

Whistleblower Policy

1. Purpose and Commitment

Fairfield RSL Club (“**the Club**” or “**FRSL**”) is committed to ensuring the highest standards of conduct and ethical behaviour in all of our business practices. We aim to promote and support a culture of respect, honest and ethical behaviour, good corporate governance and compliance.

FRSL is dedicated to providing a safe environment and encourages feedback and reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct that does not match our corporate values. We seek to provide protections and measures so that those persons who make a report may do so confidentially and without fear of intimidation, disadvantage or reprisal.

This policy is made available to employees of the organisation via the Club’s Employee Handbook (2019 version), Staff eBoard and Staff Lounge. Any other persons wishing to access or use this policy may do so through our organisation’s Lobby or Duty Managers.

The purpose of this document is to ensure that you are aware what can be reported under this policy, where you can raise your concerns for any breaches and the process for investigation.

2. Who Can Report

Whistleblower disclosures can be made by current and former:

- Employers and officers;
- Contractors, suppliers and their employees (a contractor or supplier includes an individual who supplies goods or services, whether paid or unpaid.);
- An individual who is an associate (as defined in the Corporations Act) of the entity; and
- Spouses and relatives of any of the above.

3. Decision to Remain Anonymous

FRSL encourages you to identify yourself when you report a breach of the Corporations Act (Section 1317AE) since that enables you to qualify for protection under the law as a whistleblower. However, our organisation respects and protects your identity and right if you choose to make an anonymous report. You may choose to remain anonymous while making a report and at any given time, you may also choose to identify yourself but this is your choice and at no point do you need to do this. However, it is worth noting that whilst FRSL makes every endeavour possible to investigate your report, in some cases, there may be limitations of what can be achieved if the informant decides to remain anonymous.

4. What Conduct Should Be Reported

You are encouraged to report any matters of serious misconduct that you honestly believe contravene:

- Our Organisation Code of Conduct
- Our Organisation policies
- Our Organisation's obligations
- The law

5. What Is Not Disclosable Conduct

Some examples of things that (on their own) would usually not be disclosable conduct includes:

- Complaints about the level of service received from the organisation or a particular official;
- A difference of opinion about a policy adopted by the organisation;
- Employment disputes with your employer;
- Disagreeing with company direction or decisions to donate to particular causes or charities.

6. Who Can I Report To Internally

If you become aware of any issue or behaviour, you should raise it as soon as practical with one of the Protected Disclosure Officers outlined below. Raising your matter early allows it to be addressed in the right way by an appropriate person. At no point should you attempt to conduct the investigation yourself before raising the matter as this could interfere with any future actions or, in rare cases, could put your safety at risk.

If you have fears for your wellbeing, safety or fear of reprisal as a result of raising your matter, you should mention these at the time you report the matter. You will be noted by the Club as a Discloser/Informant, and afforded the protections outlined under this Policy.

If you come across a Reportable Conduct, the following Protected Disclosure Officers have been made available to you to ensure appropriate escalation and timely investigation:

- Harassment Officer – Julie Topic
- Human Resources Manager – Helen Quach

- WHS Chairperson – Joanne Buckman

Reports may also be posted to c/ - Fairfield RSL Club, 14 Anzac Avenue, Fairfield NSW 2165 (marked to the attention of one of the Protected Disclosure Officers).

You may also raise the matter with a Department Head or wish to arrange an appointment with the Chief Executive Officer, Anthony Sobb.

7. Who Can I Report To Externally

In the event you are not comfortable in raising a report internally, you can confidently and easily report it to the company's external independent whistleblower service provider, WBS, at a time convenient to you, without fear of identification, retribution or reprisal.

Reporting to WBS can be done by logging in to their website at www.whistleblowingservice.com.au and clicking on the “**Click here to Make a Secure Report**” button on the right hand side of the screen.

This will direct you to <https://www.whistleblowingservice.com.au/fairfield-rsl/>

Simply follow the prompts entering:

- Unique Client Reference FairfieldRSL
- Entry Key 2020rsl
- Requested information (drop down box or free text)

The process will require you to report the wrongdoing on an electronic form which is entirely between you and WBS. Your identity, information and privacy will be protected by secure 256-bit encryption and you will be able to upload documentation and/or other evidence that you may have to support your information.

