

## 1. INTRODUCTION

Little Athletics Victoria (LA VIC) is committed to upholding the highest standards of integrity, fairness, ethical conduct and child safety.

Creating a supportive environment where concerned parties feel safe to speak up underpins LA Vic's culture. When people do not speak up, this undermines the culture and exposes LA Vic to risks. The Board and Executive Management team encourage speaking up about concerns of wrongdoing. There are various measures in place to ensure no one is discouraged from speaking up or disadvantaged or victimized for doing so.

LA Vic has not pursued seeking legal advice to determine whether it meets the definition of a trading or financial corporation which, if met, would necessitate compliance with the corporate sector whistleblower protection regime in Part 9.4AAA of the Corporations Act 2001 (Corporations Act). However, the Board of LA Vic considers having such a policy as good governance practice and, as such, developed this policy in line with the Australian Securities and Investment Commission Regulatory Guide 270.

By implementing this policy, LA Vic makes it clear that any misconduct or improper action in its operations and interactions is not tolerated.

## 2. PURPOSE

The purpose of this policy is to:

- encourage disclosers to report an issue if they reasonably believe someone has engaged in serious wrongdoing
- set out the avenues available to disclosers to report this misconduct to LA Vic; and
- outline how LA Vic will handle whistleblowing reports and subsequent investigations.

## 3. SCOPE

This policy applies to all employees and others working closely with LA Vic and Member Associations (MA):

- (a) Current and former employees;
- (b) Current and former Directors;
- (c) Current and former board sub committee members;
- (d) Associate members, including parents, coaches and officials;
- (e) Honorary members;
- (f) Volunteers;
- (g) Contractors (including employees of contractors);
- (h) Consultants (including employees of consultants);
- (i) Suppliers (including employees of suppliers); and
- (j) Relatives, dependants, spouses, or dependants of a spouse of any of the above.

LA VIC and MAs must make this policy available in an accessible format to all LA VIC and MA employees and LA VIC and MA Directors including by ensuring it is posted on LA VIC and MAs' websites.

### 3.1 Exclusion for personal workplace grievances

Personal Workplace Grievances are not within the scope of this Policy, and should be reported and addressed in accordance with other LA Vic policies and procedures relating to HR.

#### 4. REPORTABLE CONDUCT

Any conduct or wrongdoing that is genuinely believed to be in breach of the law or any rule, code or policy of LA VIC should be reported in accordance with this policy.

Reportable Conduct includes, but is not limited to, any conduct that involves:

- (a) illegal activities (including but not limited to theft, dealing in or use of illicit drugs, violence, harassment, intimidation or threatened violence and criminal damage against property);
- (b) dishonest behaviour;
- (c) fraudulent or corrupt activity, including financial fraud or bribery;
- (d) perverting the course of justice;
- (e) unlawful, corrupt or irregular use of company funds or practices;
- (f) unethical behaviour, including anything that would breach LA VIC's Code of Conduct which includes any form of discrimination, harassment or bullying;
- (g) improper or misleading accounting or financial reporting practices;
- (h) a breach of any legislation relating to LA VIC's operations or activities;
- (i) behaviour that is oppressive, unjust, discriminatory or grossly negligent (including gross mismanagement, serious or substantial waste of LA VIC's resources or repeated breaches of administrative procedures);
- (j) any behaviour that poses a serious risk to the health and safety of any person at the workplace;
- (k) a serious risk to public health, public safety or the environment;
- (l) an improper state of affairs in relation to LA VIC or MAs;
- (m) any other conduct which may cause loss to LA VIC or MAs or be otherwise detrimental to the interests of LA VIC or MAs or any of its employees; and
- (n) the deliberate concealment of information tending to show any of the conduct listed above.

#### 5. RESPONSIBILITY TO REPORT

Anyone described in the Scope section above, with information about potential Reportable Conduct relating to LA Vic, is encouraged to report their concerns under this Policy.

#### 6. PROTECTION OF WHISTLEBLOWERS

LA VIC will take all reasonable steps to ensure that a legitimate Whistleblower will not be subject to any form of victimisation, discrimination, harassment, demotion, dismissal, threats or prejudice because they have made a Report, even if the disclosure is subsequently determined to be incorrect or is not substantiated.

This also applies to anyone providing information related to an investigation under this policy.

LA VIC will take all reasonable steps to protect the identity of a Whistleblower and respect the confidentiality of Reports made. In appropriate cases, disclosure of the identity of a Whistleblower or the allegation made may be unavoidable, such as if court proceedings result from a Report pursuant to this policy.

This policy will not protect a Whistleblower if they are also involved in, or connected with, the misconduct or wrongdoing reported.

##### 6.1 Reporting on Reasonable Grounds

A Report may have serious consequences, including potential damage to the career prospects and reputation of people who are the subject of allegations of misconduct or wrongdoing. Therefore, it is very important that those who make a report under this policy do so with reasonable grounds for believing that the information is correct or likely to be correct, but there will be no penalty if the information turns out to be incorrect.

