



**POLICY**



## NETBALL WA WHISTLEBLOWER POLICY

Version: 1.2020	Approved by CEO on: 2/9/2020
Policy Type: Strategic	Approved by Board on: 9/11/2020
Responsible Person: Member Services	Scheduled review date: September 2021
Creation Date: 10/01/2020	

### Introduction

Netball WA (“NWA”) has implemented a voluntary reporting system to enable individuals to voice concerns when they discover information which they believe shows misconduct or serious wrongdoing. This includes protection for people who make serious wrongdoing disclosures.

### Purpose

The Board of NWA is committed to ensuring that all participants in netball must not, by any manner whatsoever, infringe the principle of fair play, show unsporting conduct or attempt to influence the course or result of a competition or match (or any part thereof) in a manner contrary to sporting ethics. This includes the reporting of betting and other regulatory misbehaviour in netball by individuals or where bribes or other payments/inducements are used or attempted to be used to influence the outcomes of a match.

This whistleblowing system also encourages people to raise concerns over corruption, financial malpractice, maladministration, misconduct or other unethical conduct or impropriety in which they are able to show **reasonable grounds** for concern and which could be a potential risk to the reputation of NWA and/or its subsidiaries, West Coast Fever and Glass Jar Australia (Shooting Stars).

**Reasonable grounds** means that any reasonable person would also suspect the information indicates misconduct or a breach of the law.

NWA commits to undertake such further enquiries as is considered necessary to determine whether there are prima facie grounds for considering that the concern is well-founded.

This document outlines the procedures and requirements for individuals to report a wrongdoing when they discover information which they believe shows misconduct or serious malpractice.





## Applicability

The NWA Whistleblower system:

- Allows individuals to make a confidential report;
- Protects the identity of the person reporting the incident;
- Protects the individual from reprisal, discrimination, harassment or victimisation for making the disclosure;
- Assists in gathering evidence for disciplinary action;
- Affirms that the Whistleblower will be informed about the outcome;
- Encourages openness and promotes transparency;
- Issues identified from the inquiry/investigation will be resolved and/or rectified;
- Protects the integrity of netball and NWA.

This policy will be made available on the website of NWA.

## Who is a Whistleblower?

The definition of an 'eligible Whistleblower' includes most people with a connection to Netball WA, and its subsidiaries, who may be in a position to observe or be affected by misconduct and may face reprisals for reporting it. This includes:

- a) Current and former employees;
- b) Current and former Directors;
- c) Contractors (including employees of contractors); and
- d) Suppliers.

These people can access the rights and protections in the law from when they report wrongdoing. The protections also extend to the spouses and relatives of these people and the criteria for the legal rights and protections for Whistleblowers.

Whistleblowers can provide their name and contact details when they report. They can also report anonymously.

This policy is not applicable to complaints and misconduct reports from Members and Volunteers – these should be reported in accordance with NWA's Member Protection Policy.

## Protection for the Whistleblower

NWA will keep the Whistleblower's identity, or information that is likely to lead to identification, confidential. Generally, organisations that receive a report cannot disclose this information without the consent of the Whistleblower. However, information may be required to be reported to ASIC, the Australian Federal Police or to a lawyer for advice about the Whistleblower protections.

Even though a Whistleblower may be implicated in a wrongdoing, they will not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.

If requested, the Whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed. The Whistleblower may not be protected from the consequences of being involved in the wrongdoing itself. However, active co-operation in the investigation, an admission and remorse may be considered when considering disciplinary or other action.



## What are Disclosable Matters

**Wrongdoing** includes, but is not limited to, any conduct that involves dishonest behaviour, fraudulent or corrupt activity (including financial fraud or bribery), unethical behaviour (including discrimination, harassment or bullying), deliberate concealment of information, illegal activities (including dealing in or use of illicit drugs, violence, harassment, intimidation or threatened violence and criminal damage against property), a breach of any legislation relating to NWA's operations or activities, and behaviour that poses a serious risk to the health and safety of any person.

