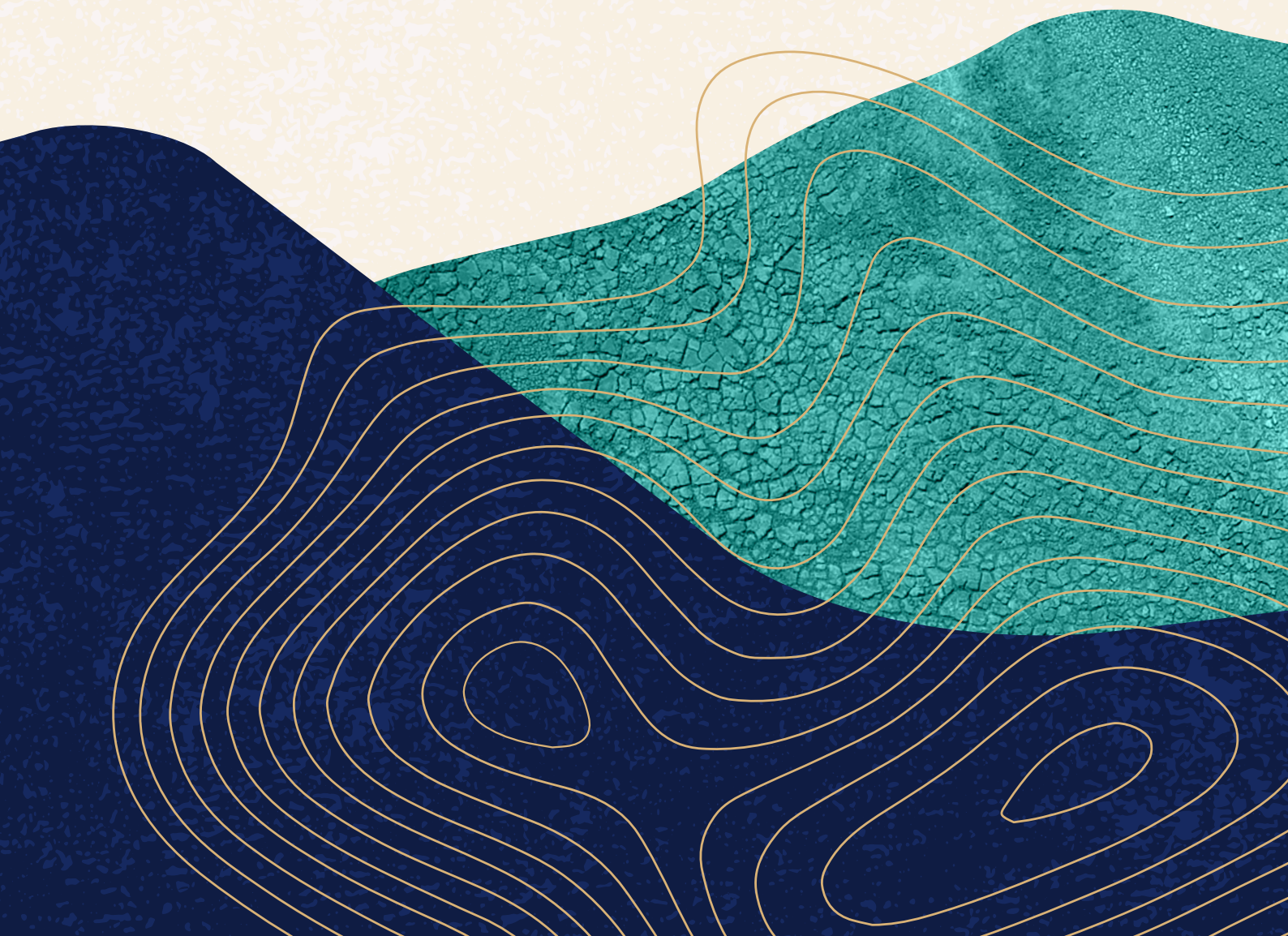




# Modern Slavery Statement 2023



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## Acknowledgement of Country and Traditional Owners

Whitehaven acknowledges Australia's Traditional Owners, recognising their connection to land, waters and community. We pay our respects to First Nations peoples, and to their Elders past and present.



