

3P ENERGY PTY LTD

APPLICATION FOR NATIONAL ENERGY RETAILER AUTHORISATION

This application for a National Energy Retailer Authorisation by 3P Energy Pty Ltd is submitted for the attention of:

General Manager
Retail Markets Branch
Australian Energy Regulator
GPO Box 520
Melbourne 3001

An electronic copy of this application has also been emailed to AERauthorisations@aer.gov.au

APPLICATION FOR NATIONAL ENERGY RETAILER AUTHORISATION

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1. INTRODUCTION

3P Energy Pty Ltd (“3P Energy”) is a privately-owned Australian company registered under the Corporations Act 2011 in NSW on 4 July 2017. It is a fully owned subsidiary of National Solar Energy Group Pty Ltd. ACN 629 155 571 (NSEG).

It is planning to establish an electricity retail electricity business initially in New South Wales and South Australia, followed by an expansion into other jurisdictions which have adopted the National Energy Customer Framework.

This application has been put together in accordance with the AER’s Retailer Authorisation Guideline – December 2014, issued by the Australian Energy Regulator.

3P Energy is fully aware of the National Energy Retail Law objective: to promote efficient investment in, and efficient operation and use of, electricity services for the long-term interest of energy consumers with respect to price, quality, safety, reliability and security of supply of electricity.

In its retail electricity business, 3P Energy will constantly and diligently strive to uphold the objective of the National Energy Retail Law objective.

Any Appendices or other attachments which are marked as “Confidential” or “Commercial in Confidence” are not part of the public component of this application.

2. GENERAL PARTICULARS

2.1. APPLICANT

The applicant is 3P Energy Pty Ltd.

2.2. TRADING NAME

3P Energy will trade under the registered business name of 3P Energy.

2.3. ABN OR ACN

ACN 620 220 902

2.4 ADDRESS

The registered and postal address of 3P Energy is Level 1, Unit 1/65 Doody Street, Sydney Corporate Park, Alexandria, NSW, 2015. The business operations of 3P Energy will also be conducted at this address.

2.5 NOMINATED CONTACT PERSON

Name: Stewart Jackson
Title: Legal Counsel
Contact No 0412 366 193
Email: swjackson@iinet.net.au

2.6 FORM OF ENERGY FOR WHICH AUTHORISATION IS SOUGHT

Electricity

2.7 INTENDED DATE OF COMMENCEMENT OF RETAIL OPERATIONS

Subject to obtaining a retailer authorisation as sought in this application, 3P Energy intends to commence retailing electricity in late 2020.

2.8. NATURE AND SCOPE OF PROPOSED OPERATIONS

3P Energy plans to retail electricity to residential customers and small and large business customers. Initial retail markets will be New South Wales and South Australia, followed by an expansion into other jurisdictions which have adopted the National Energy Customer Framework.

3P Energy's retail offer to its customers will be a fixed energy price, zero discount, dual product offering, comprising electricity and solar PV with optional battery storage. It will make full use of the existing customer database and call centre facilities of its related companies, Bell Solar Pty Ltd (trading as Sunboost), Todae Solar Pty Ltd and NSEG.

2.9. JURISDICTIONS IN WHICH THE APPLICANT INTENDS TO OPERATE

3P Energy intends to operate initially in New South Wales and South Australia and to expand into other jurisdictions which have adopted the National Energy Customer Framework. The Company then plans to obtain a Victorian Retail Electricity Licence from the Essential Services Commission early in 2021.

2.10. TYPE OF CUSTOMERS THE APPLICANT INTENDS TO SUPPLY

3P Energy intends to sell electricity to residential customers, small business customers and large business customers.

3. REQUIRED INFORMATION – ORGANISATIONAL AND TECHNICAL CAPACITY

3.1. PREVIOUS RETAIL EXPERIENCE

3P Energy is a start-up business entity, established with the specific purpose of retailing electricity. It has no prior operational experience in the retail electricity sector. No associated entity of 3P Energy has had any prior experience in the retail electricity sector.

However, 3P Energy has engaged experienced external consultants to provide all its operational functions other than sales and marketing and call centre operations.

