting or investigation of any wrongdoing.

## 7. What can I expect after I raise a concern?

All whistleblowing concerns will be treated seriously and addressed promptly and discreetly (as far as is reasonably possible).

Investigation processes will vary depending on the nature of the conduct reported. Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation. Within 20 working days of your concern being raised, we will inform you of the outcome of our assessment and decision as to whether or not to fully investigate the matter.

All investigations must be conducted as soon as practically possible in a manner that is fair, objective and affords natural justice to all people involved. You should treat any investigation as confidential.

While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way.

If you have concerns with the way the investigation is progressing or the outcome of an investigation there are avenues for you to raise your concerns with an appropriate authority. For more information visit the Office of the Ombudsman website.

## 8. Is protection and support available for whistleblowers?

It is in AFT Pharmaceuticals' best interests that our people report wrongdoings. We will not tolerate any behaviour that discourages someone from reporting a wrongdoing or is seen as retaliation to a reported wrongdoing.

Allegations of wrongdoings should be made in good faith and not be vexatious or frivolous or without good reason.

You will not face disciplinary actions or be disadvantaged on the grounds that you have reported a wrongdoing in good faith. If we conclude that a whistleblower has made false allegations maliciously, the whistleblower will be subject to disciplinary action.

## 9. Review

The AFT Pharmaceuticals Whistleblower Policy is subject to regular review by the Board.

Last updated: February 2021

Last reviewed: February 2023

# Annexure A to Whistleblowing Policy: Australia

**What is the scope and purpose of this annexure?**

This annexure to the Whistleblowing Policy ("Policy") applies to officers and employees of AFT Pharmaceuticals in Australia.

In Australia, the Corporations Act 2001 provides legal protection to "eligible whistleblowers" who have reasonable grounds to suspect certain wrongdoing and report "disclosable matters" to "eligible recipients".

**Who are eligible whistleblowers?**

An eligible whistleblower includes an individual in Australia who is a current or former:

- officer or employee (including permanent, part time, fixed term or temporary, interns, secondees, managers and directors) of AFT Pharmaceuticals and its related bodies corporate;
- a supplier of services or goods to AFT Pharmaceuticals (whether paid or unpaid) and their employees (including current and former contractors, consultants, service providers and business partners);
- an associate of AFT Pharmaceuticals; and
- a relative, dependant or spouse of any individual referred to above.

**What are disclosable matters?**

The wrongdoing referred to under 'What is whistleblowing?' in paragraph 3 of the Policy includes circumstances where an eligible whistleblower has reasonable grounds to suspect that:

- the information concerns misconduct, or an improper state of affairs or circumstances in relation to AFT Pharmaceuticals or a related body corporate; or
- the information indicates that AFT Pharmaceuticals, a related body corporate, or any officer or employee of AFT Pharmaceuticals or a related body corporate, has engaged in conduct that:
    - constitutes an offence against, or a contravention of, a provision of any of the following:
        - Corporations Act 2001;
        - Australian Securities and Investments Commission Act 2001;
        - Banking Act 1959;
        - Financial Sector (Collection of Data) Act 2001;
        - Insurance Act 1973;
        - Life Insurance Act 1995;
        - National Consumer Credit Protection Act 2009;
        - Superannuation Industry (Supervision) Act 1993; or
        - an instrument made under an Act referred to above.
    - constitutes an offence against any other law of the Commonwealth that is punishable by a period of 12 months or more; or

- represents a danger to the public or the financial system.

The wrongdoing referred to in paragraph 3 of the Policy does not include a personal work-related grievance (i.e. a grievance about the discloser's employment, or former employment, having or tending to have, implications for the disclosure personally) unless that grievance has significant implications for AFT Pharmaceuticals and meets the requirements of paragraph 3 of this Annexure.

If you have a personal work-related grievance, please contact the Chief of Staff or Chief Financial Officer (each a Whistleblower Protection Officer).

**Who are eligible recipients?**

An eligible whistleblower can report disclosable matters to an officer or senior manager of AFT Pharmaceuticals.

While AFT Pharmaceuticals encourages matters to be disclosed internally, an eligible whistleblower may also report disclosable matters to:

- an auditor, or a member of an audit team, conducting an audit of AFT Pharmaceuticals or a related body corporate;
- a legal practitioner for the purpose of obtaining legal advice or legal representation regarding the whistleblower provisions under the Corporations Act; or
- the Australian Securities and Investment Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or any other Commonwealth body prescribed by the regulations.

In certain circumstances, an emergency and public interest disclosure may also be reported to journalists and members of the Commonwealth, State or Territory parliaments. You should contact AFT Pharmaceuticals' Chief of Staff, Chief Financial Officer or an independent legal advisor to ensure you understand the criteria for making an emergency or public interest disclosure.

**What protections are available?**

If you are an eligible whistleblower who reports a disclosable matter (or an emergency disclosure or public interest disclosure) to an eligible recipient under the Policy:

- you will not be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure;
- no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against you for making the disclosure;
- in certain circumstances, the information is not admissible in evidence against you in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings relating to the falsity of the information; and
- you will be protected from detrimental conduct or the threat (whether express or implied, conditional or unconditional) of detrimental conduct in relation to a disclosure.

Note, however, that the protections under the Corporations Act do not grant immunity for any misconduct you have engaged in that is revealed in the disclosure or is subsequently discovered.

**Protecting your identity**

We are legally obliged to protect the confidentiality of your identity as an eligible whistleblower. Subject to

limited exceptions, it is illegal for a person to identify an eligible whistleblower or disclose information that is likely to lead to the identification of the eligible whistleblower.

Reports can also be made anonymously if required, however this may affect the ability to investigate the matter properly and to communicate with you about your report.

**Protecting records**

We take reasonable steps to protect the confidentiality of an eligible whistleblower's identity, including storing information in a secure location, redacting the whistleblower's identity from relevant documents and not sharing information without the whistleblower's consent unless it is reasonably necessary to manage and investigate the matter.

**Protecting you from detrimental conduct**

Examples of detrimental conduct include dismissal, changes to employment or terms of employment, harassment or intimidation and damage to property or reputation. Threats of detrimental conduct may be express or implied, conditional or unconditional.

If detriment has occurred, we will, on a case-by-case basis, consult with you to determine what actions are appropriate, for example we could re-assign or relocate other staff involved in the disclosable matter, allow you to take extended leave or develop an alternate career development plan. We may also take disciplinary action against the offender(s).

You can also seek independent legal advice if you feel you have suffered detrimental conduct that is prohibited by law. Courts have broad scope to make orders to remedy a detriment or threatened detriment, including injunctions, reinstatement, damages and the making of apologies.

**How is a disclosable matter investigated and handled?**

If an eligible whistleblower reports a disclosable matter to an eligible recipient, we will conduct an initial assessment to determine if it qualifies for protection under the Policy and if a formal, in-depth investigation is required.

Investigations will typically be conducted by an investigator independent of the department involved, and allow any person(s) against whom allegations are made to be given an opportunity to respond. In some cases, an external investigator may be engaged (for example, if there is a conflict of interest or because of the seniority of the person(s) involved).

The process, documentation, reporting and timeframe for an investigation will vary depending on the circumstances.

If you are contactable, we will provide you with updates, although the frequency and nature of the updates will depend on the issues being investigated.

**Where is this Annexure available?**

The Policy and this Annexure is available to AFT Pharmaceuticals' officers and employees on the company website – aftpharm.com.