

Functional Area:	Governance	Version:	1.1	Effective Date:	22/08/2023	Policy Number:	
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Whistleblower Policy

1 PURPOSE

At Disability Sport and Recreation (DSR) we are guided by our company values. These values are the foundation of how we conduct ourselves and interact with each other, our clients, members, suppliers, shareholders and other stakeholders.

DSR is committed to ensuring corporate compliance and promoting ethical corporate culture by observing the highest standards of fair dealing, honesty and integrity in our business activities.

The key objectives of this policy are to:

- confirm DSR's commitment to maintaining a workplace and business that is free from fraudulent and dishonest activity;
- foster a culture of honest and ethical behaviour; and
- encourage professional, ethical behaviours and corporate compliance throughout DSR.

The policy has been put in place to ensure any concerns raised regarding any misconduct or improper state of affairs or circumstances in relation to DSR's business are dealt with effectively, securely, appropriately, and in accordance with the Corporations Act 2001 (Cth) (the Act).

DSR encourages the reporting of any instances of suspected unethical, illegal, corrupt, fraudulent or undesirable conduct involving DSR's business and provides protections and measures to individuals who make a disclosure in relation to such conduct without fear of victimisation or reprisal.

The policy is also available to persons outside the organisation and can be accessed on the via the DSR website www.dsr.org.au.

DSR may unilaterally introduce, vary, remove or replace this policy at any time.

2 SCOPE

This Policy applies to all DSR services regardless of entity name or type (collectively referred to as Disability Sport & Recreation). It encompasses all Directors and personnel including executives, managers, staff, volunteers, contractors, and consultants. It also extends to a relative or a dependent of any individual referred to above.

3 REPORTABLE CONDUCT

You may make a report or disclosure under this policy if you have reasonable grounds to believe that a DSR director, employee, volunteer, contractor, supplier, consultant or other person who has business dealings with DSR has engaged in Reportable Conduct which is:

- Dishonest, fraudulent or corrupt;
- Illegal (such as theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage to property);
- Unethical including any breach of DSR's policies such as the Code of Conduct;
- Oppressive or grossly negligent;
- Potentially damaging to DSR, its employees or a third party;
- Misconduct or an improper state of affairs;
- A danger, or represents a danger to the public or financial system;
- Harassment, discrimination, victimisation or bullying.

Any disclosures that do not fall within the definition of Reportable Conduct, will not qualify for protection under the Act. It will be at DSR's discretion whether it considers there is a reasonable suspicion that the Reportable Conduct is occurring and/or whether the conduct constitutes "misconduct or improper state of affairs" under the Act.

For the avoidance of doubt, Reportable Conduct does not include personal work-related grievances. A personal work-related grievance is a grievance about any matter in relation to a staff member's current or former employment, having implications (or tending to have implications) for that person personally and that do not have broader implications for DSR.

Examples of personal work-related grievances are as follows:

- An interpersonal conflict with another employee;
- A decision regarding the engagement, transfer or promotion;
- The terms and conditions of engagement
- A decision to suspend or terminate the engagement of the staff member, or otherwise to discipline the staff member.

Conduct that is not reportable: This policy does not apply to:

- personal work-related grievances; (personal work-related grievances should be reported to your manager or in accordance with DSR's Grievance Policy)

- health and safety hazards; or
- general employment grievances and complaints by a person about their own employment or situation

4 MAKING A DISCLOSURE

DSR relies on its employees maintaining a culture of honest and ethical behaviour. Accordingly, if you become aware of any Reportable Conduct, it is expected that you will make a disclosure under this policy.

There are several ways in which you may report or disclose any issue or behaviour which you consider to be Reportable Conduct.

4.1 Reporting – Whistle Blowing Services Australia

[Whistle Blowing Services Australia](#) has been authorised by Disability Sport & Recreation to receive whistleblowing reports. This online service is available 24/7.

