

WHISTLEBLOWER POLICY

October 2023



AUSTRALIAN TURF CLUB

CONTENTS

1.0	STATEMENT.....	1
2.0	PURPOSE.....	1
3.0	SCOPE.....	1
4.0	WHO CAN MAKE A REPORT	1
5.0	ISSUES THAT SHOULD BE REPORTED.....	2
6.0	HOW TO MAKE A REPORT	3
6.1	Internal Reporting for Team Members.....	3
6.2	External Reporting to the Whistleblowing Hotline.....	3
6.3	Report to a Whistleblower Protection Officer	3
6.4	Report to an Eligible Recipient.....	4
6.5	Report to an External Body	4
6.6	Information to Include in the Report.....	4
7.0	ANONYMOUS REPORTS	5
8.0	INVESTIGATION OF REPORTS.....	6
8.1	Assessment of Report	6
8.2	Appointment of Investigator.....	6
8.3	Conduct of the Investigation.....	6
8.4	Investigation outcomes.....	7
9.0	PROTECTIONS FOR DISCLOSERS.....	7
10.0	SUPPORT FOR DISCLOSERS.....	8
11.0	FAIR TREATMENT OF PERSONS IMPLICATED	8
12.0	REVIEW AND MONITORING	9
13.0	REFERENCES & RESOURCES.....	9
14.0	FURTHER INFORMATION	9
	APPENDIX 1	10
	PROTECTIONS FOR WHISTLEBLOWERS UNDER THE CORPORATIONS ACT	10
	Public interest disclosures and emergency disclosures.....	10
	Legal Remedies.....	10

Document Control		
Date	Name	Position
October 2023	Michael Hoskison	Head of Human Resources

1.0 STATEMENT

Australian Turf Club is committed to supporting team members by offering a Whistleblower Policy.

2.0 PURPOSE

The purpose of this Policy is to:

- Support the values and the code of conduct of ATC, and ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported; and
- Encourage more disclosures of wrongdoing, and deter any wrongdoing within the organisation.

This Policy will be made available on the ATC internet page. Copies of this policy can also be obtained from a Whistleblower Protection Officer.

3.0 SCOPE

The Whistleblower Policy applies to all Australian Turf Club team members and contractors.

4.0 WHO CAN MAKE A REPORT

Reports may be made under this Policy by any current or former:

- Officer or team member of ATC;
- Suppliers, consultants, and contractors of ATC (including their team members, whether paid or unpaid);
- Associates of ATC; and
- Relatives, spouses and dependants of any of the above individuals.

A Discloser is any of the above individuals who makes a report in accordance with this Policy.

A Discloser may also be eligible for protection as a whistleblower under the Corporations Act 2001 (Cth) in certain circumstances. More information on this is attached in the Appendix.

5.0 ISSUES THAT SHOULD BE REPORTED

A Reportable Matter means any information about ATC (or an officer or team member of ATC) that the Discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs in relation to ATC.

This includes where the Discloser has reasonable grounds to suspect that the information indicates ATC (including its team members or officers) has or may have engaged in conduct that:

- Constitutes an offence against, or a contravention of the Corporations Act 2001 (Cth), the Australian Securities and Investments Commission Act 2001 (Cth); any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- Represents a danger to the public or the financial system;
- Breaches any internal policy or code of ATC;
- Is illegal (such as theft, use of illicit drugs, violence or criminal damage against property); or
- Constitutes dishonest, fraudulent or corrupt activity, including bribery.

A Discloser must have reasonable grounds for a report made under this Policy. A mere allegation with no supporting information is unlikely to be considered as having 'reasonable grounds'. However a Discloser does not need to prove their allegations.

A Discloser will still qualify for protection under this Policy even if their disclosure turns out to be incorrect.

The reporting of false information is taken very seriously by ATC. Individuals who deliberately or knowingly report false information will not be able to access the protections available under this Policy for Disclosers, and individuals who are team members, officers or contractors of ATC may be subject to disciplinary action.