3.2. BUSINESS PLAN

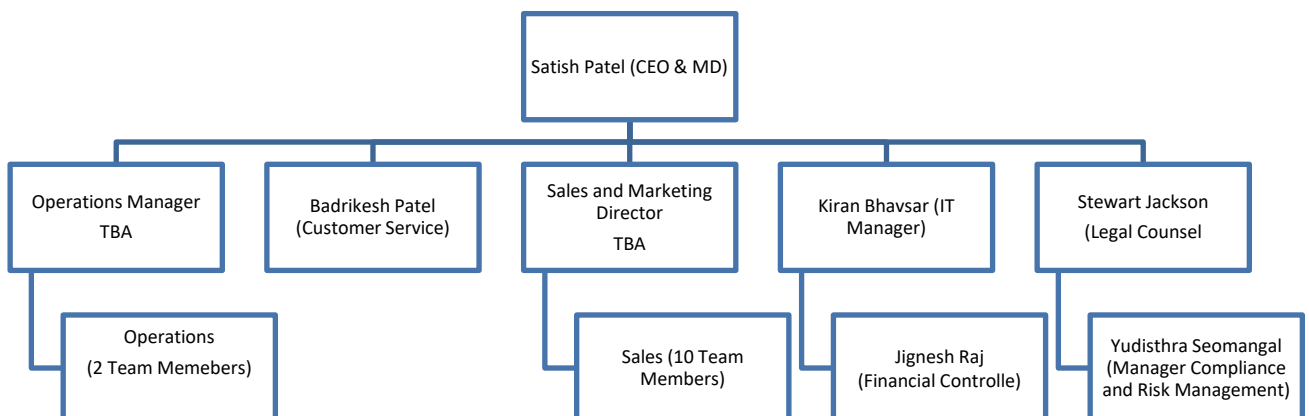
The 3P Energy Business Plan is attached as confidential Appendix A.

The Business Plan sets out operating forecasts for the first five years of the business, including anticipated customer growth. It includes revenue and expenses and a cash flow analysis based on 3P Energy’s operating forecasts.

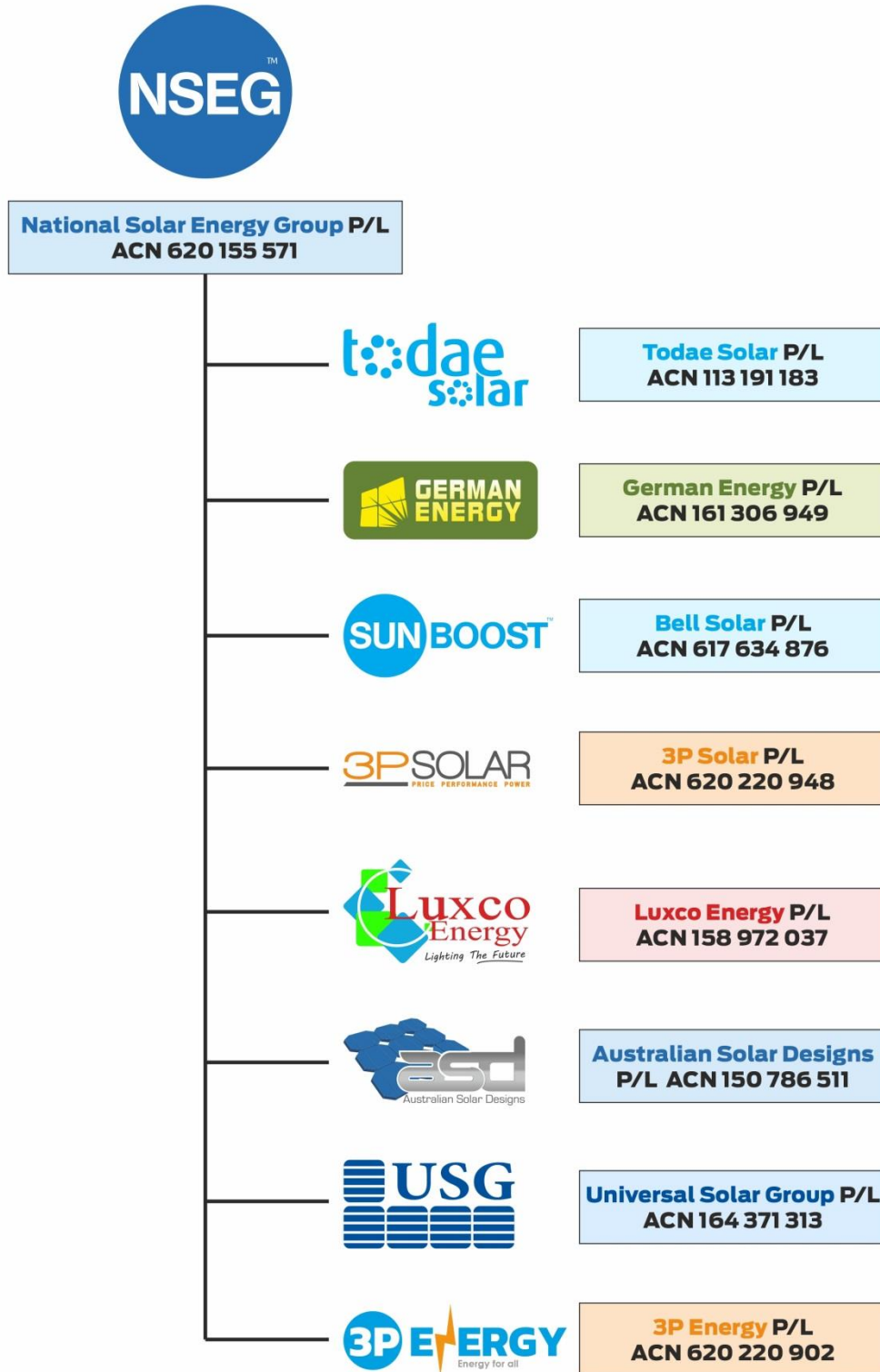
The Business Plan also includes strategic direction and objectives, cash flow projections, forecast results and detailed assumptions on which these projections and forecasts are calculated.

