



NSW Greyhound Breeders, Owners & Trainers Association (“NSW GBOTA”) Whistleblower Policy

1. Purpose

NSW GBOTA is committed to the highest standards of legal, ethical and moral behaviour.

The purpose of this policy is to:

- Encourage reports about suspected misconduct or an improper state of affairs at NSW GBOTA;
- Ensure that those who report concerns can do so safely, and with confidence that they will be protected and supported; and
- Provide a transparent framework for how concerns will be received, handled and investigated.

No one should be personally disadvantaged for reporting misconduct. NSW GBOTA is committed to maintaining an environment where legitimate concerns can be reported without fear of retaliatory action or retribution.

2. Eligible Whistleblower

The Policy applies to:

- Directors and officers of NSW GBOTA;
- Current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, and managers;
- Suppliers of services of goods to NSW GBOTA including their employees (e.g. current and former contractors, consultants, service providers and business partners);
- Any business associates; and
- A relative, dependent or spouse of any of the above.

3. Advice, Ownership and Location of this Policy.

This Policy is owned by the Whistleblower Protection Officer (their contact details are provided in **Annexure A**).

This Policy will be available to all staff via EPAR and to all others via the NSW GBOTA website. References to this Policy will also be included in the Code of Conduct which is provided at induction to all new staff and made clear to contractors and suppliers in their contracts. For advice or general information about this Policy please contact the Whistleblower Protection Officer.

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4. What to Report under this Policy?

4.1 Misconduct or an Improper State of Affair

NSW GBOTA encourages anyone covered by this Policy to report information that concerns misconduct or an improper state of affairs or circumstances at NSW GBOTA. This includes information relating to conduct that you have reasonable grounds to suspect:

- Is fraudulent or corrupt;
- Is illegal, such as theft, drug sale or use, violence, criminal damage to property or other breaches of State, Federal or territory legislation;
- Is unethical, such as acting dishonestly, altering company records, willfully making false entries in the financial records, engaging in questionable account practices;
- Breaches the NSW GBOTA policies (i.e. Code of Conduct) or other ethical statements, including conflicts of interest or the improper giving or receiving of gifts or hospitality;
- Is potentially damaging to NSW GBOTA such as maladministration or substantial waste of resources;
- Is seriously harmful or potentially seriously harmful to an NSW GBOTA employee, such as deliberate unsafe work practice or willful disregard to the safety of others in the workplace;
- May cause serious financial or non-financial loss to NSW GBOTA or damage its reputation or be otherwise seriously contrary to NSW GBOTA interests;
- Breach of any tax laws or misconduct or improper state of affairs or circumstances in relation to the tax affairs of NSW GBOTA; or
- Involves another kind of serious impropriety including retaliatory action against anyone raising a concern under this Policy.

a. Concerns covered by other policies and procedures

Concerns that relate solely to personal work-related grievances are more appropriately dealt with under the NSW GBOTA Grievance Procedure and are **not** covered by this Policy. Examples of personal work-related grievance include:

- an interpersonal conflict between the discloser and another employee;
- a decision that does not involve a breach of workplace laws;
- a decision about the engagement, transfer or promotion of the discloser;
- a decision about the terms and conditions of engagement of the discloser; or
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Concerns about other complaints (i.e. Grievance) should be raised in accordance with NSW GBOTA's Code of Conduct. Sometimes a single report can include information about multiple types of misconduct, some within the scope of this Policy and some outside of scope. In these cases, your concern will be reviewed and the most appropriate channel for handling your concern is decided upon.

b. How much information should be reported?

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You should provide as much specific detail in your report as you can, including times, dates, places and people involved. Please provide any documents or evidence to support your concern if you have them.

c. False Reports

You should have reasonable grounds to suspect something is wrong when you report it. You do not have to have proof of your concern, but you must be honest. It does not matter if your concern turns out to be unsubstantiated, if you are honest.

It is a serious breach of this Policy to knowingly provide false information or make false allegations. Any instances of this will lead to disciplinary action, including dismissal.

5. How to Report under this Policy

When you report under this Policy, you can expect to be appreciated, supported and protected.

5.1 Who do I report to?

Who is an 'eligible recipient' within NSW GBOTA?

We want you to feel comfortable raising concerns at NSW GBOTA, and so we have several eligible recipients you can report to:

- senior managers¹ of NSW GBOTA;
- directors and officers² of NSW GBOTA;
- Whistleblower Protection Officer; or
- our external auditor, PKF.

Please see **Annexure A** to this Policy for the names and contact details for the above.

