



**CROQUET**  
**AUSTRALIA**

## *Whistleblower Policy*

Complaint Officer: Kellie Thomas

e - [complaintsofficer@croquet-australia.com.au](mailto:complaintsofficer@croquet-australia.com.au)

m - 0457 678 380

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## INTRODUCTION

Croquet Australia is committed to a culture of high integrity and ethical behaviour in fulfilling its responsibilities to its members and stakeholders and to comply with the *Corporations Act 2001 (Cth)* in all its operations and interactions.

### 1. PURPOSE

The purpose of this policy is to encourage the reporting of serious conduct or wrongdoing that is of legitimate concern to Croquet Australia (**Reportable Conduct**), by providing a convenient and safe reporting mechanism that ensures protection for anyone who makes a disclosure.

This policy defines who can make a protected disclosure (**Whistleblower**), identifies who can receive a protected disclosure (**Eligible Recipient**) and establishes a process for Whistleblowers to make a protected disclosure (**Report**) and a corresponding process for Croquet Australia to address reports from Whistleblowers. Any person who raises a concern and makes a disclosure of a serious nature (for example unethical, illegal, corrupt or other inappropriate conduct) should not be subject to victimisation, harassment or discriminatory treatment. This policy sets out the avenues available to Whistleblowers to report serious wrongdoing to Croquet Australia and how Croquet Australia will deal with any such reports.

### 2. SCOPE

This policy is intended to be a workplace policy and applies to the following types of people and Whistleblowers:

- (a) Croquet Australia employees;
- (b) Croquet Australia Directors;
- (c) Croquet Australia contractors (including employees of contractors);
- (d) consultants to Croquet Australia;
- (e) contracted high performance athletes; and
- (f) suppliers to Croquet Australia.

Croquet Australia must make this policy available in an accessible format to all Croquet Australia employees, contracted high performance athletes and Croquet Australia Directors. The policy can be found on the Croquet Australia employee system, Employment Hero.

This policy does not apply to members of Croquet Australia. Any Reportable Conduct or Whistleblowing relating to or by a member should be managed under Croquet Australia's Member Protection Policy and Complaints Handling Policy.

### 3. REPORTABLE CONDUCT

Any conduct or wrongdoing that is genuinely believed to be in breach of the law or Croquet Australia's Regulations or Policies 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 any form of discrimination, harassment or bullying;
- (g) improper or misleading accounting or financial reporting practices;
- (h) a breach of any legislation relating to Croquet Australia's operations or activities;
- (i) behaviour that is oppressive, unjust, discriminatory or grossly negligent (including gross mismanagement, serious or substantial waste of Croquet Australia'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 Croquet Australia;
- (m) any other conduct which may cause loss to Croquet Australia or be otherwise detrimental to the interests of Croquet Australia or any of its employees; and
- (n) the deliberate concealment of information tending to show any of the conduct listed above.

Reportable Conduct does **NOT** include personal work-related grievances. Personal work-related grievances include but are not limited to interpersonal conflicts between the Whistle-blower and another employee, or a decision relating to the engagement, transfer or promotion of the whistleblower. Such grievances should be addressed by the appropriate Manager or the Croquet Australia CEO under the provisions of the relevant Employment Agreement and the *Fair Work Act 2009 (Cth)*.

A personal work-related grievance may still qualify for protection if:

- (o) it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
- (p) the entity has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal

- circumstances;
- (q) the whistleblower suffers from or is threatened with detriment for making a disclosure; or
- (r) the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act.

#### **4. RESPONSIBILITY TO REPORT**

It is expected that any person becoming aware of any Reportable Conduct will notify the appropriate personnel as per this policy in order to maintain Croquet Australia's integrity and ethical behaviour.

A Whistleblower must provide information to assist in any inquiry or investigation of the conduct disclosed.

#### **5. PROTECTION OF WHISTLEBLOWERS**

Croquet Australia will take all reasonable steps to ensure that a 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 pursuant to this policy.

The protections available for Whistleblowers who make a Report include:

- (a) identity protection (confidentiality);
- (b) protection from detriment;
- (c) compensation and other remedies; and
- (d) civil, criminal and administrative liability protection.