# Reporting entities

This **Joint Modern Slavery Statement 2023** (Statement) is made on behalf of Whitehaven Coal Limited and its controlled subsidiaries that are reporting entities under the Australian *Modern Slavery Act 2018* (Modern Slavery Act) for the financial year ended 30 June 2023 (FY23).

Reporting entities	ABN
Whitehaven Coal Limited	68 124 425 396
Whitehaven Coal Mining Ltd	65 086 426 253
Narrabri Coal Pty Ltd	76 107 813 963
Narrabri Coal Australia Pty Ltd	73 110 262 925
Aston Coal 2 Pty Ltd	14 139 472 567
Tarrawonga Coal Sales Pty Ltd	40 119 741 883
Werris Creek Coal Sales Pty Ltd	71 107 169 111

## Registered office

The registered office of all reporting entities covered by this Statement and their controlled entities is:

Level 28  
259 George Street  
Sydney NSW 2000

In this Statement, unless expressly mentioned otherwise, references to Whitehaven, the Group, the Company, 'we', and 'our', refer to Whitehaven Coal Limited, its subsidiaries and its controlled entities, and Whitehaven Coal Limited operated joint operations as a whole as outlined on pages 95 and 96 of our Annual Report 2023.

This Statement is Whitehaven's fourth under the Modern Slavery Act.

## Consultation with reporting entities

Whitehaven takes a Group-wide approach to how we assess and manage modern slavery risk across all of our controlled entities – this includes our policies, systems and due diligence framework.

In preparation of this Statement, we consulted with directors of each of the reporting entities in the Group.

## Modern Slavery Act mandatory reporting criteria

The table below outlines the page number/s of our Statement that addresses each of the mandatory criteria in section 16 of the Modern Slavery Act.

Mandatory criteria	Page number/s
1. Identify the reporting entity	1
2. Describe the structure, operations and supply chains of the reporting entity	4-7
3. Describe the risks of modern slavery practices in the operations and supply chains of the reporting entity and any entities it owns or controls	8-10
4. Describe the actions taken by the reporting entity and any entities it owns or controls, to assess and address those risks, including due diligence and remediation processes	8-11
5. Describe how the reporting entity assesses the effectiveness of such actions	12
6. Describe the process of consultation with any entities that the reporting entity owns or controls (a joint statement must also describe consultations with the entity giving the statement)	1
7. Any other information that the reporting entity, or the entity giving the statement, considers relevant	12

The Modern Slavery Act defines modern slavery as including eight types of serious exploitation:

- trafficking in persons
- slavery
- servitude
- forced marriage
- forced labour
- debt bondage
- deceptive recruitment for labour or services, and
- the worst forms of child labour: situations where children are subjected to slavery or similar practices or engaged in hazardous work.

## Chairman's introduction

Whitehaven is a proudly Australian company. Our purpose is to support and sustain regional communities by exporting high quality coal from Australia to the world, and respecting human rights is integral to delivering on our commitments.

We acknowledge our role in supporting socially responsible operational and supply chain practices, and are committed to taking action to prevent and mitigate the risk of modern slavery in our supply chains.

With an estimated 50 million victims of modern slavery globally, including 27.6 million victims of forced labour<sup>1</sup>, we recognise the potential for modern slavery practices to exist in our supply chains.

This Statement is our fourth under the Modern Slavery Act, and we continue to build on the actions reported on in our previous statements.

We are focused on improving our approach to reduce the risk of modern slavery practices in our supply chains, including in cooperation with our suppliers.

In FY23, we conducted due diligence on our largest labour hire providers by spend, which is a category that has been recognised as at risk of modern slavery indicators such as deceptive recruitment practices and underpayment.

Pleasingly, this work assessed the risk of workplace exploitation to the degree of modern slavery practices across our labour hire suppliers as low.

We continue to enhance our approach to assessing and managing modern slavery risk, informed by engagement with our suppliers and other stakeholders and with regard to evolving expectations. This Statement outlines further opportunities to refresh and strengthen our approach, as outlined in our FY24 action plan on page 12.