We hope you feel that you can talk to us first about your concern, but if not, you can also contact the Australian Securities & Investments Commission ("**ASIC**"), or the Australian Tax Office ("**ATO**") (if your concern relates to misconduct or an improper state of affairs relating to taxation), or another Commonwealth body prescribed by regulation.

If your concerns are about the conduct of a senior person or you believe the above reporting channels may be conflicted, please make your disclosure to our external auditor (refer to **Annexure A** for details).

a. How can I make a report?

You can make the report via email, letter, telephone or in person inside or outside of business hours, and can do so anonymously, confidentially or openly. It will help us if you can be clear in your communications that you are reporting under this Policy.

¹ A 'senior manager' is generally a senior executive within an entity, other than a director or company secretary, who: makes or participates in making decisions that affect the whole, or a substantial part, of the business of the entity; or has the capacity to significantly affect the entity's financial standing. For further information, please see Section 9 of the *Corporations Act 2001*.
² A director or secretary of the corporation or a person who makes, or participates in making decisions that affect the whole, or a substantial part, of the business of the corporation or who has the capacity to affect significantly the corporations' financial standing. For further information, please see Section 9 of the *Corporations Act 2001*.

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b. Public interest disclosures and emergency disclosures

Under certain circumstances as set out in **Annexure B**, you may be able to make a disclosure to a journalist or parliamentarian and qualify for protection.

c. Anonymous reports

You can choose to report anonymously (you do not have to give your name to anyone) and if so, you can choose to remain anonymous while you make the disclosure, over the course of any investigation and afterwards.

You can choose to raise your concern anonymously to any Eligible Recipient, regardless of the reporting channel used, during the course of the investigation of your disclosure, when receiving updates on the status of your disclosure and after the investigation is finalised. You can refuse to answer questions that you feel could reveal your identity at any time, including during follow up conversations.

You are encouraged to provide your name and contact details. If we cannot contact you at all, we will not be able to:

- ask for further information, which may inhibit a proper and appropriate inquiry or investigation into your report; or
- provide you with feedback on the progress or outcome of your report.

d. Confidential reports

We will treat your identity, and all concerns raised under this Policy as confidential. This means that the recipient of your concerns cannot disclose your identity or any information in your disclosure that is likely to identify you unless:

- we have your consent; or
- they are disclosing it to the Australian Securities & Investment Commission, Australian Prudential Regulation Authority or the Australian Federal Police or a lawyer for the purposes of obtaining legal advice.

A person can disclose the information contained in a report without your consent if:

- the information does not include your identity as the reporter;
- we have taken all reasonable steps to reduce the risk that the reporter will be identified from the information; or
- it is reasonably necessary for investigating the issues raised in the disclosure.

We will take all reasonable steps to reduce the risk that you will be identified as the one who made the report, including:

- training recipients of reports (see section 5.1) on how to maintain confidentiality;
- removing as much identifying information as we can when we pass your concern onto be investigated or escalated to the board; and
- keeping all our records of disclosures locked down with access only to the Whistleblower Protection Officer, Chief Operating Officer and Chief Executive Officer.

e. What will happen to my concern once I report it?

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Once you have made your report, the recipient of your report (see section 5.1) will pass on the information in your report to the Whistleblower Protection Officer who will assess it to determine:

- if it falls within this Policy or is more appropriately dealt with by another policy or procedure;
- if an investigation is required and, if so, who will investigate it; and
- any risks to you or your identity being revealed and how to mitigate them to ensure you are protected.

If your report relates to the conduct of the Whistleblower Protection Officer, please make this clear in your report and your concern will be dealt with by the Chairperson.

6. Investigation

All reports will be taken seriously and carefully considered. The best way forward to stop or prevent the misconduct identified in a report will be determined by the Whistleblower Protection Officer. In many cases this may be an investigation, but some matters will be handled differently (e.g. by audits, changes to policies or controls etc).

a. Fair Treatment

Investigations must be conducted in a fair and independent manner. The exact process, extent and timeframes of an investigation may vary depending on the nature and complexity of the matter reported, but all investigations must be:

- conducted by someone independent from the business unit and staff concerned;
- commenced within 7 working days of receiving the report; and
- completed within 90 days, unless an extension is granted.

If an allegation is made against you, we will support and treat you fairly by ensuring:

- a fair and independent assessment of the concern;
- keeping the details of the report, any allegations contained in it confidential to those who need to know;
- a fair and independent investigation process
- as far as we are permitted under law, if there is evidence of misconduct by you, this evidence will be put to you prior to a decision to take disciplinary action against you.