3.3 3P ENERGY ORGANISATIONAL CHART AND NSEG CORPORATE STRUCTURE

The following organisational chart sets out 3P Energy’s planned organisational structure, following the Establishment Phase (a nominal period of two years following commencement of market operations).



The following diagram shows the NSEG Corporate Structure. NSEG holds 100% of the issued shares of all eight subsidiaries:



3.4 TODAE SOLAR

NSEG has recently acquired all the issued shares in Todae Solar Pty Ltd ACN 113 191 183 (Todae Solar).

Todae Solar was founded in 2003 and is the largest commercial and industrial solar PV company in Australia. Todae Solar has a very impressive portfolio of commercial and industrial solar clients across multiple industries.

A Database Access Agreement between 3P Energy and Todae Solar is being drafted and will be entered into as soon as practicable. This will give 3P Energy access to an extensive customer database of large commercial and industrial customers.

3.5 QUALIFICATIONS, SKILLS AND EXPERIENCE OF KEY PERSONNEL

Satishkumar (Sam) Patel – Founder and Chief Executive Officer

Sam has been involved in the renewable energy industry for over 10 years. He co-founded several companies in the renewable energy industry in Australia, which are fully owned by the parent company NSEG.

His roles have ranged from financial analysis to risk management, trading, supplier relations and negotiations, stakeholder relations, stock management and ordering, wholesale, distribution and policy and procedure development. Sam will be crucial to the business and will play a vital role in its operation.

His key achievements have included:

- (a) The acquisition by NSEG of Today Solar Pty Ltd, the largest commercial solar PV installer in Australia;
- (b) The acquisition of a commercial warehouse in Victoria and the opening of a commercial warehouse in Queensland;
- (c) Successfully guiding Bell Solar Pty Ltd (trading as Sunboost) to the status of Australia's largest solar PV company; and
- (d) The acquisition by NSEG of Australian Solar Designs Pty Ltd, a commercial solar CV installer in Australia

His relevant qualifications are as follows:

- (a) Masters of Business (Enterprise Resources Planning), University of Western Sydney (2006)
- (b) Master of Engineering (Mechatronics), University of Western Sydney (2005)
- (c) Post Graduate Diploma in Computer Science, North Gujarat University, India (2002)
- (d) Bachelor of Engineering (Mechanical), North Gujarat University, India (2000)

Badrikesh Patel – Customer Service

Badrikesh has held the position of Customer Relations, Installation and Compliance Manager at Bell Solar (trading as Sunboost) for three years.

