

Speak Up Policy

1. Introduction

Port of Auckland Limited (“POAL”) is committed to maintaining an environment in which our employees feel comfortable and supported to speak up and raise concerns regarding actual or suspected serious wrongdoing. To encourage reporting of serious wrongdoing, a process is required where individuals can report concerns freely and be protected from retaliation or disadvantage.

POAL wants to be made aware of any possible wrongdoing that may be happening in our workplace. If you suspect wrongdoing has occurred or is occurring, you have a responsibility to report it at the earliest opportunity for further investigation.

2. Purpose

The purpose of this Policy is to facilitate the disclosure and investigation of serious wrongdoing and for POAL to meet its obligations under the Protected Disclosures (Protection of Whistleblowers) Act 2022 (the “Act”) to protect employees who disclose serious wrongdoing.

3. Scope

This Policy applies to all companies in the Port of Auckland Limited Group (employees and contractors). It sets out the processes and procedures POAL has in place to encourage reporting of suspected wrongdoing. It covers what wrongdoing is, how it can be reported, how POAL will manage the event, and how the discloser will be protected.

4. Definition

POAL considers wrongdoing as:

- > an offence or any illegal activity
- > a fraud or any corrupt activity
- > actions that pose a serious risk to health or safety of any person or to environment
- > any sexual harassment, bullying or discriminatory actions
- > actions that are grossly negligent or are considered gross mismanagement.

5. Discloser to be protected

Although POAL is not a public sector organisation, our sole Shareholder, Auckland Council, is. POAL has high standards when it comes to wrongdoing and has chosen to consider itself a public sector organisation in relation to protected disclosures.

The discloser is protected if they:

- > report information which they believe to be true; and
- > disclose the information so that it can be investigated; and
- > want the disclosure to be protected.

The discloser is protected even if they are mistaken and there is no serious wrongdoing, however they must believe on reasonable grounds that there is serious wrongdoing at the time of disclosure and not disclose in bad faith. POAL will ensure the welfare of the person making a disclosure including protecting that person’s identity and ensuring there is no retaliatory action against them.

Your disclosure won't be protected if you know the allegations are false or you act in bad faith.

6. How to report internally

If you feel comfortable doing so you can report the wrongdoing to:

- > your immediate manager
- > the Head of Governance and Risk or the Governance and Risk Manager
- > any member of the Executive Leadership Team
- > any member of the Audit and Risk Committee.

If you are unsure about whether the information you want to disclose relates to serious wrongdoing or if you have any questions about the Act, please seek guidance from the Governance and Risk Team. They are there to support you.

7. How to report externally and anonymously

If you feel unable to report the wrongdoing internally you can report it externally using the independent KPMG FairCall service using any one of the following methods:

- > Calling the toll-free hotline service on 0800 100 526. You can do this anonymously. This line is monitored by trained and experienced KPMG professionals and is available on business days between 9am and 8pm. Outside of these hours you can leave a voice message and KPMG will return the call.
- > Emailing faircall@kpmg.com.au. KPMG will not provide POAL your email address, unless you allow them to.
- > Use the online reporting facility: <https://www.kpmgfaircall.kpmg.com.au/POA>. You can do this anonymously.
- > Mailing a report, or additional information, to a secure mailbox at:

The FairCall Manager
KPMG Forensic
PO Box H67
Australia Square
Sydney NSW 1213

You will need to note it relates to Port of Auckland. You can do this anonymously.

Alternatively, you can report directly to an appropriate government authority (refer to Schedule 2 of the Act).

8. What to include in the disclosure

You should include enough information to enable POAL to investigate the matter fully and fairly. If you would prefer to remain anonymous, you may record your concern or allegation in a way that does not reveal your identity. However, providing details of your identity and being available to participate in the investigation can assist with ensuring the allegation is fully investigated.

The type of information to include in your disclosure is:

- > names of the people involved
- > names of any witnesses
- > date, time, and location of incident(s)
- > details of any proof (including relevant documentation whether hardcopy or electronic)
- > money or assets involved
- > how often this incident has happened.

