

# Harmers Statement Super Retail Group

Monday, 29 April 2024

Prior to Friday's ASX announcement by Super Retail Group Limited ("SRG"), Harmers Workplace Lawyers ("Harmers") had been approached by a number of present SRG employees very concerned about crucial governance issues at the company.

To date, Harmers currently acts for four clients who are whistleblowers against SRG within the meaning of the Corporations Act 2001 (Cth) ("Corporations Act"). Since Friday's announcement, we have been approached by a further number of current and ex employees with similar concerns.

We are confident that other current and former SRG staff will support our clients' claims. A third party, not associated with SRG, has now also come forward to us with key evidence about the previously undisclosed personal relationship between SRG's CEO, Anthony Heraghty and his former direct report, and SRG's former CHRO, Jane Kelly.

Our two clients, who we assume Friday's ASX announcement was aimed at, have each made Protected Disclosures within the meaning of the Corporations Act, within recent months, to the non-conflicted members of the SRG Board and, in one case, to SRG's external auditor at the time, PricewaterhouseCoopers.

Friday's ASX announcement, and subsequent media coverage initiated by SRG, amounts to victimisation of these whistleblowers, and is causing them additional damage.

One of our clients has supplied SRG with a draft of a proposed Statement of Claim. That document raises a range of serious governance and conduct issues within SRG. The document has been selectively misrepresented in Friday's ASX announcement by SRG.

Only one aspect of the governance issues raised in the draft statement of claim relates to the personal relationship referred to within SRG's announcement. However, SRG seems exclusively focused on this issue.

For clarity, SRG as recently as this month denied the existence of any such relationship of any kind.

When Harmers pointed out that it had clear proof of an intimate relationship, and thus a significant unreported conflict of interest, SRG's position immediately shifted.

As of last Friday, SRG revealed to certain of its staff that a relationship does now exist between Mr Heraghty and Ms Kelly – but SRG now alleges only from January 2024. However, even from that date, such a relationship carried significant conflicts of interest.

One of our clients made a whistleblower complaint in November 2023, via the internal whistleblower platform Whispli, concerning the longer term existence of the relationship and its impact on governance issues – but that complaint was removed from the Integrity Officer and the Head of Risk and given to HR management answering directly to Ms Kelly.

The whistleblower who has served the draft Statement of Claim has provided a medical report and detailed calculations, relating to loss of potential income, justifying the quantum of the claim. Also, our clients offered to confidentially settle this matter for sums less than one third of the dollar amounts in the SRG announcement.

SRG is well aware that this is not a “shakedown”, but a justifiable legal claim for damages, being deliberately misrepresented.

Friday’s announcement had a material impact on SRG’s share price throughout the day. SRG has been well aware for over a week of the information it released last Friday, yet it waited.

The Board of SRG has allegedly known of the relationship since December 2023 – despite SRG’s strident denials of that very relationship until as recently as this month.

The SRG announcement also did not reveal that the litigation will extend to Mr Heraghty personally as CEO. That information appears to have been separately provided to the media and not the ASX, and appears only in more recent articles. That does not coincide with our understanding of continuous disclosure obligations under the ASX Listing Rules and the Corporations Act.

The deliberate misrepresentations by SRG, and an internal campaign of suppression via fear, is threatening the safety of the whistleblowers concerned and a number of SRG staff.

For this reason, two of the whistleblowers have today given notice to the company of the need for Emergency Disclosure under the Corporations Act in the interests of their safety. This is designed to offer a higher level of protection to these whistleblowers now that the matter is public.

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