He has been responsible for providing a high level of customer service, responding to customer sales and technical queries and managing customer relationships, keeping abreast of relevant rules and legislation, implementing compliance measures for installations and negotiating with third parties including installers, roofers and builders.

His qualifications include

- (a) Bachelor of Science, Gujarat University, Gujarat, India; and
- (b) Master of Information Systems (Hons), MIT (UNE), Sydney

Kiran Bhavsar – IT Manager

Kiran has been the IT Manager for NSEG and its subsidiaries since 2013. He is also the sole director of NSEG and its eight subsidiaries.

Some of his key achievements include:

- (a) Integration of Todaye Solar's software systems with those of NSEG;
- (b) Successfully implementing a new small-scale technology certificate (STC) management app which reduces manual paperwork by 90% and also reduces STC approval time-frame which helps keep the business in positive cashflow
- (c) Obtaining Clean Energy Council Solar Accredited Retailer status for NSEG's subsidiary 3P Solar Pty Ltd

His qualifications include:

- (a) Master of Computing (Networking) 2005, University of Western Sydney, Sydney NSW;
- (b) Master of Computing (Web Design and Engineering) 2004, University of Western Sydney, Sydney NSW;
- (c) Graduate Diploma in Computer Science and Applications 2003; North Gujarat University, Gujarat, India and
- (d) Bachelor of Engineering 2000. Shivaji University, Maharashtra, India.

Stewart Jackson – Legal Counsel

Stewart Jackson is a senior legal practitioner and holds a law degree from Melbourne University. He practises exclusively in the electricity industry and has worked in various in-house Legal Counsel and legal consultancy roles within the retail electricity sector since 1995. Prior to this, he conducted a commercial and general law practice in Melbourne.

He specialises in start-up electricity retailers. He has provided legal, regulatory and compliance support and advice for a number of retailers and embedded network operators including Auspower, Powerdirect, Diamond Energy, Blue NRG, Next Business Energy, Frasers Property Australia, Energy Intelligence and ENSA to name a few.

He has also had extensive experience in the renewables and derivatives areas.

Stewart has committed to remain with 3P Energy as Director and Legal Counsel for at least two years following commencement of market operations.

Jignesh Raj – Chief Financial Controller

Jignesh Raj is the in-house Accountant and Financial Controller for NSEG and its eight

subsidiaries.

He has more than 15 years of experience in accounting and financial services. His key roles are financial planning, account audits, and compliance.

Jignesh established Smart Tax Advisors (STA) in Sydney in March 2013. STA is a boutique accounting firm which specialises in providing professional accounting services, business services, tax advisory and tax planning advisory for individuals and small to medium business entities. STA has more than 600 clients.

His qualifications include:

- (a) Public Practice Certificate – (2013) – CPA;
- (b) Diploma of Financial Planning (2013) – Kaplan;
- (c) Master of Business Administration – Majored in Professional Accounting, University of Technology, Sydney (2005); and
- (d) Bachelor of Engineering – Production Engineering (S. P. University, Nagar, India – (2000))

He is also a Fellow of CPA Australia and of NTAA

Yudisthra Seomangal – Manager Compliance and Risk Management

Yudisthra holds a law degree from the University of Natal, Durban, South Africa and a Master of Laws degree from the University of Technology, Sydney. He was admitted to practice in NSW in July 2007 and has conducted his own commercial and business practice (YS Lawyers) in Sydney since December 2015

Yudisthra has been engaged by NSEG and its subsidiaries since July 2017. His role is to provide legal, compliance and risk management advice. His work for NSEG and its subsidiaries has also involved advice on relevant legislative changes, developing business systems and process, auditing of sales practices, providing compliance training to sales staff and review of marketing collateral.

3.6 SKILLS AND ABILITY PLAN

3P Energy's Skills and Ability Plan is attached as Appendix E to this Application. This is a summary:

- (a) 3P Energy has engaged the consulting services of Utility Software Services Pty Ltd (USS). During the Establishment Phase, USS will provide services and operational processes to 3P Energy across a number of areas within the retail business.
- (b) 3P Energy and USS have entered into a Master Service Agreement, a Consultancy Services Agreement and a Deed of Amendment which are (respectively) Appendix S, Appendix T and Appendix U to this Application. The Master Service Agreement incorporates an agreement for a SaaS-based billing platform and CRM system.
- (c) USS will provide 3P Energy with three resources (staff members) during the Establishment Phase. These resources will fill the specific roles of Pricing Administration and Support, Risk and Compliance and Operations.