9. What to do if you receive a protected disclosure

If you receive a protected disclosure, your immediate responsibility is to ensure the welfare of the discloser and you must refrain from any activity that is, or could be perceived to be, victimisation or harassment of that person.

You must use your best endeavours not to disclose information that might identify the discloser, unless that person has consented in writing.

You must immediately report the disclosure to appropriate managers so that the disclosure can be considered and dealt with. The Head of Governance & Risk or the Governance & Risk Manager must be notified. They will inform the CEO, CFO and Audit & Risk Committee Chair as soon as practicable, and as a minimum at its next scheduled meeting.

10. Managing a protected disclosure

POAL will manage the receivers' obligations under the Act. These include, within 20 working days of receiving a disclosure:

- > **Acknowledge receipt** – acknowledge to the discloser the date the disclosure was received (and, if the disclosure was made orally, summarise the receiver's understanding of the disclosure).
- > **Consider** – consider the disclosure and whether it warrants investigation.
- > **Check** – check with the discloser whether the disclosure has been made elsewhere (and any outcome).
- > **Deal with** – deal with the matter by doing one or more of the following:
 - > investigating the disclosure
 - > addressing any serious wrongdoing by acting or recommending action
 - > referring the disclosure to an appropriate authority
 - > deciding that no action is required.
- > **Inform discloser** – inform the discloser (with reasons) about what the receiver has done or is doing to deal with the matter.

11. Investigation and resolution phase

Following receipt of a protected disclosure, POAL will determine whether to appoint an external party to investigate, and if so who. If internal, the lead investigator will be appointed and, if required, additional personnel selected. Care will be taken to ensure that the team members have no conflict of interest concerning the matters being investigated. An investigation plan will be developed. It is critical the investigation is thorough and impartial.

The investigation will aim to determine the truth of the allegations, identify whether those involved have conducted any wrongdoing, and assess the impact on POAL. At the conclusion of the investigation this is reported on, including any recommendations to deal with the wrongdoing and reduce the risk of reoccurrence. Management will then determine the appropriate action and ensure it is fully undertaken in a timely manner.

The investigation will be conducted using the following guidelines:

- > **Preliminary assessment** – first an initial assessment and evaluation of the protected disclosure is carried out to determine the nature and seriousness of the allegations and assess the potential impact on POAL.
- > **Identification of key witnesses and securing and preserving evidence** – continuity of evidence processes will be followed (establish a record of the control, transfer, and ownership of evidence).

The level and extent of complicity in any misconduct will also need to be assessed. This is necessary to avoid destroying or compromising crucial evidence and/or obtaining false or misleading information from persons who may be complicit.

- > **Interviews** – interviews conducted and/or written statements taken from all relevant parties.
- > **Findings** – all relevant evidence will be reviewed to confirm or deny the allegations.
- > **Recommendations** – based on the findings, recommendations will be developed to address misconduct or compliance issues and to minimise reoccurrence.
- > **Reporting** – a comprehensive investigation report will be prepared, detailing findings, the reasons for the findings, and recommendations. The report will be submitted to POAL’s Executive Leadership Team for consideration and the Board Audit & Risk Committee for oversight.
- > **Resolutions** – POAL’s Executive Leadership Team will determine what resolutions are required and ensure the remedial actions are carried out in a timely manner. These resolutions may include disciplinary measures, additional training, and policy, procedure, and control reviews.
- > **Non-Retaliation** – POAL will ensure that the discloser and any other witnesses involved in the investigation are protected from retaliation. Any person performing retaliation will be subject to disciplinary action.
- > **Timeline** – the investigation will be conducted diligently and expeditiously.
- > **Confidentiality** – the investigation will be conducted with utmost confidentiality.
- > **Communication with the discloser** – throughout the investigation process, the person making the protected disclosure will be apprised regarding progress and outcome.

Approved by: Board

Date approved: 20 March 2024

Policy Owner: Head of Governance & Risk

Review frequency: Every 3 years

Appendix – POAL contacts

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