| Policy | Whistleblower | | NWA-POL-03 |
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| Department | Executive | Creation Date | January 2020 |
| Custodian | Chief Executive Officer | Reviewed | October 2026 |
| Review Period | 3 years | Review Date | October 2029 |

## Policy Statement

Netball WA and its subsidiary entities are committed to ensuring a high level of legal, ethical and moral behaviour in its governance and operations. In its privileged and trusted roles representing the sport of netball in Western Australia, representing the state in national competition, and engaging with local communities, there is no place for misconduct, breaches of the law, or any other improper behaviour. A person who reasonably suspects wrongdoing is encouraged to report it and be protected in line with this policy.

## Scope

This policy applies to individuals who are appropriately associated with Netball WA, including current and former employees, Directors, players, contractors, suppliers and their employees, and the spouses and relatives of these individuals.

It relates to suspected wrongdoing, including misconduct, breaches of the law, and improper circumstances within Netball WA.

Netball WA policies, any appendices and related procedures and forms apply to Netball WA (NWA) and its subsidiary entities. This includes Glass Jar Australia and West Coast Fever.

## Purpose

The purpose of this policy is to:

- Deter and prevent misconduct and unlawful and improper behaviour from occurring within NWA.
- Provide a transparent and fair process for reporting such behaviour if it does occur or is suspected to have occurred.
- Appropriately address such behaviour where identified.
- Protect people who make a report under this policy.

## Policy

There are rights and protections under law for people who report suspected wrongdoing in line with this policy. To qualify for protection under the law, the following criteria must all be met:

1. A discloser (person who makes the report) must be an 'eligible whistleblower'; and
2. The disclosure (the report made) must be about a 'disclosable matter'; and
3. The disclosure must be made to an 'eligible recipient' (the person who receives the report).

### Eligible Whistleblower

A discloser, who is the person who has made the disclosure, is considered an eligible whistleblower when they have a connection with NWA and its subsidiaries, may be in a position to observe or be affected by misconduct, and may face reprisals for reporting it.

This includes:

- Current and former paid or unpaid employees
- Current and former Directors
- Current and former NWA engaged volunteers
- Contractors (including employees of contractors)
- Suppliers (including employees of suppliers)
- Spouses, relatives and dependants of those listed above.

### Disclosable Matters

Disclosable matters involve information that the discloser has reasonable grounds to suspect indicates that NWA, or an officer or employee of NWA, has engaged in conduct that constitutes misconduct or improper circumstances.

It includes, but is not limited to, any conduct that involves breaches of law relating to NWA's operations or activities, influencing the course or result of a competition, negligence, fraudulent or corrupt activity, breach of trust, unethical or dishonest behaviour, illegal activities, that represents a danger to the financial system or the public, and behaviour that poses a serious risk to the health and safety of any person.

Reasonable grounds means that a reasonable person in the discloser's position would also suspect the information indicates misconduct or a breach of the law.

#### Non-Disclosable Matters

Whistleblower protection under law is not available for disclosures that are not disclosable matters. This includes:

- Matters that are objectively **trivial or vexatious** in nature, with no substance to the report, 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**, recklessly, or knowingly to be false, will be viewed seriously and the discloser may be subject to disciplinary action that could include termination of employment or service.

It does not include situations where there are reasonable grounds to suspect wrongdoing, but where suspicions are later (for example after an investigation) determined to be unfounded.

### Personal Work-Related Grievances

Personal work-related grievances are those that relate to the discloser's employment and have personal implications for the discloser, but do not have significant implications for NWA and do not concern conduct or alleged misconduct as described within this policy. NWA's Grievance Policy (NWA-POL-42) is available for matters of this nature.

## Eligible Recipient

A disclosure must be made to an eligible recipient. An eligible recipient can be an organisation's director, officer, senior manager, auditor, or another person authorised to receive whistleblower disclosures.