- (d) 3P Energy also plans to leverage NSEG's call centre capability for sales activity and train a team of dedicated call centre staff to manage 3P Energy's customer queries, complaints, concerns and the like.
- (e) 3P Energy and NSEG have entered into a Call Centre Agreement whereby NSEG will provide 3P Energy with commercial call centre facilities, customer service representatives and customer support services. The Call Centre Agreement is confidential Appendix K to this Application.
- (f) 3P Energy has engaged RM Hedge Pty Ltd (RMHEDGE) to design and implement 3P Energy's wholesale risk management program and trading strategy.

3P Energy will retain overall accountability for all operational functions within its retail operations, with USS working closely with 3P Energy management to instil a culture of accountability and compliance.

USS will continue to support 3P Energy during the Establishment Phase, after which 3P Energy will reassess its needs and decide upon extending the relationship or bringing the supporting functions in house. Any transition to managing operations in house will be undertaken in a phased approach with significant training for 3P Energy's operational staff.

3.7 COMPLIANCE MANAGEMENT STRATEGY

3P Energy is aware that the Australian retail electricity industry is a tightly regulated one. Accordingly, a strong and flexible compliance management strategy has been developed, based on the principles set out in ISO 19600:2015.

The Company is focused on promoting a *Culture of Compliance* throughout its business. It recognises that its Culture of Compliance will rely on management commitment and responsibility at all levels of the Business. It has prepared its Compliance Policy as a key Operational Tool. The policy identifies all relevant regulatory compliance obligations.

3P Energy plans to create a full-time role of Manager Risk and Compliance, who will be a member of 3P Energy's Risk Management and Compliance Committee (RMCC) and will have authority and responsibility to develop, maintain and implement the Risk Management Policy and the Compliance Policy. He or she will provide advice to the Board and executive management on matters relating to compliance.

The RMCC will have a pivotal role in the Business. The core function of the RMCC will be to implement both the Risk Management Policy and the Compliance Policy and to oversee the operations of the Business from the risk and compliance perspectives. The RMCC will be autonomous and independent of the Board. The Compliance Policy is attached as confidential Appendix B.

3P Energy has carried out a thorough examination of the regulatory obligations of energy retailers and this is set out in the Compliance Register which is attached as confidential Appendix C.

3.8 RISK MANAGEMENT STRATEGY

3P Energy's Risk Management Strategy has as its reference point, AS ISO 31000:2018 Risk management – Principles and Guidelines ("the Standard").

The Standard recommends that an organisation should have a framework that integrates the process for managing risk into the organisation's overall governance, strategy and planning, management, reporting processes, policies, values and culture. Risk management should be applied across an entire organisation in all its areas and levels, as well as to specific functions, projects and activities.

3P Energy is aware of the risks involved in conducting a retail electricity business. Accordingly, 3P Energy's Legal Counsel has designed a risk management framework, based on the Standard.

3P Energy's Risk Management Policy is the foundation and principal constituent of the risk management framework. The policy deals with three main areas of risk, namely financial and market risk, operational risk, and legal, regulatory and compliance risk.

The confidential Risk Management Policy is attached as confidential Appendix C.

3.9 ADDITIONAL POLICIES AND PROCEDURES

Other policies that are being developed or are already developed are the Equal Opportunity Policy, the Internet and Computer Policy, the Customer Focus Policy and the Competition and Consumer Policy. These will be approved by the 3P Energy Board prior to commencement of market operations. These will all be incorporated in induction and training manuals.

3.10 COMPLAINT AND DISPUTE RESOLUTION PROCEDURE

The Company's complaint and dispute resolution procedures, prepared in accordance with Australian Standard AS ISO 10002-2006 (Customer satisfaction – Guidelines for complaints handling in organisations) are set out in Appendix D.

USS's CRM system will be used by 3P Energy to track all correspondence with customers to allow for swift resolution and reporting of customer complaints.