Protections such as confidentiality and protection from detriment are available under the law and it is an offence to breach confidentiality or cause detriment.

Croquet Australia will take all reasonable steps to protect the identity of a Whistleblower and will adhere to statutory requirements in respect of 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.

##### **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. In practice, a mere allegation with no supporting information is not likely to be considered as having 'reasonable grounds to suspect'.

A whistleblower does not however need to prove their allegations.

Croquet Australia takes very seriously any Reports made under this policy. Disciplinary action may be taken however, against anyone who makes a false report or claim, or a report or claim that is not on

reasonable grounds.

A Report will not be considered to be made on reasonable grounds if it is frivolous, vexatious, raised for a malicious reason, for personal gain or an ulterior motive, or if it is not based on facts and/or circumstances that provide a reasonable basis for the report. Repeated reports about trivial matters may also be considered not to be made on reasonable grounds and if so will not be investigated under this policy.

### **Anonymous Reporting**

Whistleblowers can disclose anonymously and still qualify for protections under the *Corporations Act 2001 (Cth)* may be difficult however for the matter to be properly investigated without the Whistleblower's identity. Whistleblowers may make anonymous disclosures by emailing a Report to an Eligible Recipient.

Anonymous Whistleblowers are encouraged to maintain ongoing communication using their preferred reporting channel, which allows Croquet Australia to ask follow-up questions and better understand and investigate their concerns. A whistleblower can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations.

If further legal action is taken on the reported matter, it may become necessary for a whistle-blower to identify themselves. In these instances, Croquet Australia 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.

## **6. PROCEDURES**

### **Making a Report to an Eligible Recipient**

Any person who has reasonable grounds to suspect that Reportable Conduct has occurred is encouraged to speak to the Whistleblower Protection Officer, from whom the Whistleblower can confidentially seek further information before making a disclosure. The primary function of the Whistleblower Protection Officer is to ensure the protection and fair treatment of the Whistleblower. Independent legal practitioners can also provide a whistleblower with advice.

The Whistleblower Protection Officer shall be:

- a) Croquet Australia Operations Manager; or
- b) Any equivalent position created for this purpose.

If engaging with the Whistleblower Protection Officer 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) Croquet Australia CEO; or
- b) Croquet Australia President; or
- c) the Chair of Croquet Australia 's Risk, Integrity & Policy Committee.

Eligible Recipients shall receive training in the Croquet Australia's processes and procedures for receiving and handling disclosures, including training relating to confidentiality and the prohibitions

against detrimental conduct.

Reports should be made to the Croquet Australia CEO. If the Report involves the CEO or a Croquet Australia Director, then the matter should be reported to the Croquet Australia President. If the Report involves the President, it should be reported to the **Chair of the Risk, Integrity and Policy Committee**.

Reports may be made by in person, by telephone, or by email. Croquet Australia's preferred internal reporting mechanism for Reports is via email. Whistleblowers can however, qualify for protection regardless of which of the channels they choose to report through. The relevant email addresses are as follows:

- 1) Croquet Australia CEO: ceo@croquet-australia.com.au;
- 2) Croquet Australia President: chair@croquet-australia.com.au;
- 3) **the Chair of Croquet Australia's Risk, Integrity and Policy Committee: ##**

Whistleblowers are encouraged to use one of the available reporting channels to make a Report if they are unsure whether the matter would be considered Reportable Conduct. This preserves the Whistleblower's ability to rely on the protections if the matter disclosed relates to Reportable Conduct. All Reports made under this policy will be treated the same way, regardless of if the matter qualifies for protection under Australia's whistleblower laws. Croquet Australia is willing to support and encourage a culture of speaking up.

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

- nature of the alleged breach;
- persons or persons believed to be responsible for the breach;
- facts on which the Whistleblower's belief that a breach has occurred are based; and
- 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.

### **Support and Practical Protection for Whistleblowers**

Croquet Australia will support Whistleblowers through the provision of employee support services or making case-by-case changes to an employee's working arrangements. Croquet Australia has a designated 'whistleblower protection officer' to support and protect Whistleblowers. When appropriate and with the Whistleblowers' consent, such persons would be appointed to support individual Whistleblowers and protect them from detriment.