We welcome feedback on our Statement – feedback can be sent to [sustainability@whitehavencoal.com.au](mailto:sustainability@whitehavencoal.com.au)



**The Hon. Mark Vaile, AO**  
Chairman

**“ We continue to enhance our approach to assessing and managing modern slavery risk, informed by engagement with our suppliers and other stakeholders and with regard to evolving expectations.”**



This Statement was approved by Whitehaven Coal Limited's Board of Directors as the parent entity on 5 December 2023 in their capacity as principal governing body of the Group, and was signed by the Hon. Mark Vaile in his role as Chairman.

1. *Global Estimates of Modern Slavery: Forced Labour and Forced Marriage*, by International Labour Organization, Walk Free, and International Organization for Migration 2022.



# Our business

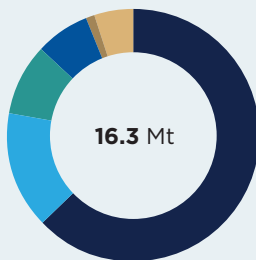
Whitehaven is the leading Australian producer of high-quality, high-calorific value (CV) thermal coal. Our thermal and metallurgical coal products are exported to premium markets, predominantly in Asia.

We help power developed and emerging economies in Asia where there is strong demand for our thermal coal, particularly for use in high-efficiency, low emissions coal-fired power stations.

Whitehaven Coal Limited is incorporated in Australia and its shares are publicly traded on the Australian Securities Exchange. All reporting entities under the Modern Slavery Act within the Group are also incorporated in Australia.

In FY23, Whitehaven reported revenue of \$6.1 billion and managed sales of 16.3 million tonnes of coal.<sup>1</sup>

## FY23 managed sales



- 63% Japan
- 15% Taiwan
- 9% Korea
- 7% Malaysia
- 1% Europe
- 5% Other

**Our purpose** is to support and sustain regional communities by exporting high quality thermal and metallurgical coal from Australia to the world.

**Our strategy** is to own and sustainably operate large, cost-efficient mines producing high-quality, high-CV thermal coal and metallurgical coal for markets in Asia.

Our brand



1. Managed sales including third party purchases and excluding coal reservation sales.

## Our operations

Our operations are located in the Gunnedah Basin in North West NSW. In FY23, we operated four coal mines and the Gunnedah Coal Handling and Preparation Plant (CHPP).

We have a:

- 75% equity interest in the Maules Creek open cut mine
- 77.5% equity interest in the Narrabri underground mine, and
- 100% interest in the Tarrawonga and Werris Creek open cut mines.

Our operating assets are complemented by two high quality, development projects, the Vickery Extension Project near Gunnedah, and the Winchester South Project in Queensland's Bowen Basin.

Early mining of the Vickery coal deposit, which entails a modest capital investment, commenced in 2023.

The Werris Creek Mine, which has most recently been in operation since 2005, will ramp down production in FY24.

Beyond our operations and office in Gunnedah, NSW, we also have offices in Newcastle, Sydney, Brisbane, and in Tokyo, Japan.

## Our workforce

1,290

employees

1,457

contractors<sup>1</sup>

10.5%

of workforce identify as Aboriginal and/or Torres Strait Islander

~75%

of workforce based in local communities surrounding our operations

### Employees by contract type



- 96.8% Full-time
- 1.1% Part-time
- 1.4% Contract
- 0.7% Casual



All Whitehaven coal is exported from the Port of Newcastle using two export terminal providers, Port Waratah Coal Services (PWCS) and Newcastle Coal Infrastructure Group (NCIG). We have a 26% equity interest in NCIG.

1. Full-time equivalent.

## Our supply chains

In FY23, we engaged about 1,500 suppliers and spent \$2.3 billion in contestable spend<sup>1</sup>, with the majority of our spend with Australian-based companies.

<b>\$2.3bn</b> Contestable spend	<b>97%</b> Australian-based suppliers	<b>90%</b> Spend with Australian-based suppliers
<b>~1,500</b> Direct (Tier 1) suppliers	<b>42</b> International suppliers sourced from	<b>15</b> International countries sourced from

### Spend categories

Our largest contestable spend categories are:

#### Rail, port, sales and marketing

Includes rail transport to the Port of Newcastle, coal export terminal costs, port-related costs, and the payment of selling commissions, agents fees and demurrage. We use two export terminal providers, Newcastle Coal Infrastructure Group (NCIG) and Port Waratah Coal Services (PWCS) to store and load coal onto ships for export to our customers.