When completing a report, please put forward the relevant factual information only. Please do not provide your opinion or why you consider the issue arose.

To protect your anonymity, WBS does not keep any information about you (name, phone number or email are not collected).

Accordingly, WBS will not contact you. If anyone suggests they are following up your complaint, you will know this is not true.

Once completed you will be provided with your own unique number. **Please keep a record of the unique number.**

You will need your unique number to:

- Resume a report or provide more information
(<https://www.whistleblowingservice.com.au/resume-a-report/>)
- Check to see if there is any more information required
(<https://www.whistleblowingservice.com.au/safe-login/>)

To protect the confidentiality of the information you can:

- Remain completely anonymous; or
- Disclose your identity only to WBS and they will not disclose your identity to our Organisation until they have your permission or until required by law; or
- Disclose your identity to both WBS and to our Organisation.

8. FRSL'S (Internal Reporting) Investigation of Reportable Conduct Process

When you report a Disclosable Conduct under this policy, you should provide as much information as possible. Information such as dates, times, location, individuals involved, other witnesses, physical evidence (e.g. documents, images) and any other general information may be helpful to assist the Club to determine how to take appropriate action.

The investigation process will be determined by the nature and substance of the report, however all matters reported under this policy will be conducted as soon as practicable. A Protected Disclosure Officer may (with your consent), appoint a person to assist in the investigation of a report. From time to time, the investigation process may involve witness interviews or further information from the Discloser.

Where appropriate, FRSL will provide feedback to you regarding the investigation's progress and/or outcome (subject to considerations of the privacy of those against whom allegations are made). Where a report has been submitted anonymously, the Club will conduct the investigation based on the information provided.

The investigation will be conducted in an objective, fair and most reasonable and appropriate manner having regard to the nature of the disclosed conduct and the circumstances.

Examples of actions may include:

- A satisfactory explanation in relation to the matter, including if the report is unsubstantiated;
- Resolving the matter by speaking to one or more parties involved;
- Having the matter recorded and monitored moving forward;
- Having the matter investigated further via an independent or external investigator depending on the matter (i.e. Australian Federal Police);
- A combination of the above.

9. WBS' (External Reporting) Investigation of Reportable Conduct Process

In the event you have reported your concerns to the WBS, WBS will analyse the complaint, and upload it to the Organisation area of their website along with a suggested course of action within one business day of them receiving the complaint. A FRSL Disclosure Officer who will investigate the complaint internally; will then view this.

Please bear in mind that the information you disclose may mean that:

- You can be identified – please ensure that the information is focused on what happened and not necessarily how it was observed.
- You might disclose your identity (through position/title/role or the connection with the people with whom you have a concern).

The investigation and resolution of the suspected improper conduct may have to be delegated to another employee of the company. Any information contained in your disclosure will be revealed to the delegate who will carry out the investigation.

No delegation will be made by FRSL to an employee related to the allegation.

All disclosures will be the subject of a thorough investigation with the objective of locating all relevant evidence to understand the nature of the issue. Based on the investigation the Club will determine if there is enough information to take the matter further or to close the matter.

Progress will be posted to the WBS website for access.

You can provide update through the WBS website

Once the investigation is completed, feedback will be provided to you as to the outcome of the investigation.

10. What If The Discloser/Informant Is Unsatisfied With The Outcome

If, after receiving feedback regarding the investigation, the informant is not satisfied with the result, you may escalate this issue to the Chief Executive Officer, Anthony Sobb. The Discloser can provide this escalation in writing so that a formal review can take place. While the CEO commits to reviewing the request, FRSL is under no obligation to reopen the investigation. If the CEO concludes that the investigation was conducted properly and no new information exists that would change the results of the investigation, the investigation will be concluded.

11. Protection Of Whistleblowers And The Legislation

FRSL is committed to ensuring confidentiality in respect to all matters raised under this policy, and those who make a report are treated fairly and are protected from reprisal being taken against them to their detriment.

a) Protection against detrimental conduct

Detrimental treatment includes dismissal, demotion, harassment, discrimination, disciplinary action, bias, threats or other unfavourable treatment connected with making a report.