Personal Work Related Grievances of current or former team members are not covered under this Policy, and should be reported to your line manager or Human Resources representative. Disclosures about these matters may be protected under other legislation.

A Personal Work Related Grievance means a grievance about any matter in relation to the discloser's employment, or former employment, having (or tending to have) implications for the discloser personally. This includes:

- An interpersonal conflict between the discloser and another team member;
- A decision relating to the engagement, transfer or promotion of the discloser;
- A decision relating to the terms and conditions of engagement of the discloser; and
- A decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

However, it does not include:

- Any conduct that would be considered victimisation of an individual because they have made, may have made, or propose to make a report under this Policy; or
- A matter that would have significant implications for ATC.

6.0 HOW TO MAKE A REPORT

6.1 Internal Reporting for Team Members

Team Members should first report any matters of concern to their direct line manager or Head of HR. Where this is not appropriate, where the team member does not feel comfortable making an internal report, or where a team member has made an internal report but no action has been taken within a reasonable time, the report can be made using the reporting channels outlined below.

6.2 External Reporting to the Whistleblowing Hotline

Team members, officers and individual contractors may make a report to ATC's external whistleblowing hotline, Faircall.

Reports may be made using the following methods:

- By calling the FairCall service on 1800 500 965 in Australia;
- Online at <https://www.kpmgfaircall.kpmg.com.au/australianurfclub>
- By fax to +61 2 9335 7466; or
- By mail to:

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

6.3 Report to a Whistleblower Protection Officer

Any Discloser may make a report directly to a Whistleblower Protection Officer (WPO). There are currently two WPOs for ATC, being:

- The Primary WPO, Head of HR and;
- The Secondary WPO, Chief Executive Officer.
- Reports to a WPO:
 - Must be made in person or by telephone; and
 - The Discloser must first inform the WPO that they wish to make a report under this Policy, so that the WPO can make appropriate arrangements in relation to confidentiality.

6.4 Report to an Eligible Recipient

If a Discloser is unable to use any of the above channels for reporting, a report can be made to an Eligible Recipient within ATC. Eligible Recipients in relation to ATC are:

- Officers, directors and senior managers;
- Internal or external auditors, or a member of an audit team conducting an audit.

Reports to an Eligible Recipient:

- Must be made in person or by telephone; and
- The Discloser must first inform the Eligible Recipient that they wish to make a report under this Policy, so that the Eligible Recipient can make appropriate arrangements in relation to confidentiality.

An Eligible Recipient may direct the Discloser to make the report to a WPO, if they consider it appropriate in the circumstances.

6.5 Report to an External Body

ATC encourages team members and other Disclosers to make a report to ATC in the first instance, so that it can identify and address wrongdoing as early as possible. However, the Discloser may make a report about a Reportable Matter to an external party as set out in the Appendix.

6.6 Information to Include in the Report

For a report to be investigated, it must contain sufficient information to form a reasonable basis for investigation. For this reason, Disclosers should provide as much information as possible, in any form, about the Reportable Matter.

By way of example, information could include (but must not necessarily include):

- The date, time and location;
- The name(s) of person(s) involved and possible witnesses to the events;
- Evidence of the events (e.g. documents, emails etc.); and
- Steps the Discloser or another person may have already taken to report the matter or to resolve the concern.

7.0 ANONYMOUS REPORTS

Disclosers are encouraged (but not required) to disclose their identity when making a report. Providing their identity will assist in:

- Monitoring their wellness and protections against Detriment; and
- Investigating their report and obtaining further information from them as is necessary to complete the investigation.

If the Discloser has not consented to the disclosure of their identity, the matter may still be referred for investigation, but the investigator will be required to take all reasonable steps to reduce the risk that the Discloser will be identified as a result of the investigation.