#### Coal

We purchase Australian-produced coal from third parties, largely to optimise the blend of our own coal or due to production shortfalls.

#### Mining services

Includes engineering, operations and professional services.

#### Energy and utilities

Comprises fuels such as diesel for use in our mining fleet and operations, and electricity from utilities and electricity retailers.

#### Mining equipment

Comprises heavy mine haulage trucks, earth moving equipment and heavy mining equipment, parts, components, and equipment hire.

#### Labour hire

Comprises the recruitment of skilled workers hired in our operations.

#### Drilling and blasting

Includes drilling and blasting services, explosive materials and related consumables.

### Procurement management

Whitehaven's procurement is managed Group-wide by our Procurement team, led by the General Manager Procurement.

We procure goods and services from suppliers through various types of arrangements, which range from short and long-term procurement agreements managed by our centralised Procurement function, to purchase order terms and conditions for low-value purchases that are managed by our operations.

We support Australian small businesses by offering 21-day payment terms to our small and medium-sized local suppliers in the areas around our operations, and report in compliance with the Payment Times Reporting Scheme.

### International suppliers

In FY23, we sourced goods and services from 42 international-based suppliers located in 15 countries. The majority of this spend, which accounted for 10% of our contestable spend, related to purchases of coal produced in Australia, and payment of selling commissions, agent fees and demurrage.

1. Contestable spend includes capital and operating expenditure on 100% operating control basis. It excludes payments to government, taxes, and employee payments and expenses.



<b>Top 10 sourcing countries</b>	<b>Spend categories</b>
Singapore	Coal purchases; Selling commissions, agents fees, demurrage
South Korea	Coal purchases; Selling commissions, agents fees, demurrage
Japan	Selling commissions, agents fees, demurrage
Taiwan	Selling commissions, agents fees, demurrage
United Arab Emirates	Selling commissions, agents fees, demurrage
Switzerland	Coal purchases
The Netherlands	Selling commissions, agents fees, demurrage
Canada	Other (technology)
India	Selling commissions, agents fees, demurrage
United Kingdom	Selling commissions, agents fees, demurrage; Other (technology)



# Assessing and addressing modern slavery risks

We assess the risk of modern slavery practices based on the potential for Whitehaven to cause, contribute to, or be directly linked to modern slavery through our operations and supply chains, as set out in the UN Guiding Principles on Business and Human Rights.

Modern slavery practices that are most likely to occur in supply chains are debt bondage, serious child labour and forced labour.

We are committed to upholding internationally recognised human rights and complying with all applicable local human rights laws. This includes complying with the UN ILO Conventions on minimum age of work and the prohibition of the worst forms of child labour, including hazardous child labour.

We respect human rights, including people's right to freedom from all forms of modern slavery and recognise our responsibility to mitigate and prevent modern slavery practices in our supply chains and operations.



## Risk in operations

We assess the risk of modern slavery practices relating to our workforce as low due to strong human resources controls in place. All of our operations are located in Australia, where there are strong workplace rights and legal protections relating to labour management.

Whitehaven's approach to human resources management is underpinned by robust policies and procedures, training and grievance mechanisms. Our recruitment and onboarding processes include appropriate checks relating to working rights and age requirements.

In FY23, 56% of our employees were also covered by enterprise agreements.

## Contractors

We engage skilled contractors to support our operational requirements, perform specialist and generalist trades, and provide professional and administrative services. The majority of contractors are engaged via our labour hire providers with which we have established contractual arrangements. Refer to page 10 for details of due diligence conducted in FY23 on this category of spend.

## Shipping

Maritime shipping has been recognised as susceptible to modern slavery, with seafarers working in an environment with a high-risk of labour exploitation.<sup>1</sup>

While we are not directly linked to the risk of modern slavery in the shipping industry as we do not procure any shipping arrangements, we are affiliated with parties that are linked to shipping providers through our customers, which procure shipping services for the export of coal.

Whitehaven exports coal via NCIG and PWCS, but does not have any direct contractual relationship with the shipping operators.

In FY23, we reviewed the most recent Modern Slavery Statements published by NCIG, PWCS and the Port of Newcastle.