Disability Sport & Recreation has engaged an independent whistleblower service provider, Whistle Blowing Services Australia, to allow Whistleblowers to make a report of misconduct (Whistleblower Report) anonymously and confidentially and to ensure that Disability Sport & Recreation becomes aware of the Whistleblower Report and can address the concerns raised by this his report promptly.

It is preferred that all Whistleblower Reports are made directly to Whistle Blowing Services Australia by following these steps:

1. Visit the website <https://www.whistleblowingservice.com.au/dsr/>.
2. Click on the **'Make a Report' button**.
3. Whistleblowers will be redirected to a new page where you need to enter **'DSR2020'** in the **'Unique Key'** field.
4. Click **'next'** and follow the prompt. Whistleblowers will then be asked for a **'Client Reference Number'**. The number is **'qf74h2020'**.

4.2 Internal Reporting – Whistleblower Protection Officer

The DSR Whistleblower Protection Officer, or eligible recipient, is entrusted with safeguarding your interests and ensuring the integrity of the reporting mechanism. The following individuals have been designated as authorised persons:

- Whistleblower Protection Officer
Chair of the Board of Directors, Sarah Anderson
0403 046 761 | Chair@dsr.org.au
- Alternate Whistleblower Protection Officer
CEO Liz Tesone,

0418 372 286 | Liz.tesone@dsr.org.au

- [Whistle Blowing Services Australia](#) – the independent whistleblower service engaged by the organization.

You can make a disclosure outside of business hours by contacting the above Whistleblower Protection Officers via email.

You are also encouraged to contact the above Whistleblower Protection Officers to obtain any additional information you may require before making a disclosure or for any clarification regarding this policy.

4.3 Anonymity

When making a disclosure, you may do so anonymously. It may be difficult for DSR to properly investigate the matters disclosed if a report is submitted anonymously.

Where a disclosure has been made externally and you provide your contact details, those contact details will only be provided to a Whistleblower Protection Officer with your consent.

4.4 Reporting to Regulators

You may also make a disclosure to the Australian Securities and Investments Commission (ASIC) or Australian Charities and Not-for-profits Commission (ACNC) in relation to a Reportable Conduct. You will be covered by the protections outlined in this policy if you have reported your concerns to ASIC & ACNC.

4.5 Reporting to Legal Practitioner

You may choose to discuss your concerns with a legal practitioner for the purposes of obtaining legal advice or representation. You will be covered by the protections outlined in this policy if you have reported your concerns to a legal practitioner.

5 INVESTIGATION

DSR will investigate all matters reported under this policy as soon as practicable after the matter has been reported. The Whistleblower Protection Officer will investigate the matter and where necessary, appoint an external investigator to assist in conducting the investigation. All investigations will be conducted in a fair, independent and timely manner and all reasonable efforts will be made to preserve confidentiality during the investigation.

If the report is not anonymous, the Whistleblower Protection Officer or external investigator will contact you, by your preferred method of communication to discuss the investigation process and any other matters that are relevant to the investigation.



Where you have chosen to remain anonymous, your identity will not be disclosed to the investigator or to any other person and DSR will conduct the investigation based on the information provided to it.

Where possible, the Whistleblower Protection Officer will provide you with feedback on the progress and expected timeframes of the investigation. The person against whom any allegations have been made will also be informed of the concerns and will be provided with an opportunity to respond (unless there are any restrictions or other reasonable bases for not doing so).

To the extent permitted by law, the Whistleblower Protection Officer may inform you and/or a person against whom allegations have been made of the findings. DSR will document the findings in a report however any report will remain the property of DSR and will only be shared with you or any person against whom the allegations have been made if DSR deems it appropriate.

6 PROTECTION OF WHISTLEBLOWERS

DSR is committed to ensuring that any person who makes a disclosure is treated fairly and does not suffer detriment and that confidentiality is preserved in respect of all matters raised under this policy.

6.1 Protection from Legal Action

You will not be subject to any civil, criminal or administrative legal action (including disciplinary action) for making a disclosure under this policy or participating in any investigation.

Any information you provide will not be admissible in any criminal or civil proceedings other than for proceedings in respect of the falsity of the information.