Information about a Discloser's identity may only be disclosed without consent in the following circumstances:

- Where the information is disclosed to ASIC, APRA, the Australian Federal Police or to a person or body prescribed by regulations; or
- Where the information is disclosed to a legal practitioner for the purpose of obtaining legal advice in relation to the operation of applicable whistleblowing protection laws.

Information that may be likely to lead to the identification of the Discloser may be disclosed without consent if:

- The information does not include the Discloser's identity;
- All reasonable steps have been taken to reduce the risk that the Discloser will be identified from the information; and
- It is reasonably necessary for investigating the issues raised in the report.

It is illegal for a person to identify a Discloser or disclose information that is likely to lead to the identification of a Discloser, apart from the exceptional circumstances described above.

8.0 INVESTIGATION OF REPORTS

8.1 Assessment of Report

The Primary WPO will conduct an initial assessment of a report made under this Policy to assess whether it concerns a Reportable Matter, whether a formal, in-depth investigation is required, and whether the matter may be investigated or confirmed in other ways.

An investigation may not be possible if the Discloser cannot be contacted or further details cannot be obtained (for example, if a report is made anonymously and no contact details are provided).

If the Primary WPO is implicated in the report, the Secondary WPO will make the initial assessment. If both WPOs are implicated in a report, the matter may be referred directly to the Chair of the Board.

8.2 Appointment of Investigator

The WPO will appoint an investigator to investigate the matter. The investigator can be:

- A team member of ATC with the required skills and experience;
- An external independent resource; or
- Another suitably qualified person, who in whichever case, is not implicated directly or indirectly in the report.

8.3 Conduct of the Investigation

To the extent that they include sufficient detail and are able to be investigated, reports of Reportable Conduct made under this Policy will be investigated as soon as possible after the matter has been reported.

The investigator will use his or her best endeavours to conduct the investigation in a timely, thorough, confidential, objective and fair manner and as is reasonable and appropriate having regard to the nature of the Reportable Conduct and all of the circumstances.

- Where appropriate, the subject(s) of the report will be informed of the allegations and have an opportunity to respond.
- Where appropriate, the WPO will update the Discloser on the progress of the investigation. A Discloser must not disclose and must keep confidential any details of the investigation, its progress or its outcome.
- Where appropriate, and where the identity of the Discloser is known, the WPO will inform the Discloser of the outcome of an investigation into a report made by the Discloser in accordance with this Policy.

8.4 Investigation outcomes

The outcome of the investigation may result in disciplinary action for officers and team members up to and including dismissal without notice. Serious criminal matters will be reported to the police or the appropriate regulatory authorities.

9.0 PROTECTIONS FOR DISCLOSERS

It is a breach of this Policy to subject a Discloser to any Detriment because they have made, or propose to make, a report under this Policy. It is also a breach of this Policy to make a threat to cause Detriment to a Discloser (or another person) in relation to a report.

“Detriment” includes (without limitation):

- Dismissal;
- Injury of a team member in his or her employment;
- Alteration of an team member’s position or duties to his or her disadvantage;
- Discrimination between a team member and other team members of the same employer;
- Harassment or intimidation;
- Harm or injury (including psychological harm);
- Damage to a person’s property; and
- Reputational, financial or any other damage to a person.

Detriment does not include administrative action that is reasonable to protect a Discloser from Detriment (for example a temporary transfer), or reasonable management action in relation to managing a team members work performance, if the action is in line with ATC’s performance management framework.

If a Discloser believes they have suffered or may suffer Detriment because they have made a report under this Policy, or if any person has threatened to cause Detriment to them or another person in connection with a report, they should immediately report the matter to a WPO.

The Discloser cannot be subject to civil, criminal or administrative liability for making a report under this Policy (although, he or she may be subject to civil, criminal or administrative liability for their personal misconduct that is revealed in a disclosure).

Further information on remedies is set out in the Appendix.

10.0 SUPPORT FOR DISCLOSERS

Support available for Disclosers includes:

- connecting the Discloser with access to the Employee Assistance Program (EAP);
- appointing an independent support person from the human resources team to deal with any ongoing concerns they may have;
- Connecting the Discloser with third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636).