3.11 RISK AND COMPLIANCE ASSURANCE PROCESS

3P Energy's risk management and compliance strategies have been reviewed and audited by Peter Nelson, an external energy lawyer, and his reports are attached as confidential Appendices G.

3.12 INDUSTRY MEMBERSHIPS

3P Energy has been in contact with the following industry bodies and will apply for registration or membership once the application for the Retailer Authorisation is approved.

(a) Australian Energy Market Operator (AEMO);

(b) Austraclear; and

(c) Clean Energy Council.

3.13 MARKET PARTICIPANT AGREEMENTS

3P Energy is aware of its obligation to obtain membership of a recognised energy industry ombudsman scheme in the jurisdictions in which it intends to retail energy to small customers. Accordingly, it will contact the Energy and Water Ombudsman NSW and Energy and Water Ombudsman SA and apply for entry into their schemes once the application for the Retailer Authorisation is approved.

3P Energy has also contacted Ausgrid to advise them on its impending market entry and to discuss their requirements. 3P Energy expects that arrangements will be finalised once the application for the Retailer Authorisation is approved.

3P has also engaged RMHEDGE to design and implement a wholesale risk management strategy and this will be finalised once the application for the Retailer Authorisation is approved.

As noted above in item 3.11, 3P Energy will apply for registration as a market participant with AEMO once the application for the Retailer Authorisation is approved. To date, no steps have occurred.

Metering and connection services will be outsourced to Skilltech Consulting Services Pty Ltd. No Metering Coordinator has been selected as yet. These arrangements will be finalised once the application for the Retailer Authorisation is approved.

4 REQUIRED INFORMATION – FINANCIAL RESOURCES

4.1 AUDITED FINANCIAL REPORTS

3P Energy is a start-up business. It has not yet traded and is unable to produce financial reports for the past 12 months. However, a Bank Reserve Account statement is attached as Appendix J which indicates 3P Energy's financial position.

4.2 FINANCIAL FORECASTS

The Business Plan sets out in detail 3P Energy's financial forecasts covering the initial five years of operation, including anticipated customer growth, projected revenue, cost of purchases, cash flow projections, break-even point and projected electricity consumption over the same period, based on 3P Energy's forecasting and analysis.

4.3 CREDIT RATING

Being a start-up business, 3P Energy has no credit history and is currently unable to produce evidence of any credit ratings

4.4 OWNERSHIP STRUCTURE

3P Energy is a privately-owned Australian company registered under the Corporations Act 2011 in NSW on 4 July 2017. It is a fully owned subsidiary of NSEG.

It will carry on the retail electricity business at Suit 1, Level 1, 65 Doody Street, Alexandria NSW 2015 and will trade under the registered business name of 3P Energy.

4.5 DECLARATION

The Directors of 3P Energy declare that:

- (a) 3P Energy is a going concern; and
- (b) They are unaware of any factor that would impede 3P Energy's ability to finance its electricity retailer activities under the Retailer Authorisation for the next 12 months.

The declaration referred to is attached as confidential Appendix F.

4.6 INDEPENDENT DECLARATION

A written declaration from an independent auditor is attached stating that an insolvency official has not been appointed in respect of the business, no application or order has been made, resolution passed or steps taken for the winding up or dissolution of the business and

he is unaware of any other factor that would impede 3P Energy's ability to finance its energy retail activities.

This declaration is attached as Appendix I

4.7 ARRANGEMENTS TO ACCESS ADDITIONAL CAPITAL

No formal arrangements are in place. In the event that 3P Energy may require additional capital, the shareholders of NSEG will contribute any additional funding.

4.8 CONTRACTUAL ARRANGEMENTS WITHIN THE GROUP

NSEG owns and operates commercial call centres in Sydney and India. 3P Energy and NSEG have entered into a Call Centre Agreement whereby 3P Energy will have the use of the NSEG call centre facilities. This agreement is attached as confidential Appendix K.

3P Energy has also entered into a Database Access Agreement with sister company, Bell Solar Pty Ltd (trading as Sunboost), for access to Sunboost's customer database. This agreement is attached as confidential Appendix M.

A similar Database Access Agreement between 3P Energy and sister company Todae Solar Pty Ltd is being drafted and will be entered into as soon as practicable...