6.2 Protection against Detrimental Conduct

DSR (or any person engaged by DSR) will not engage in 'Detrimental Conduct' against you if you have made a disclosure under this policy.

Detrimental Conduct includes actual or threatened conduct such as the following (without limitation):

- Termination of employment;
- Injury to employment including demotion, disciplinary action;
- Alternation of position or duties;
- Discrimination;

- Harassment, bullying or intimidation;
- Victimisation;
- Harm or injury including psychological harm;
- Damage to a person's property;
- Damage to a person's reputation;
- Damage to a person's business or financial position; or
- Any other damage to a person.

DSR also strictly prohibits all forms of Detrimental Conduct against any person who is involved in an investigation of a matter disclosed under the policy in response to their involvement in that investigation.

DSR will take all reasonable steps to protect you from Detrimental Conduct and will take necessary action where such conduct is identified. If appropriate, DSR may allow you to perform your duties from another location or reassign you to another role (at the same level) or make other modifications to your workplace or your duties to protect you from the risk of detriment.

If you are subjected to Detrimental Conduct as a result of making a disclosure under this policy or participating in an investigation, you should inform a Whistleblower Protection Officer or eligible recipient in accordance with the reporting guidelines outlined above.

You may also seek remedies including compensation, civil penalties or reinstatement if:

- You suffer loss, damage or injury because of a disclosure; and
- DSR failed to take reasonable precautions and exercise due diligence to prevent any Detrimental Conduct.

6.3 Protection of Confidentiality

All information received from you will be treated confidentially and sensitively.

You will not be required to provide your name when making a disclosure. To make a disclosure on an anonymous basis, it is recommended that you use a pseudonym and contact the Whistleblowing Protection Officers in the manner outlined above.

If you report on an anonymous basis, you will still qualify for the protections in this policy.

If you make a disclosure under this policy, your identity (or any information which

would likely to identify you) will only be shared if:

- You give your consent to share that information; or
- The disclosure is allowed or required by law (for example where the concern is raised with a lawyer for the purposes of obtaining legal advice); or
- The concern is reported to the Australian Securities and Investments Commission (ASIC), the Australian Charities and Not-for-profits Commission (ACNC) the Australian Taxation Office (ATO) or the Australian Federal Police (AFP).

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Where it is necessary to disclose information for the effective investigation of the matter, and this is likely to lead to your identification, all reasonable steps will be taken to reduce the risk that you will be identified. For example, all personal information or reference to you witnessing an event will be redacted from any report, you will be referred to in a gender-neutral context, where possible you will be contacted to help identify certain aspects of your disclosure that could inadvertently identify you. Any disclosure under this policy will also be handled and investigated by qualified staff.

DSR will also take the following measures for protecting your identity:

- All paper and electronic documents and other materials relating to disclosures will be stored securely;
- Access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
- Only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of your identity (subject to your consent) or information that is likely to lead to your identification;
- Communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other staff; and
- Each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of your identity may be a criminal offence.

If you are concerned that your identity has been disclosed in relation to a disclosure, and without your consent, you should inform a Whistleblower Protections Officer or eligible recipient immediately.

7 SUPPORT AVAILABLE

Any employee who makes a disclosure under this policy or is implicated as a result of a disclosure that is made may access DSR's Employee Assistance Program (EAP), which is a free and confidential counselling service.

You may also access third party support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636) for support.

8 OTHER MATTERS

Any breach of this policy will be taken seriously and may result in disciplinary action, up to and including termination of employment.

In so far as this policy imposes any obligations on DSR, those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees, they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

9 REVIEW

The review period of this policy is on an annual basis or more frequently if there is significant changes in legislation.

DSR may invite officers, senior management and employees to attend training sessions to ensure ongoing education regarding the application of the policy.

10 DOCUMENT GOVERNANCE

Revision History					
Version	Reviewed By	Approved By	Approval Date	Effective Date	Summary of Modifications
1.1	CEO	Board of Directors			•