NSW GBOTA recognises that this situation may be stressful. Staff will have access to the following services:

1. BETSAFE: <https://www.betsafe.com.au/>
2. Drugs and alcohol: <https://www.healthdirect.gov.au/drugs-and-alcohol>

7. Protections and support for Reporters

When you are considering making a report or afterwards, you can contact the Whistleblower Protection Office (their contact details are provided in **Annexure A**) if you need support.

We are committed to providing our employees, contractors, suppliers and others with an environment in which they can safely raise concerns about misconduct (see section 8).

We will take all reasonable steps to protect those who report, including assessing the risks to you as a reporter and developing an appropriate support plan.

We will not tolerate anyone taking detrimental action against anyone for reporting under this Policy and will take disciplinary action against anyone who does so.

Detrimental action includes:

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- termination of your employment;
- change of your employment position or duties to your disadvantage;
- discrimination between you and other employees of the same employer;
- harassment or intimidation;
- harm or injury, including psychological harm;
- damage to your property, reputation, business or financial position.

If you have been involved or implicated in any misconduct which you have reported under this Policy, we may take that into consideration when considering an appropriate sanction to be applied to you for that misconduct. However, reporting under this Policy will not give you immunity from disciplinary action or from regulatory or criminal actions.

a. Penalties for breaching confidentiality or detrimental conduct

It is a criminal offence and a breach of this Policy if anyone:

- discloses the identity, or information that may lead to the identification, of a person that had made a report, other than in accordance with this Policy (see section 5(e)) or
- threatens or engages in conduct that causes any detriment to a person who has made or could make a report under this Policy because of their report or intention to report.

NSW GBOTA may also be liable for the actions of its staff if this occurs and as such will take disciplinary action, including dismissal, against any staff member who performs the actions set out above.

If you have made a report and believe that:

- your confidentiality has been breached; or
- you have suffered or been threatened with retaliatory action or detrimental action for making a report;

please report it under this Policy so we can protect you and stop the detrimental action. You can also report it to ASIC or the Australian Tax Office (where your report relates to taxation matters).

b. What will I know about the investigation?

We will seek to update all those who report under this Policy every 2 weeks. You will also be informed when your report has been closed.

We will provide you with an appropriate level of detail taking into consideration the confidentiality of the investigation and the privacy of other staff.

8. Review of investigation findings

If you are not satisfied with the outcome of the investigation of your disclosure, in the first instance we encourage you to contact the Pryor Tzannes & Wallis (PTW), NSW GBOTA appointed legal advisor, (person not involved in handling and investigating disclosures) will assess your complaint and review the records and documentation compiled to determine whether the investigation was properly conducted in the circumstances. This review process may take one to two months, however, could take longer depending on the volume, nature or complexity of records and documentation relevant to review.

The reviewer will report its findings directly to the CEO, ensuring adherence to confidentiality protections.

NSW GBOTA may reopen an investigation, however, is not obliged to do so and may conclude a review if the reviewer finds that the investigation was properly conducted, or that new information is either not available or would not change the findings of the investigation. Alternatively, you may lodge

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a complaint with a Regulator (i.e. ASIC or ATO) if you are not satisfied with the outcome of the investigation of your disclosure.

9. Legal Protections

In addition to the protections, we provide to those who make reports under this Policy, there are also strong protections under law.

a. Protection under Corporations Law

The *Corporations Act 2001 (Cth)* (Corporations Act) affords protection to those who raise whistleblowing reports in line with this Policy if they:

- are an individual described in section 2 above or an associate of NSW GBOTA (within the meaning of the Corporations Act);
- have reasonable grounds to suspect that the information they are reporting concerns misconduct or an improper state of affairs relating to NSW GBOTA (reports about personal work-related grievances will not attract the protections of the Corporations Act); and
- make the disclosure to:
 - a person designated to receive a report under section 5.1 of this Policy;
 - an internal or external auditor or actuary of NSW GBOTA;
 - a legal practitioner for the purpose of obtaining legal advice or representation in relation to the operation of the statutory protections under the Corporations Act;
 - the Australian Securities & Investment Commission; or
 - the Australian Prudential Regulation Authority.

Anonymous disclosures made in accordance with the above will be protected under the Corporations Act.

The Corporations Act also provides protections for public interest disclosures and emergency disclosures which meet specific requirements prescribed by the Corporations Act. It is important for you to understand the criteria for making a public interest or emergency disclosure before you do so (Refer to **Annexure B**).