5. REQUIRED INFORMATION – SUITABILITY

5.1. FAILURES

Subject to the following paragraph, no 3P Energy officer or any other business where 3P Energy officers have held an officer position and any other entity that exerts control over 3P Energy's business activities has committed any material failure to comply with regulatory requirements, laws or other obligations over the previous 10 years, including infringement notices or other enforcement action (including voluntary administrative undertakings) being taken by a regulatory body.

On 21 July 2017, P & N NSW Pty Ltd ACN 145 998 929 (P & N) and its then Director jointly and severally entered into an Enforceable Undertaking with the Clean Energy Regulator for the purposes of section 154Q of the Renewable Energy (Electricity) Act 2000. This Undertaking may be viewed on the Clean Energy Regulator's website. The relevant requirements of P & N have been completed. Although Satishkumar (Sam) Patel was the CEO of P & N, at the relevant time he was not a director of the company.

5.2. REVOKED AUTHORISATIONS

No officer of 3P Energy or of any entity that exerts control over 3P Energy's business activities has previously had any authorisation or authorities or licences revoked in any other industry

5.3. LEGAL ACTIONS

No officer of 3P Energy or of any entity that exerts control over 3P Energy's business activities officer has any past or present administrative or legal actions in relation to an authorisation, authority or licence in any industry.

5.4. ROLR EVENT

Neither 3P Energy nor any associate has previously triggered the RoLR provisions of the Retail Law or equivalent state/territory/foreign legislation, or have transferred or surrendered an authorisation or licence in circumstances where if not done, triggering a RoLR event would have been likely.

5.5. OFFENCES OR PROSECUTIONS

No current director or shadow/de facto director of 3P Energy, no other person who exerts control over 3P Energy's business activities and no person who is responsible for significant operating decisions for 3P Energy has committed any offence against or been prosecuted under any territory, state, Commonwealth or foreign legislation (including but not limited to the Australian Securities and Investments Commission Act 2001, Competition and Consumer Act 2010 and the Corporations Act 2001 relevant to 3P Energy's capacity as an energy retailer.

5.6. CRIMINAL HISTORY CHECK

A national criminal history check conducted within the past 12 months will be provided if requested.

5.7. CEO'S DECLARATION

A written declaration from 3P Energy's Chief Executive Officer that no members of 3P Energy's management team have been disqualified from the management of corporations and about the record of bankruptcy of the Company's management team (including in any overseas jurisdiction) is attached as Appendix L.

5.8. OFFICER DETAILS

Full names and current residential addresses of all 3P Energy's officers are set out in confidential Appendix N.

5.9. PROBITY

3P Energy's Probity Policy sets out procedures for handling conflicts of interest, and policies and procedures addressing the probity and competence of officers and other key management staff. This Policy is attached as confidential Appendix O.

3PEnergy will develop an equivalent policy applicable to employees, contractors and consultants and this will be finalised and approved by the Board prior to the commencement of market operations.

6. LIST OF APPENDICES

- A. Business Plan, including financials – commercial in confidence;
- B. Compliance Policy – commercial in confidence;
- C. Compliance Register – commercial in confidence;
- D. Risk Management Policy – commercial in confidence;
- E. Skills and Ability Plan – commercial in confidence;
- F. Declaration as to going concern – commercial in confidence;
- G. Risk and Compliance Assurances (2) – commercial in confidence;
- H. Complaints and dispute resolution policy – not confidential;
- I. Independent Declaration by auditor – commercial in confidence;
- J. Bank Reserve Account statement – commercial in confidence;
- K. Call Centre Agreement – commercial in confidence;
- L. Declaration as to Management Team – commercial in confidence;
- M. Database Access Agreement – commercial in confidence;
- N. Officer Details – commercial in confidence;
- O. Probity Policy – commercial in confidence;
- P. Privacy Policy – not confidential;
- Q. Customer Hardship Policy – not confidential;
- R. Business Continuity Plan – commercial in confidence;
- S. Master Service Agreement – commercial in confidence;
- T. Consulting Services Agreement – commercial in confidence;
- U. Deed of Amendment – commercial in confidence;
- V. RMCC Reporting Template – commercial in confidence;
- W. Drug and Alcohol Policy – not confidential;
- X. Return to Work Policy – not confidential;

- Y. Business Name Registration – not confidential; and
- Z. Employee Code of Conduct – not confidential.