Use of these support services by a Discloser may require the Discloser to consent to disclosure of their identity or information that is likely to lead to the discovery of their identity.

11.0 FAIR TREATMENT OF PERSONS IMPLICATED

Any reports that implicate a team member or officer of ATC must be kept confidential, even if the Discloser has consented to the disclosure of their identity, and should only be disclosed to those persons who have a need to know the information for the proper performance of their functions under this Policy, or for the proper investigation of the report.

No action will be taken against team members or officers who are implicated in a report under this Policy until an investigation has determined whether any allegations against them are substantiated.

However, a team member or officer who is implicated may be temporarily stood down on full pay whilst an investigation is in process, or may be temporarily transferred to another office, department or workplace, if appropriate in the circumstances.

Any such stand-down or temporary transfer may only continue for the duration of the investigation. If the investigation determines that the allegations are not substantiated, the team member officer must be immediately reinstated to full duties.

A team member or officer who is implicated in a disclosure has a right to be informed of the allegations against them, and must be given an opportunity to respond to those allegations and provide additional information, if relevant, in the course of an investigation into those allegations (subject to the Discloser's right to anonymity).

A team member or officer who is implicated in a report will be informed of the outcome of any investigation.

Support available for persons implicated in a report under this Policy includes:

- The person with access to the Employee Assistance Program (EAP);



- Appointing an independent support person from the human resources team to deal with any ongoing concerns they may have;
- Connecting the person with third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636).

12.0 REVIEW AND MONITORING

The Primary WPO will report to the Board of ATC on a quarterly basis regarding the effectiveness of this Policy, and ATC's whistleblowing processes. All such reports shall be de-identified and shall ensure confidentiality of Disclosers.

If a report under this Policy relates to serious misconduct or involve a serious risk to ATC, a WPO may immediately notify the Board.

ATC shall review this Policy, and its whistleblowing processes, on a periodic basis to ensure that it is operating effectively, and to rectify any issues identified in the review.

13.0 REFERENCES & RESOURCES

- ATC Intranet

14.0 FURTHER INFORMATION

Please contact the HR team for more information.

Matt Galanos
Chief Executive Officer

Date Issued: August 2020
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Australian Turf Club reserves the right to vary, replace or terminate this policy from time to time.

APPENDIX I – PROTECTIONS FOR WHISTLEBLOWERS UNDER THE CORPORATIONS ACT

A Discloser may qualify for protection as a whistleblower under the Corporations Act 2001 (Cth) if they are an ‘eligible whistleblower’ in relation to ATC, and:

- They have made a disclosure of information relating to a ‘disclosable matter’ directly to an ‘eligible recipient, or to ASIC, the Australian Prudential Regulation Authority (APRA) or another Commonwealth body prescribed by regulation;
- They have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act (even in the event that the legal practitioner concludes that a disclosure does not relate to a ‘disclosable matter’); or
- They have made an ‘emergency disclosure’ or a ‘public interest disclosure’.

Public interest disclosures and emergency disclosures

Disclosures can be made to a journalist or a parliamentarian under certain circumstances and qualify for protection under the Corporations Act. Amongst other requirements, such disclosures must first be made to ASIC, APRA or another Commonwealth body prescribed by regulation, and a further written notice must be given to the body to whom the disclosure was initially made.

A Discloser should obtain independent legal advice to ensure that they understand the criteria for making an emergency disclosure or a public interest disclosure that qualifies for protection.

Legal Remedies

A Discloser that suffers loss, damage or injury because of a protected disclosure may seek compensation and other remedies through the courts.

A Discloser should seek independent legal advice if they wish to obtain such a remedy.

A Discloser may also contact regulatory bodies such as ASIC or APRA if they believe that they have suffered Detriment due to making a report about a disclosable matter, or if there has been a breach of confidentiality such as a disclosure of their identity without their consent.