We remain committed to working with NCIG and PWCS to ensure the right governance framework is in place to monitor and report on modern slavery risk.

1. *Modern Slavery within Maritime Shipping Supply Chains*, by the UN Global Compact Network Australia and Maritime Union of Australia, December 2022.



## Risks in supply chains

In FY22, we engaged Unchained Solutions Pty Ltd (Unchained) to conduct a comprehensive modern slavery risk assessment and mapping exercise of our Tier 1 suppliers.

The risk of modern slavery was analysed based on:

- Country risk – where the suppliers’ activities are based and the risks that represent the country of operation
- Category risk – the type of good or services supplied by the suppliers and the known risks associated with the product or service.

**Country risk** was assessed based on the Walk Free Global Slavery Index 2018, which aims to assess countries’ prevalence of modern slavery, vulnerability to modern slavery, and government responses to modern slavery.

**Category risk** was assessed based on the Global Slavery Index 2018, the International Labour Organization’s dataset, and information from the United States Department of Labor on goods produced by child labour and forced labour. Higher risk categories are typically characterised by a high number of vulnerable workers, largely migrant and low-skilled workers who are employed in low-paying and often higher risk work.

We consider country risk as the key determinant of our risk of contributing to, or being directly linked to modern slavery practices.

In FY23, the majority of our Tier 1 suppliers were assessed as at low risk of modern slavery based on country risk, with 97% of our suppliers based in Australia.

Updating our country risk assessments for the Global Slavery Index 2023, in FY23 we had two international suppliers assessed as in high-risk countries (UAE and India) and one in a medium risk country (China). These suppliers however provide professional services, which are considered lower risk as these do not typically employ vulnerable workers.

In FY24, we plan to review and refresh our risk assessment framework, and approach to assessing new suppliers. Our plans for conducting due diligence of high and/or medium risk-rated suppliers is outlined on page 12.

## Supplier assessment and contract terms

When selecting new suppliers, we assess a range of matters including how the business manages modern slavery in their business and supply chains, the location of the supplier and what country the goods and services provided are sourced from.

Our standard contract terms include a general obligation for suppliers and contractors to comply with all laws, site rules and policies, as well as meet modern slavery laws and provide Whitehaven the right to conduct an audit of, or perform due diligence in respect of, modern slavery risk.

## Assessing and addressing modern slavery risks continued

### FY23 due diligence of labour hire agencies

Our labour hire arrangements are wholly with Australian-based suppliers, and assessed as at low risk of modern slavery practices based on country risk. Third-party labour arrangements have however been identified as at risk of modern slavery indicators such as deceptive recruitment practices and underpayment.<sup>1</sup>

We engaged Unchained to conduct due diligence of the risk of modern slavery practices on our top 10 labour hire providers by spend.

Each labour-hire provider was required to complete a comprehensive Self-Assessment Questionnaire (SAQ) which requested information on their: employment arrangements; responsible sourcing audits or certifications; specific risks related to worker rights; assessment and management of modern slavery risk; and grievance and remediation processes.

Based on the ten labour hire providers' responses, the risk of workplace exploitation to the degree of modern slavery practices was assessed as low. The responses however revealed a varying degree of maturity in their approach to assessing and managing modern slavery risk, largely reflective of organisational size.

### Governance

Our modern slavery risk assessment and mitigation process is led by our Procurement and Sustainability teams, with oversight from the Audit and Risk Management Committee of the Board.

Unchained supports Whitehaven with our modern slavery risk assessment and due diligence processes. Unchained is a modern slavery consulting firm that provides business solutions around strategy, training, analysis, documents and research to assist Australian organisations comply with the Modern Slavery Act.