If you believe you are subjected to detrimental treatment as a result of making a report under this policy, you should:

- Inform a Protected Disclosure Officer, Department Head or CEO immediately; or
- Raise it in accordance to Clause 4 of this policy.

Note: It is important to understand that if a person makes a protected disclosure, they are not exempt from the consequences if they are engaged in their own misconduct.

b) Protection of your identity and confidentiality

Subject to compliance with legal requirements, upon receiving a report under this policy, FRSL will only share your identity as a whistleblower or information likely to reveal your identity if:

- You consent;
- The concern is reported to the Australian Securities and Investments Commission (“**ASIC**”), the Australian Prudential Regulation Authority (“**APRA**”), the Tax Commissioner or the Australian Federal Police (“**AFP**”); or
- The concern is raised with a lawyer for the purpose of obtaining legal advice or representation.

If the Club needs to investigate a report, it may disclose information to third parties (as stated above) that could lead to your identification, but it will take reasonable steps to reduce this risk.

Any disclosure of your identity or information likely to reveal your identity will be made on a strictly confidential basis.

c) Protection of files and records

All files and records created from an investigation will be retained securely.

Unauthorised release of information to someone not involved in the investigation (other than senior managers or directors who need to know to take appropriate action, or for corporate governance purposes) without your consent as a Whistleblower will be a breach of this policy.

Whistleblowers are assured that a release of information in breach of this policy will be regarded as a serious matter and will be dealt with under FRSL’s disciplinary procedures.

The **Corporations Act** gives special protection to disclosures about breaches of that Act, provided certain conditions are met – refer to **Attachment A** for further details.

The Taxation Administration Act 1953 (Cth) (“**Taxation Administration Act**”) also gives special protection to disclosures about breaches of any Australian tax law, provided certain conditions are met – refer to **Attachment B**.

12. Your Role and Responsibility

Anyone making a report must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a wrongdoing. While reports can be anonymous, any allegations which prove to have been made maliciously or knowingly to be false will be investigated and viewed as a serious disciplinary offence. No action will be taken where the report was made in good faith, but no wrongdoing was identified.

13. Amendment of this Policy

The policy cannot be amended without approval of the CEO of FRSL. It will be reviewed from time to time to ensure that it remains effective and meets best practice standards and the needs of FRSL.

Last edited: August 2019

Attachment A – Special Protections under the Corporations Act

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The Corporations Act gives special protection to disclosers about any misconduct or improper state of affairs relating to FRSL if the following conditions are satisfied:

1. The Whistleblower is or has been:
 - a) An officer or employee of FRSL;
 - b) An individual who supplies goods or services to FRSL or an employee of a person who supplies goods or services to FRSL;
 - c) An individual who is an associate of FRSL
 - d) A relative, dependent of the spouse of any individual referred to at (a) to (c) above;

2. The report is made to:
 - a) A Protected Disclosure Officer;
 - b) A Department Head or CEO (officer or Senior Manager of FRSL as described in the Act);
 - c) FRSL's external whistleblower service provider; WBS
 - d) ASIC;
 - e) APRA; or
 - f) A legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act;

3. The Whistleblower has reasonable grounds to suspect the information being disclosed concerns misconduct, or an improper state of affairs or circumstances in relation to FRSL. This may include a breach of legislations including the Corporations Act, an offence against the Commonwealth punishable by imprisonment for 12 months or more, or conduct that represents a danger to the public or financial system.

Examples of conduct which may amount to a breach of the Corporations Act include: insolvent trading, breach of the continuous disclosure rules, failure to keep accurate financial records, falsification of accounts, failure of a director or other management of the Club to act with the care and diligence that a reasonable person would exercise, or to act in good faith in the best interests of the organisation or failure of a director/manager to give notice of any material personal interest in a matter relating to the affairs of the organisation.

