

WHISTLE BLOWER POLICY

Policy number	NSWGBOTA:WB	Version	001 – October 2021
Drafted by	Head Office in association with PWL and PKF	Approved on	7 th December 2021
Responsible person	Board	Review	As required

PURPOSE AND SCOPE

The purpose of this policy is to ensure that all eligible persons are aware of their rights in relation to disclosing any Reportable Conduct of which they become aware and provide protection for eligible persons who disclose such information.

POLICY STATEMENT

NSW GBOTA is committed to the highest standards of conduct and ethical behaviour, and this policy provides for processes and protections provided by NSW GBOTA regarding the disclosure of Reportable Conduct. NSW GBOTA must comply with the obligations relating to protection of whistleblowers outlined in the Corporations Act 2001 (Cth) and any equivalent legislation in other jurisdictions applicable.

ELIGIBLE PERSONS

This policy is available to all eligible persons. The following would be considered an eligible person under this policy:

- All Employees (including directors, full-time, part-time or casual employees) and their dependents and relatives;
- Former employees and their dependents and relatives;
- Third parties who deal with NSW GBOTA including contractors, suppliers, consultants or business partners, and their dependents and relatives.

REPORTABLE CONDUCT

Reportable Conduct means any conduct in relation to NSW GBOTA that is:

- fraudulent;
- corrupt;
- illegal activity or conduct (including theft, drug sale/use, violence, threatened violence, or criminal damage against NSW GBOTA's assets/property);
- unethical;
- discrimination, vilification, sexual harassment, harassment, bullying and victimisation;
- misconduct;
- any other improper conduct which may cause financial or non-financial loss to NSW GBOTA or be otherwise detrimental to the interests or reputation of NSW GBOTA or any of its employees; or
- an unsafe work-practice.

For the avoidance of doubt, Reportable Conduct does not include 'personal work-related grievances. These are generally grievances relating to an eligible person's current or former employment with NSW GBOTA that have implications for that person personally, and do not have broader implications for NSW GBOTA. For example, an interpersonal conflict between employees, or a decision relating to employment such as a transfer, promotion or disciplinary action.

Please see NSW GBOTA's Code of Conduct on how personal workplace or other matters that are not covered by this policy may be dealt with.

ANONYMITY

When making a disclosure, you may do so anonymously. Whilst you are encouraged to share your identity when making a disclosure, you are not required to do so. If you do not share your identity then NSW GBOTA will assess your disclosure in the same way as if you had revealed your identity, however, there may be some practical limitations in conducting the investigation if you do not share your identity.

CONFIDENTIALITY

All information received from you will be treated confidentially and sensitively. If you make a disclosure, your identity (or any information which would be 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, disclosure to a lawyer to obtain legal advice or if court proceedings result from a disclosure).

If it is reasonably necessary or required by law to share information that is likely to identify you for the purposes of an investigation, all reasonable steps should be taken to reduce the risk that you will be identified. Further, the non-identifying content of your disclosure may need to be shared in order to report a matter of significance to the NSW GBOTA's Board of Directors.

PROTECTION OF WHISTLEBLOWER

If an eligible person discloses information that qualifies for whistleblower protection, the below legal protections will apply as outlined in the Corporations Act 2001 (Cth):

identity protection (confidentiality);

- protection from detriment, either caused or threatened;
- compensation and/or other remedies as determined by a court of law; and
- protection against certain legal liability.

The Corporations Act 2001 (Cth) gives this protection to disclosures about misconduct relating to NSW GBOTA if the following conditions are satisfied:

1. The Whistleblower is or has been:
 - an employee of NSW GBOTA;
 - an individual who supplies goods or services to NSW GBOTA or an employee of a person who supplies goods or services to NSW GBOTA;
 - an individual who is an associate of NSW GBOTA; or
 - a relative, dependent or dependent of the spouse of any individual referred to the points above.
2. The report is made to:
 - the people designated within this policy;
 - the Australian Securities & Investments Commission (ASIC);
 - 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.

PROTECTION FROM DETRIMENT

The following types of detriment to a whistleblower are unlawful:

- termination of employment;
- unlawful discrimination;
- harassment, bullying or intimidation;
- damage to reputation or financial position;
- harm, including psychological harm, or injury.

If a disclosure qualifies for protection under the applicable legislation, the protection afforded to the discloser overrides any provision of their employment contract or contract of service, including any confidentiality clause.

NSW GBOTA may take adverse action against a whistleblower if the disclosure reveals that the whistleblower engaged in Reportable Conduct themselves. If the whistleblower was involved in the conduct which was the subject of the disclosure, the fact that the whistleblower has made the disclosure may be taken into account in determining the severity of the disciplinary measures, if any, that may eventually be taken against such a whistleblower.

REASONABLE BASIS FOR MAKING THE DISCLOSURE

When making a disclosure, you will be expected to have reasonable grounds to suspect the information you are disclosing is true. You will not be penalised if the information turns out to be incorrect. However, you must not make a report you know is not true or misleading. Where it is found that you knowingly made a false report, this may be a breach of the Code of Conduct and will be considered a serious matter that may result in disciplinary action. There may also be legal consequences if you make a knowingly false report.

PROCEDURE REPORTING

NSW GBOTA has several channels for disclosing Reportable Conduct. In the first instance, an eligible person who has reasonable grounds to suspect Reportable Conduct is encouraged to report that to their Line Manager in person.

If this is considered inappropriate, the person should raise the concern with the Human Resources via:

Email: meeting@gbota.com.au

Postal address: PO Box 485 GLEBE NSW 2037

Telephone: 02 8587 1206

You may also raise the matter with the CEO or Director, who makes or participates in making decisions that affect the whole or a substantial part of the business of the company.

If all these channels are deemed inappropriate, disclosures may be made to the NSW GBOTA independent Accounting Firm PKF:

Email:

Postal address:

Telephone:

Where an allegation of wrongdoing relates to NSW GBOTA's tax affairs, a person may qualify for further protections by disclosing the allegation to relevant additional recipients such as the Commissioner of Taxation or a Registered Tax Agent or BAS Agent (this may be NSW GBOTA's Accountant).

All disclosures should provide specific, adequate and pertinent information with respect to, among other things, dates, places, persons, witnesses, amounts, and other relevant information, in order to allow for a reasonable investigation to be conducted. If the whistleblower discloses his or her name, the person receiving the disclosure will acknowledge having received the disclosure and may initiate a follow-up meeting. However, if the disclosure is submitted on an anonymous basis, there will be no follow-up meeting regarding the disclosure and NSW GBOTA will be unable to communicate with the whistleblower if more information is required, or if the matter is to be referred to external parties for further investigation.

Please remember that all disclosures received will be dealt with on a confidential basis and whistleblowers are encouraged to disclose their identities, to obtain the protection lawfully afforded to them.

INVESTIGATION

Once a disclosure has been received from a whistleblower, NSW GBOTA will consider the most appropriate action. This might include an investigation of the alleged conduct.

Any investigation in relation to a disclosure will be conducted promptly and fairly, with due regard for the nature of the allegation and the rights of the persons involved in the investigation. A report will not be investigated by a person who is implicated in the concern.

Unless the disclosure was made anonymously, and it is deemed appropriate to do so, NSW GBOTA will ensure that the whistleblower is kept informed of the outcome of the investigation of their allegations, subject to the considerations of privacy of those whom allegations have been made against.

SUPPORT SERVICES

Supporting NSW during COVID-19 <https://www.service.nsw.gov.au/covid-19>

BETSAFE <https://www.betsafe.com.au/>

Drugs and alcohol <https://www.healthdirect.gov.au/drugs-and-alcohol>