Within Netball WA, disclosure is encouraged to one of the following:

- Whistleblower Governance Officer (WGO) – NWA's Manager Human Resources (Julie.Lamb@netballwa.com.au)
- Whistleblower Protection Officer (WPO) – NWA's General Manager Community (Beth.Harvey@netballwa.com.au)
- Chief Executive Officer (Simone.Hansen@netballwa.com.au)
- President (president@netballwa.com.au)

Whilst NWA encourages a whistleblower to report internally, there are also certain external recipients to whom a whistleblower may make a whistleblower report. These parties include NWA's appointed external auditor, the Australian Securities and Investments Commission (ASIC), any other regulator, authority or body prescribed under applicable whistleblower legislation or a discloser's lawyer if they are disclosing to obtain legal advice or representation under the whistleblower provisions of the *Corporations Act 2001*.

In more limited circumstances, a protected disclosure may also be made to:

- a journalist; or
- a member of Parliament, but only where the statutory requirements for a public interest disclosure or emergency disclosure are satisfied.

NWA may also seek advice from its external legal advisers in relation to the assessment, management and investigation of a disclosure

### Whistleblower Protections

A person who qualifies for whistleblower protections under law will have the following protections.

#### Protection of Identity

It is against the law for a discloser's identity, or information that is likely to lead to identification, to be revealed in most situations without the consent of the discloser. However, NWA may be required to report information, which may include the discloser's identity, to ASIC, the Australian Federal Police or to a lawyer for advice about the whistleblower protections. Additionally, NWA may disclose information that could identify the discloser if it is for the purpose of investigating the disclosure and they have taken steps to reduce the risk of identification.

#### Protection against Detriment, Harm or Threats

It is against the law for a person to cause a discloser detriment, harm them or threaten them for reporting misconduct or because they suspect a disclosure has or may be made. For example, NWA will not terminate or threaten to terminate the discloser's employment or otherwise victimise or retaliate against a discloser because they reported misconduct or they are suspected of reporting misconduct.

#### Protection against Legal Action for Making a Disclosure

People can't take legal action against a discloser because they made a disclosure. For example, NWA will not enforce a non-disclosure clause in a discloser's employment contract to prevent them from reporting misconduct.

However, if a discloser was involved in the wrongdoing they have reported, they may not be protected from the consequences of their involvement. However, active cooperation in the investigation, an admission and remorse may be considered when considering disciplinary or other action.

## Disclosure Process

### Overview

1. A discloser makes a disclosure to an eligible recipient.
2. The recipient conducts an initial assessment of the information provided to determine if it meets the criteria for whistleblower protections, and if there is sufficient information for an investigation. They may contact the discloser to request more information or seek clarification.
3. An investigator is appointed who conducts an investigation appropriate to the circumstances of the disclosure.
4. The investigator reports their findings to the President and Chief Executive Officer.
5. Any actions that may be determined from the investigation are undertaken.

### Prior to Making a Disclosure

If a person has reason to suspect that wrongdoing has or is occurring in NWA, they should check they meet the criteria for whistleblower protections:

- They are an 'eligible whistleblower'; and
- The information they have is about a 'disclosable matter'; and
- They will make the disclosure to an 'eligible recipient'.

## Making a Disclosure

A written disclosure may be made using one of the following channels, marked strictly private and confidential:

- Emailed to an eligible recipient
- Posted to an eligible recipient
- Hand delivered to an eligible recipient

If a discloser opts to make the disclosure verbally, it can be made:

- In person to an eligible recipient (within or out of hours)
- Via telephone to an eligible recipient (within or out of hours)

A disclosure should contain:

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

Use of the Whistleblower Report Form (NWA-FOR-09) is encouraged to assist with providing sufficient and appropriate information. The discloser may choose not to provide their identifying details in the report if they wish to remain anonymous.

### Reporting Anonymously

A discloser can choose to report anonymously and still be entitled to protection under the law. However, remaining anonymous may limit the ability to investigate the matter. If a discloser wishes to report anonymously, they should provide sufficient information in the report to allow the matter to be properly investigated.

### Confidentiality

Subject to any legal requirements, the discloser must keep confidential the fact they have made a disclosure and the nature of the disclosure, to protect the integrity of the investigation and outcome and ensure confidentiality for people who may be affected by the disclosure.