### Policies

Our suite of policies, which are supported by processes and grievance mechanisms, relating to mitigating and remediating the risk of modern slavery include:

<b>Code of Conduct</b>	Defines the standards of behaviour expected by all our employees and people working for, or on behalf of, Whitehaven – this includes our contractors, consultants and directors. The Code's principles include to: act with honesty, integrity and fairness; treat others with respect and dignity; and maintain a safe working environment.
<b>Speak Up Policy</b>	Encourages anyone with information about potential misconduct to report that information. See page 11, Grievances and remediation, for further information.
<b>Anti-Corruption Policy</b>	Establishes a standard of behaviour of integrity, honesty and transparency which applies to the Company and its directors, officers, employees, agents, and any other party representing the Company.
<b>Diversity and Inclusion Policy</b>	Outlines our commitment to support and encourage a diverse workforce and inclusive workplace which is free from unacceptable behaviour, and our approach to diversity and inclusion. Whitehaven also captures, monitors and reviews employee complaints related to breaches of this policy.
<b>Workplace Behaviour Guidelines</b>	Outlines what constitutes discrimination, vilification, sexual harassment, workplace harassment, bullying and victimisation (together known as unacceptable behaviour) and the process of raising any concerns about unacceptable behaviour. Whitehaven's Workplace Behaviours Complaints Procedure contains the process to manage and resolve workplace bullying, harassment and/or discrimination complaints within Whitehaven.

We expect all our suppliers and contractors to share our commitment to ethical conduct and integrity. All contracted and on-site suppliers are required to comply with our Code of Conduct, policies and procedures.

In FY24, we intend to develop a Supplier Code of Conduct to clarify the expectations of our suppliers, including with respect to modern slavery risk.

1. *Modern Slavery Risks, Rights and Responsibilities*, by ACSI, February 2019.

## Grievances and remediation

Our Speak Up Policy encourages anyone to speak up with information about potential misconduct and to report that information. Potential misconduct includes any improper state of affairs or circumstances in relation to the Company, and therefore includes potential modern slavery practices.

The policy applies to our employees and contractors; suppliers of goods and services and their employees; any associates of the Company; and a relative or dependent, or spouse of a dependent, of any of the above.

The policy outlines how to report concerns relating to business conduct, the processes we follow to respond to reports, and the protections a reporter receives.

Concerns of potential misconduct can be raised either via our external independent hotline service or Whitehaven's Executive General Manager - People & Culture, General Counsel and Company Secretary or Chief Financial Officer. Our independent whistleblower hotline, operated by Navex Global, provides individuals the opportunity to anonymously report potential misconduct.

All reports made are received and treated sensitively and seriously, and are dealt with promptly, fairly and objectively.

Where a concern of modern slavery relating to a direct or indirect supplier is raised, this is reported to Whitehaven's General Manager Procurement and Legal team to initiate further investigation.

In FY23, we did not receive any concerns related to modern slavery practices in our operations or direct suppliers.

## Training and awareness

During FY22, Whitehaven's Procurement team, Commercial Managers and key purchasing staff completed Unchained's e-learning module to deepen their understanding of the issue of modern slavery and the requirements of the Act. Key personnel from Procurement, commercial and site management also took part in a skills training workshop to discuss the impact of modern slavery on the mining sector and good practice in engaging with vendors.

In FY24, refresher modern slavery training will be provided to all personnel involved in procurement-related activities.



# Progress and FY24 action plan

We continue to focus on improving our approach to assessing and managing modern slavery risks. Our FY23 progress and our FY24 planned actions are outlined below.

<b>FY23 progress</b>	<b>Status</b>
Conduct due diligence on third-party labour hire agencies	Complete
Consider approach to address modern slavery risk in shipping	Complete

## **FY24 action plan**

Review and refresh the risk assessment methodology used to identify areas of modern slavery risk in our supply chain
Conduct due diligence on 10 suppliers, including any new Tier 1 suppliers assessed as at high inherent risk of modern slavery, and prioritising any suppliers rated as at medium risk
Revise and develop assessment criteria for new supplier contracts
Provide refresher modern slavery training to all personnel involved in procuring goods and services
Develop a Supplier Code of Conduct