There must be reasonable grounds to suspect that the information being disclosed about NWA, its subsidiaries or members concerns:

- wrongdoing, or
- an improper state of affairs or circumstances.

To ensure that all employees are treated fairly and that resources are not wasted, protection is not available where the disclosure is:

- Trivial or vexatious in nature with no substance. This will be treated in the same manner as a false report and may itself constitute wrongdoing.
- Unsubstantiated allegations which are found to have been made maliciously, or knowingly to be false. These will be viewed seriously and may be subject to disciplinary action that could include dismissal or termination of service.

## Who Can Receive a Disclosure?

If you have reasonable grounds to suspect a wrongdoing has occurred or is likely to have occurred, you are encouraged in the first instance to discuss the matter with your line manager. These discussions will, at all times, remain confidential.

If this is not considered as appropriate or a wrongdoing has been confirmed, you can report the wrongdoing to NWA's President, Chief Executive Officer or a Whistleblower Governance Officer (WGO), as appropriate. A WGO is a person named in Appendix 1 of this policy.

Whoever the report is made to will be responsible for receiving the Whistleblower disclosure of wrongdoing and will also be responsible, in conjunction with the WGO, for the inquiry and oversight of resolution of the outcome of the investigation.

All managers who receive disclosure about wrongdoing must notify their Line Manager or the WGO and provide particulars of the report and maintain strict confidentiality about the disclosure.

The Whistleblower protections can also apply to you if you make a Whistleblower report to a journalist or a member of the Commonwealth Parliament or a state or territory parliament. However, this is only in certain limited circumstances. If you disclose your concerns to the public in another way, these protections do not apply.



## Making a Report

You must be a current or former:

- employee of NWA and/or its subsidiaries that your disclosure is about, or a related company or organisation;
- officer (usually that means a director or company secretary) of NWA and/or its subsidiaries that your disclosure is about, or a related company or organisation;
- contractor, or an employee of a contractor, who has supplied goods or services to NWA and/or its subsidiaries that your disclosure is about, or a related company or organisation. This can be either paid or unpaid, and can include volunteers; or
- spouse, relative or dependent of one of the people referred to above.

While you must hold or have held one of these roles to access the protections, you do not have to identify yourself or your role, and you can raise your concerns anonymously and outside of business hours.

Where possible, a report should be in writing and should contain:

1. the nature of the wrongdoing;
2. person/s believed to be responsible for the wrongdoing;
3. reasons why you believe that a wrongdoing has occurred; and
4. any other evidence that may substantiate your allegation.

## Legal Protections

Protection is available to Whistleblowers who disclose wrongdoing that is made with reasonable grounds to believe it is true. This protection includes identity protection (confidentiality), protection from detrimental acts or omissions, compensation and remedies, as well as civil, criminal and administrative liability protection.

A false report of a disclosable matter could have significant effects on NWA's reputation and the reputations of staff members and could also cause considerable waste of time and effort. Deliberate false reports involve a discloser reporting information they know to be untrue. It does not include situations where there are reasonable grounds to suspect wrongdoing or an improper state of affairs, but where suspicions are later (for example after an investigation) determined to be unfounded.

Any deliberately false reporting of a wrongdoing, whether under this policy or otherwise, will be treated as a serious disciplinary matter.

## Investigation Process

NWA and/or its subsidiaries will investigate all matters reported under this policy as soon as practicable after the matter has been reported and will appoint an investigator to assess the report.

The Chief Executive Office will have the authority to appoint an external Investigator to assist in the investigation and may seek the advice of internal or external experts as required.

The investigation will be conducted in an objective and fair manner, and as is reasonable and appropriate having regard to the nature of the disclosure and the circumstances. All reasonable efforts will be made to preserve the confidentiality of the investigation.



The investigation must be conducted in a manner sufficient to result in a conclusion and recommendations regarding the Whistleblower report.