The protections given by the Corporations Act when these conditions are met are:

- a) The Whistleblower is immune from any civil, criminal or administrative legal action (including disciplinary action) for making the disclosure;

- b) No contractual or other remedies may be enforced, and no contractual or other right may be exercised, against the Whistleblower for making the report;

¹ See Part 9.4AAA of the Corporations Act 2001 (Cth)

- c) In some circumstances, the reported information is not admissible against the Whistleblower in criminal proceedings or in proceedings for the imposition of a penalty;²
- d) Anyone who causes or threatens to cause detriment to a Whistleblower or another person in the belief or suspicion that a report has been made, or may have been made, proposes to or could be made, may be guilty of an offence and may be liable for damages;
- e) A Whistleblower's identity cannot be disclosed to the Court or tribunal except where considered necessary; and
- f) The person receiving the report commits an offence if they disclose the substance or the report or the Whistleblower's identity, without the Whistleblower's consent, to anyone except ASIC, APRA, the AFP or a lawyer for the purpose of obtaining legal advice or representation in relation to the report.

Confidentiality

If a report is made, the identity of the discloser must be kept confidential unless one of the following exceptions applies:

- a) The discloser consents to the disclosure of their identity;
- b) Disclosure of details that might reveal the discloser's identity is reasonably necessary for the effective investigation of the matter;
- c) The concern is reported to ASIC, APRA, or the AFP; or
- d) The concern is raised with a lawyer for the purpose of obtaining legal advice or representation.

² Such as where the disclosure has been made to ASIC or APRA, or where the disclosure qualifies as a public interest or emergency disclosure.

Attachment B – Special Protections under the Taxation Administration Act

The Taxation Administration Act gives special protection to disclosures about a breach of any Australian tax law by FRSL or misconduct in relation to FRSL's tax affairs if the following conditions are satisfied:

1. The Whistleblower is or has been:
 - a) An officer or employee of FRSL;
 - b) An individual who supplies goods or services to FRSL or an employee of a person who supplies goods or services to FRSL;
 - c) An individual who is an associate of FRSL
 - d) A relative, dependent of the spouse of any individual referred to at (a) to (c) above;

2. The report is made to:
 - a) A Protected Disclosure Officer;
 - b) A Department Head or CEO (officer or Senior Manager of FRSL as described in the Act);
 - c) FRSL's external whistleblower service provider; WBS
 - d) A legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the report; and

3. If the report is made to a FRSL recipient, the Whistleblower:
 - a) Has reasonable grounds to suspect that the information indicates misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of FRSL or an associate of the Club; and
 - b) Considers that the information may assist the FRSL recipient to perform functions or duties in relation to the tax affairs to FRSL or an associate of the organisation; and

4. If the report is made to the Commissioner of Taxation, the whistleblower considers that the information may assist the Club recipient to perform functions or duties in relation to the tax affairs of FRSL or an associate of the organisation.

The protections given by the Taxation Administration Act when these conditions are met are:

- a) The Whistleblower is immune from any civil, criminal or administrative legal action (including disciplinary action) for making the disclosure;

- b) No contractual or other remedies may be enforced, and no contractual or other right may be exercised, against the Whistleblower for making the report;

- c) Where the disclosure has been made to the Commissioner of Taxation, the reported information is not admissible against the Whistleblower in criminal proceedings or in proceedings for the imposition of a penalty, except where the proceedings are concerned with whether the information is false;

- d) Unless a Whistleblower has acted unreasonably, a Whistleblower cannot be ordered to pay costs in any legal proceedings in relation to a report;
- e) Anyone who causes or threatens to cause detriment to a Whistleblower or another person in the belief or suspicion that a report has been made, or may have been made, proposes to or could be made, may be guilty of an offence and may be liable for damages;
- f) A Whistleblower's identity cannot be disclosed to the Court or tribunal except where considered necessary; and
- g) The person receiving the report commits an offence if they disclose the substance or the report or the Whistleblower's identity, without the Whistleblower's consent, to anyone except the Commissioner of Taxation, the AFP or a lawyer for the purpose of obtaining legal advice or representation in relation to the report.

Confidentiality

If a report is made, the identity of the discloser will be kept confidential unless one of the following exceptions applies:

- e) The discloser consents to the disclosure of their identity;
- f) Disclosure of details that might reveal the discloser's identity is reasonably necessary for the effective investigation of the allegations;
- g) The concern is reported to the Commissioner of Taxation or the AFP; or
- h) The concern is raised with a lawyer for the purpose of obtaining legal advice or representation.