Croquet Australia has the following processes in place to assess and control the risk of detriment to Whistleblowers (delete those which do not apply):

- (a) processes for assessing the risk of detriment against a Whistleblower and other persons (e.g. other staff who might be suspected to have made a Report), which will commence as soon as possible after receiving a Report;
- (b) support services (including counselling or other professional or legal services) that are available to Whistleblowers;
- (c) strategies to help a Whistleblower minimise and manage stress, time or performance impacts, or other challenges resulting from the Report or its investigation;
- (d) actions for protecting a Whistleblower from risk of detriment
  - (i) Croquet Australia may allow the Whistleblower to perform their duties from another location, reassign the Whistleblower to another role at the same level, make other modifications to the Whistleblower's workplace or the way they perform their work duties, or reassign or relocate other staff involved in the Reportable Conduct;
- (e) processes for ensuring that management are aware of their responsibilities to maintain the confidentiality of a Report, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a Whistleblower;
- (f) procedures on how a Whistleblower can lodge a complaint if they have suffered detriment, and the actions Croquet Australia may take in response to such complaints
  - (i) e.g. the complaint could be investigated as a separate matter by an officer who is not involved in dealing with Whistleblower Reports and the investigation findings will be provided to the board or audit or risk committee); and
- (g) interventions for protecting a Whistleblower if detriment has already occurred;
- (h) For example, Croquet Australia may investigate and address the detrimental conduct, such as by taking disciplinary action, or allowing the Whistleblower to take extended leave, develop a career development plan for the Whistleblower that includes new training and career opportunities, or offer compensation or other remedies.

## 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 Risk, Integrity and Policy Committee as appropriate) 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. To ensure fairness and independence, investigations will be independent of the Whistleblower, the individuals who are the subject of the Report, and the department or business unit involved.

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 Croquet Australia.

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

### **Ensuring fair treatment of individuals mentioned in a Report**

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

Measures and/or mechanisms for ensuring fair treatment of individuals mentioned in a Report include (where applicable):

- (a) Reports will be handled confidentially, when it is practical and appropriate in the circumstances;
- (b) each Report will be assessed and may be the subject of an investigation;
- (c) the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
- (d) when an investigation needs to be undertaken, the process will be objective, fair and independent;
- (e) an employee who is the subject of a Report will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken—for example, if the Report will be the subject of an investigation; and
- (f) an employee who is the subject of a Report may contact the Croquet Australia's support services (e.g. counselling).

### **Investigation Findings**

On conclusion of the investigation, the investigator must prepare a report of the findings for the CEO, President or Chair of the Risk, Integrity and Policy Committee (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, findings and conclusion of an investigation by

the investigator, subject to privacy and confidentiality considerations.

Where a person is identified as being suspected of possible wrongdoing or misconduct, but preliminary enquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the Whistleblower will be informed of this outcome and the matter concluded with no further action.

The CEO, President or Chair of the Risk, Integrity and Policy Committee (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 upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named and to protect 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.

Where adverse conclusions are made in an investigator's report about an individual, that individual has a right to respond to those conclusions prior to any action being taken by Croquet Australia against them.

All relevant parties must adhere to the determination and any recommendations of an investigation or inquiry held under this policy.

### **Reporting to an external 3<sup>rd</sup> party**

Protection will only be offered by Croquet Australia to any Whistleblower who informs an external 3<sup>rd</sup> party 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 Croquet Australia 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 external 3<sup>rd</sup> party of the misconduct or the otherwise improper state of affairs.

## **7. BREACH OF THIS POLICY**

Croquet Australia is committed to protecting and respecting the rights of a Whistleblower who reports wrongdoing or misconduct on reasonable grounds under this policy. Croquet Australia 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 Croquet Australia may notify the Australian Securities and Investments Commission or the appropriate state or federal police.

## **8. REVIEWS**

Croquet Australia 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 two years and any amendments will be approved by the Croquet Australia Board, updated in the Croquet Australia Policy register and updated on the Croquet Australia website if appropriate.