The protections available under the Corporations Act to an individual who meets the requirements above, in accordance with the Corporations Act, include:

- the right to have their identity protected;
- the right to be protected from detrimental action or any form of victimisation;
- a requirement for NSW GBOTA to take reasonable steps to reduce the risk that the person who makes the report will be identified as part of any investigation process conducted under this Policy;
- the right not to be required to disclose their identity before any court or tribunal;
- the right to compensation and other remedies; and
- the right to be protected from civil, criminal or administrative liability (including disciplinary action) from making the disclosure or from contractual or other remedies on the basis of the disclosure, and
- the right to be protected from the admissibility of the information provided in evidence against the person in each case in accordance with the provisions of that legislation.

b. Protections under the Tax Administration Act

The Australian Tax Administration Act 1953 (Cth) (Tax Administration Act) provides protection for

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disclosures of information that indicate misconduct or an improper state of affairs in relation to the tax affairs of an entity or an associate of an entity where the person considers the information may assist the recipient of that information to perform functions or duties in relation to the tax affairs of the entity or an associate.

Protection is provided for disclosures made to the Australian Commissioner of Taxation, any person or agency specified in section 5.1 of this Policy or the Tax Administration Act. The protections available to someone who makes a protected disclosure under the Tax Administration Act are the similar to those outlined above in section 9(a)) above under the Corporations Act.

10. Monitoring and review of this Policy

This Policy will be reviewed annually by the Board.

Quarterly reports will be made by the Board on the effectiveness of this Policy and general trends relating to whistleblowing. Serious matters raised under this Policy will be notified to the CEO and Board as appropriate.

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Annexure A – Eligible Recipients

1. Senior Managers

Name, Position	Telephone, Email
Geoff Rose, Chairperson	Telephone: 0417 492 321 Email: grose@gbota.com.au
Kevin Keys, Junior Deputy Chairperson	Telephone: 0403 104 234 Email: kkeys@gbota.com.au
Greg Derrick, Board member	Telephone: 0458 665 431 Email: gderrick@gbota.com.au
Brian Barton, Board member	Telephone: 0402 153 955 Email: bbarton@gbota.com.au
Damian Harris, Treasurer	Telephone: 0401 040 064 Email: damianh@gbota.com.au
Gary Minter, Board member	Telephone: 0412 031 567 Email: gminter@gbota.com.au
Dimity Maher, Board member	Telephone: 0478 091 767 Email: dmaher@gbota.com.au
Will Griffiths, Board member	Telephone: 0423 827 616 Email: wgriffiths@gbota.com.au

2. Directors and Officers

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Name, Position	Phone, Email
Daniel Weizman, Chief Executive Officer	Telephone: 0414 654 677 Email: dweizman@gbota.com.au

3. Whistleblower Protection Office

Name, Position	Phone, Email
Jason Lyne, Chief Operating Officer	Telephone: 0447 298 712 Email: bathurst@gbota.com.au

4. PKF

Name, Position	Phone, Email, Postal Address
Martin Matthews, Partner	Telephone: (02) 4962 2688 Email: mmatthews@pkf.com.au Postal: 755 Hunter Street, Newcastle NSW 2302

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Annexure B – Public interest disclosures and emergency disclosures

a. Public interest disclosure

A public interest disclosure can be made to journalists or a parliamentarian but only if:

- (a) 90 days have passed since you made the disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation;
- (b) You do not have reasonable grounds to believe that action is being, or has been taken, in relation to your disclosure;
- (c) You have reasonable grounds to believe that making a further disclosure of the information is in the public interest; and
- (d) Before making the public interest disclosure, you have given written notice to the body to which the qualifying disclosure was originally made, a written notification that:
 - (i) Includes sufficient information to identify the previous disclosure; and
 - (ii) States that you intend to make a public interest disclosure.

To ensure you are protected by law, you should take independent legal advice before taking any such step. It is important that you understand the criteria for making a public interest disclosure.

b. Emergency disclosures

An emergency disclosure can be made to journalists and parliamentarian but only if:

- (a) You have previously made a disclosure of the information to ASIC, APRA or another Commonwealth body prescribed by regulation;
- (b) You have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more person or to the natural environment;
- (c) Before making the emergency disclosure, you have given written notice to the body in that:
 - (i) Includes sufficient information to identify the previous disclosure; and
 - (ii) States that you intend to make an emergency disclosure; and
- (d) The extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

To ensure you are protected by law, you should take independent legal advice before taking any such step. It is important that you understand the criteria for making an emergency disclosure

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