# Assessing effectiveness

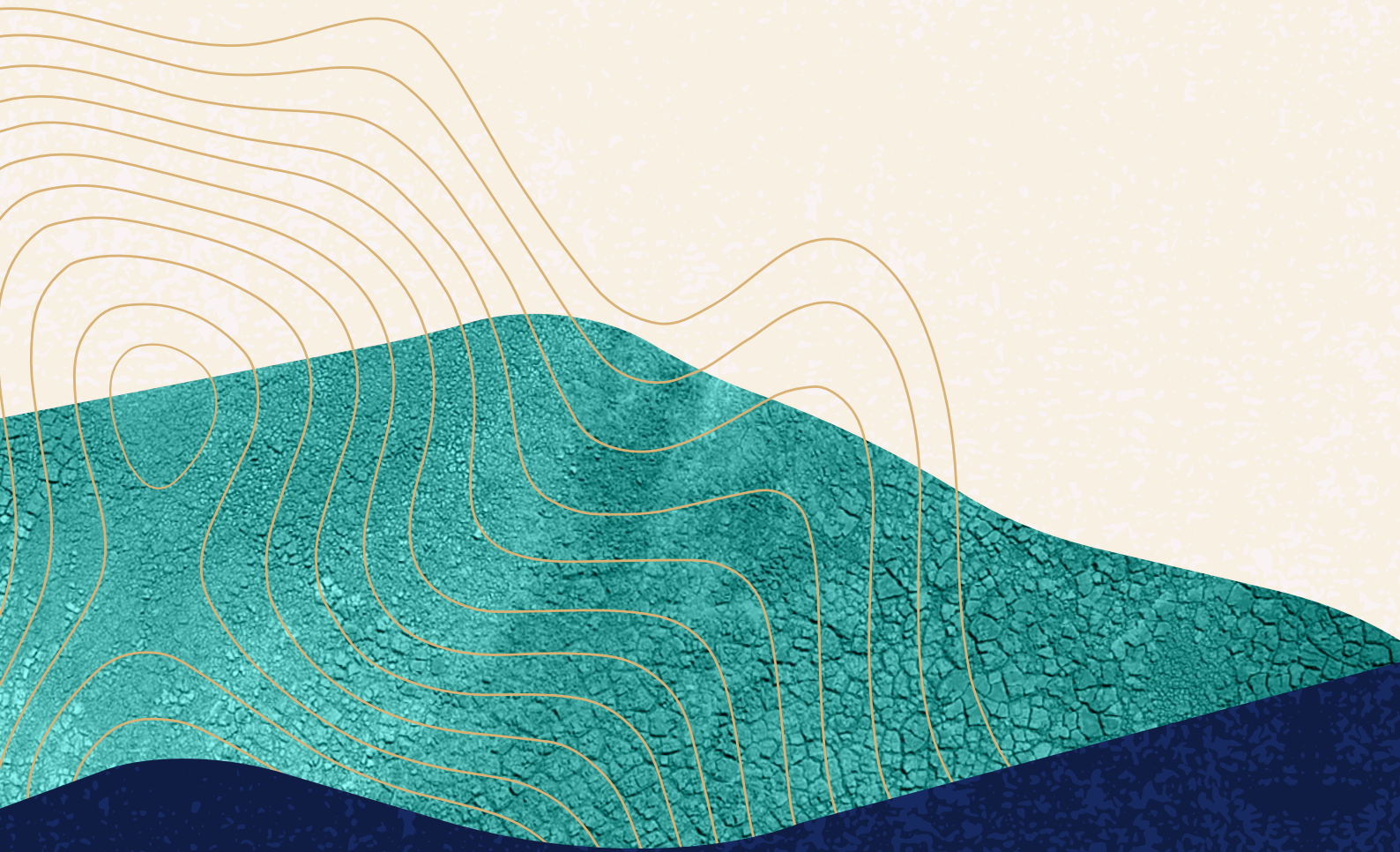
In FY23, we continued to assess the effectiveness of our actions in identifying and managing modern slavery risks by tracking performance and outcomes against our action plan, and through our learnings from engaging with suppliers and other stakeholders. In particular, we reviewed:

- **Risk identification** – the results of our supplier risk assessment, including the number of suppliers identified as at medium or high inherent risk of modern slavery practices.
- **Due diligence** – the proportion completion of modern slavery due diligence SAQs sent to suppliers and findings from the SAQ responses.
- **Awareness and training** – the proportion of our Procurement team and operational staff involved in procurement processes that have completed modern slavery training program, and the need for refresher training.

- **Applying learnings** – how we have applied learnings to further improve our approach and obtain a better understanding of our supply chains.

In FY24, we intend to expand our reporting on assessing effectiveness to include quantitative metrics, and report on the action status of any rectification measures identified for existing or new potential suppliers to improve their capacity to respond to modern slavery risks.





**Whitehaven Coal**

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