The investigator and any experts involved in the investigation will have full access to all documents, records and relevant materials, and all personnel must co-operate fully with the investigator.

The Whistleblower must, subject to any legal requirements, keep the report confidential, including the fact that a report has been made.

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

A Whistleblower Protection Officer (WPO) may be appointed, who is an officer, senior manager or employee to support and provide protection to the Whistleblower according to this policy. The WPO must have a direct reporting line to an Executive of NWA that is independent of line management in the area that is the subject of the report of wrongdoing.

The WPO will provide mentoring and other support deemed necessary, and will be responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation subject to consideration being given to the privacy of the person against whom the disclosure has been made.

Where a report is submitted anonymously, NWA and/or its subsidiaries will conduct the investigation and its enquiries based on the information provided to it. However, anonymity may prevent further action taking place to obtain further information from the source of the report.

NWA recognises that individuals against whom a report is made must also be supported during the handling and investigation of the wrongdoing report and will take all reasonable steps to treat fairly any person who is the subject of a report, particularly during the assessment and investigation process.

### Investigation Result

Upon conclusion of the investigation, the investigator must prepare a report of the findings for the CEO and President.

This report should include recommendations for actions to be taken to remedy the harm or loss arising from the wrongdoing, disciplinary proceedings against the person responsible for the wrongdoing, and the referral of the matter to appropriate authorities as deemed necessary. It should also include steps to be put in place to prevent the wrongdoing from occurring in the future.

All relevant parties must adhere to the determinations of the investigation report.

### Disclosure Management

Where a person is identified as being suspected of possible wrongdoing, but preliminary inquiries 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 no further action will be taken. The WGO will decide whether the person named in the allegation should be informed that a suspicion was raised and found to be baseless upon preliminary review.

Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.



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

- is informed of the substance of the allegations;
- is given a fair and reasonable opportunity to answer the allegations before the investigation is finalised;
- has their response set out fairly in the investigator's report; and
- 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. NWA will give its full support to a person who is the subject of a report where the allegations contained in the report are clearly wrong.

### Failure to Comply

Any breach of this Policy may result in disciplinary action that could result in severance from NWA and/or its subsidiaries.

### Referenced and Related Documents

- Netball WA Whistleblower Report Form
- Member Protection Policy
- Code of Conduct
- Member Grievance Policy
- Member Disciplinary Policy

### Policy Review

NWA reserves the right to amend this policy from time to time subject to organisational needs or changes in the law. Any amendments will be approved by the Board, updated in the NWA Policy Register and updated on the NWA website.

### Authorisation



**President**  
**Netball WA**

**Date:** 9 November 2020





## Appendix 1

Netball WA's Whistleblower Governance Officer

Netball WA HR Manager





## Netball WA Whistle Blower Report Form

**Please note:** By filing a report, you will have consented to taking part in any actions that follow. NWA recognises and fully respects the concern of confidentiality and, therefore, will take every effort to keep personal information confidential. However, please bear in mind that some information in relation to the case will need to be shared with others in order to properly investigate the report.

If known, please provide the name and position of the individual performing the wrongdoing:	
Have you contacted anyone else in relation to your concerns?	Yes / No
Wrongdoing details: When did it happen? Where did it happen? What type of wrongdoing occurred?	
How did you become aware of the wrongdoing?	
Do you have any supporting evidence of the wrongdoing? (please attach)	
Are you aware of any other supporting evidence of the wrongdoing?	
Are you aware of any other individuals or organisations, other than Netball WA and its entities, that maybe involved in this wrongdoing?	
Please provide any other details that you believe may assist the investigation of this wrongdoing:	
Please describe any concerns you have regarding disclosure of this wrongdoing (e.g. discrimination or intimidation) because of this report:	
Your details (you do not have to complete this section if you wish to lodge this report anonymously): Name (first and last) Phone Email Address	



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