A Report should not be made on grounds that could reasonably be considered to be frivolous, vexatious, raised for a malicious reason or made for personal gain or an ulterior motive. A Report should be based on facts and/or circumstances that provide a reasonable basis for the report.

Any false reports made, where the person reporting is intentionally misleading or knows the information is not true, will be considered a serious matter that could result in disciplinary action including potential termination of employment.

### 6.2 Anonymous Reporting

A Report can be made anonymously, however it may be difficult for the matter to be properly investigated without the Whistleblower's identity. If further legal action is taken on the reported matter, it may become necessary for a Whistleblower to identify themselves. In these instances, LA VIC will continue to take all reasonable steps to protect the Whistleblower from any possible reprisal, however Whistleblowers are encouraged to provide their identity to enable a robust process to be undertaken.

## 7. PROCEDURES

### 7.1 Making a Report to an Eligible Recipient

Any LA VIC or MA employee who has reasonable grounds to suspect that Reportable Conduct has occurred or is likely to have occurred is encouraged to first discuss the matter informally with their direct line manager or other person to whom they report. Other people to whom this policy applies should do so with any of the Eligible Recipients identified below.

The purpose of the informal discussion should be to clarify if Reportable Conduct has occurred or is likely to have occurred. At all times, these discussions must remain confidential.

If this is not considered appropriate, or the conduct has already been confirmed as Reportable Conduct, a Report should be made to an Eligible Recipient.

An Eligible Recipient is the:

- (a) LA VIC CEO; or
- (b) LA VIC President;
- (c) the Chair of the LA VIC Finance, Audit and Risk Committee; or
- (d) LA Vic Finance, Governance & Risk Manager.

Contact details for Eligible Recipients are as follows:

ROLE	NAME	EMAIL	ADDRESS
LA Vic CEO	Anthony McIntosh	<a href="mailto:Anthony.mcintosh@lavic.com.au">Anthony.mcintosh@lavic.com.au</a>	Athletics House, Level 1, 31 Aughtie Drive, Albert Park, VIC 3206
LA Vic President	Sherie Boulter	<a href="mailto:Sherie.boulter@lavic.com.au">Sherie.boulter@lavic.com.au</a>	
Chair of the LA Vic Finance, Audit and Risk Committee	Danielle Wruck	<a href="mailto:Danielle.wruck@lavic.com.au">Danielle.wruck@lavic.com.au</a>	
LA Vic Finance, Governance & Risk Manager	Julie Green	<a href="mailto:Julie.green@lavic.com.au">Julie.green@lavic.com.au</a>	

Generally, reports should be made to the CEO and Finance, Governance & Risk Manager. If the Report involves the CEO or a LA Director, then the matter should be reported to the President. If the Report involves the LA Vic President, it should be reported to Finance, Audit and Risk Committee.

The subject line of the email or letter should make clear that it is being made as a Whistleblower Report under this Policy, for example: "Whistleblower Report - CONFIDENTIAL".

Where possible, a Report of Reportable Conduct should be in writing and should contain, as appropriate, details of the:

- (a) nature of the alleged breach;
- (b) persons or persons believed to be responsible for the breach;
- (c) facts on which the Whistleblower's belief that a breach has occurred are based; and
- (d) nature and whereabouts of any further evidence that may substantiate the Whistleblower's allegations, if applicable.

Reports should provide specific, adequate and pertinent information regarding the conduct with respect to, among other things, dates, places, specific activities, persons/witnesses, amounts and other relevant information, in order to allow for a reasonable investigation to be conducted.

### 7.2 Investigation

Any Reports of alleged or suspected misconduct or wrongdoing made under this policy will be properly assessed, and if appropriate, inquired into or independently investigated. The CEO (or President or Chair of the Finance, Audit & Risk Committee or Finance, Governance & Risk Manager will determine the appropriate method and personnel for an investigation. In appropriate cases, assistance may be sought from internal or external specialists as deemed necessary.

During an investigation, an investigator must conduct sufficient inquiry to be able to determine conclusions and any recommendations regarding the Report.

The investigator and any specialists involved in the investigation shall be allowed access to all relevant materials, documents, and records and all personnel must co-operate fully with the investigator.

Any investigations will be conducted in a fair and independent manner and all reasonable efforts will be made to preserve the confidentiality of an investigation.

Information contained in reports and provided by Whistleblowers in the course of an investigation will be kept confidential, except as required by law or where disclosure is necessary to regulatory authorities, law enforcement agencies or professional advisors to LA VIC.

A Whistleblower must keep confidential the fact that a report has been made (subject to any legal requirements) to avoid jeopardising an investigation.

During an investigation, LA VIC will also take reasonable steps to fairly treat any person who is the subject of a Report.

### 7.3 Investigation Findings

On conclusion of the investigation, the investigator must prepare a report of the findings for the CEO, President, Chair of the Finance, Audit & Risk Committee or Finance, Governance & Risk Manager (as the case may be) which should include recommendations for steps to be taken to prevent the misconduct from occurring in the future, as well as any action that should be taken to remedy any harm or loss arising from the misconduct, including disciplinary proceedings against the person responsible for the conduct, and the referral of the matter to appropriate authorities, as is deemed necessary.

The Whistleblower will be kept informed of the progress and outcomes of an investigation by the investigator, subject to privacy and confidentiality considerations.

Where an investigation determines that the matter(s) in the Report are baseless, unsupported or unfounded, then the Whistleblower will be informed of this outcome and the matter concluded with no further action. The CEO, President, Chair of the Finance, Audit & Risk Committee or Finance, Governance & Risk Manager (as the case may be) will decide whether the person named in the Report should be informed that a Report was lodged and found to be baseless, unsupported or unfounded. This decision will be based on a consideration of the potential implications for the integrity of a person so named and for the Whistleblower.

Where an investigation is conducted and the investigator believes there may be a case for an individual to respond to, the investigator must ensure that a person who is the subject of a Report:

- (a) is informed of the substance of the allegations;
- (b) is given a fair and reasonable opportunity to answer the allegations before the investigation is finalised;
- (c) has their response set out fairly in the investigator's report; and
- (d) is informed about the substance of any adverse conclusions in the investigator's report that affects them.

The findings of an investigation will be set out in a report prepared by the investigator and considered by the Chair of the Finance, Audit & Risk Committee, the CEO or the President, whichever is appropriate in the context of the nature of the conduct described in the Report and the parties involved. That person will then determine the actions, if any, to be taken by LA VIC in relation to the person(s) who is the subject of the Report. All relevant parties must adhere to that determination.

### **7.4 Reporting to a Member of Parliament or journalist**

Protection will only be offered by LA VIC to any Whistleblower who informs a Member of Parliament (MP) or journalist (meaning a person who is working in a professional capacity as a journalist a newspaper, magazine, radio or television broadcasting service or a similar Internet service provider run on a commercial basis) of concerns about Reportable Conduct if:

- (a) the Whistleblower has previously made a Report regarding the matter to an Eligible Recipient and either:
  - i. at least 90 days have passed since the Report was made; and
  - ii. the Whistleblower does not have reasonable grounds to believe that action is being, or has been taken to address the Report; and
  - iii. the Whistleblower has reasonable grounds to believe that making a further Report would be in the public interest; or
  - iv. the Whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health and safety of a person, persons, or the environment; and
- (b) The Whistleblower provides prior written notification to LA VIC that:
  - i. includes sufficient information to identify the previously made Report;
  - ii. clearly states that the Whistleblower intends to make a public interest disclosure or an emergency disclosure under this section of the policy; and
  - iii. the information disclosed is no greater than necessary to inform the MP or journalist of the misconduct or the otherwise improper state of affairs.

## **8. BREACH OF THIS POLICY**

LA VIC is committed to protecting and respecting the rights of a Whistleblower who reports wrongdoing or misconduct under this policy. LA VIC will not tolerate any reprisals or threats of reprisals against a Whistleblower, or against a Whistleblower's colleagues, employer or relatives.

Any such retaliatory action or victimisation in reprisal for a Report made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. In some circumstances, it may be illegal in which case LA VIC may notify the appropriate state or federal authorities.

### 9. REVIEWS

LA VIC reserves the right to amend this policy from time to time subject to organisational needs or changes in the law. The Policy will be reviewed at least every year and any amendments will be approved by the LA VIC Board, updated in the LA VIC Policy register and updated on the LA VIC website if appropriate.

### 10. DEFINITIONS

TERM	DEFINITION
Personal workplace grievance	<p>Personal workplace grievances mean a grievance about any matter in relation to an individual's employment or former employment which has, or tends to have, implications only for the individual personally, and where the information does not:</p> <ul style="list-style-type: none"><li>• Have significant implications to LA Vic,</li><li>• Concern whistleblower victimisation; or</li><li>• Concern criminal offence punishable by law.</li></ul> <p>Examples of personal workplace grievances may include:</p> <ul style="list-style-type: none"><li>• an interpersonal conflict between the Employee and another Employee;</li><li>• a concern about the behaviour of an Employee;</li><li>• a decision relating to an Employee's engagement, transfer or promotion;</li><li>• an Employee's terms and conditions of employment;</li><li>• matters relating to an Employee's performance or discipline - related decisions; or</li><li>• a decision relating to the termination of employment.</li></ul>
Reasonable grounds	<p>Reasonable grounds means that a person in your position, acting reasonably, would also suspect that the information demonstrates misconduct or an improper state of affairs or circumstances within LA Vic.</p>
Whistleblower	<p>Person who informs on a person or organization regarded as engaging in an unlawful or immoral activity.</p>