## Reviewing a Disclosure

The eligible recipient who receives the disclosure will be responsible, in conjunction with the WGO, for the inquiry and oversight of the investigation, and of resolution of the outcome.

### Initial Assessment

An initial assessment will be conducted on receipt of a disclosure to determine whether it meets the criteria for this policy. If the assessment determines that:

- It doesn't meet the criteria, the discloser will be advised (unless the disclosure was made anonymously) and directed to another policy, department or person if more appropriate for the nature of the report.
- It does meet the criteria under this policy, the recipient will then determine the appropriate course of action for investigating the disclosure.

The recipient may contact the discloser to clarify or request further information. If the disclosure was made anonymously, NWA will conduct the investigation based on the information provided in the disclosure.

### Investigation

NWA will appoint a person to investigate a disclosure. The investigator may be a suitable and appropriate internal employee, or an external investigator may be engaged to assist with or manage all or part of the investigation. Internal or external experts may be engaged as required.

The investigation will be conducted in an objective, fair and appropriate manner. The approach to the investigation will depend on the circumstances of each disclosure. It may involve, but is not limited to the following:

- Interviews with the discloser, the person who is alleged to have conducted the wrongdoing, and / or any witnesses.
- Reviewing any documents, systems or other material relevant to the disclosure.
- Engaging relevant experts to review and advise on specific elements of the investigation.

Any NWA employee required to participate in the investigation must cooperate fully with the investigator.

All reasonable efforts will be made to preserve the confidentiality of the investigation and it will at all times comply with relevant whistleblower protection laws.

### Protection of Identity During the Investigation

The investigator and any experts involved in the investigation will have access to any documents, records and relevant materials that are reasonably necessary for them to perform their role in the investigation.

Unless the discloser has agreed to have their identity revealed, their identity will not be disclosed and will first be redacted from the materials. Despite this, where reasonably necessary for the investigation, information may be disclosed that could identify the discloser, however all reasonable steps will be taken to reduce the risk of identification.

## Outcome of the Disclosure Process

On conclusion of the investigation, the investigator will prepare a report of findings for the President and Chief Executive Officer (where appropriate).

Where the allegation/s have been substantiated, the report should include recommendations for:

- actions to be taken to remedy the harm or loss arising from the wrongdoing, if substantiated;
- disciplinary proceedings against the person responsible for the wrongdoing;
- the referral of the matter to appropriate authorities if appropriate; and
- measures to be implemented to prevent the wrongdoing from occurring in the future.

Where the allegation/s have not been substantiated, the report may still include recommendations arising from the investigation. They may involve recommendations for:

- disciplinary proceedings against the discloser, where it is found the disclosure was trivial, vexatious or malicious;
- general recommendations relating to the matter/s investigated even where wrongdoing was not substantiated (e.g. training or process improvements).

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

All information pertaining to the disclosure and disclosure process must remain confidential, even after the process has concluded. This includes that a disclosure was made, that an investigation was conducted, the outcome of the investigation, and the identities of the discloser and any individuals named in the disclosure.

## Keeping the Discloser Informed

The recipient will provide the discloser with reasonable updates. The frequency and nature of the updates will vary depending on the nature of the disclosure and the investigation and will be subject to privacy and confidentiality considerations.

Generally, the recipient will notify the discloser:

- of the commencement of an investigation,
- of progress during an investigation, and
- of the conclusion of the investigation, including the outcome where appropriate.

The Whistleblower Protection Officer (WPO) may be appointed following the initial assessment of the disclosure, who is assigned with supporting and providing protection to the discloser under this policy. The WPO must be independent of line management in the area that is the subject of the report of wrongdoing.

### Right to Respond

Where the investigator, during the course of the investigation, determines that there may be a case for a person named in the disclosure to respond to, the investigator must ensure that the person who is the subject of a report:

- is informed of the substance of the allegations;
- is given a fair and reasonable opportunity to respond to 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 disclosure where the allegations contained in the report are clearly wrong.

### Support During the Process

NWA recognises that participating in a disclosure process can be challenging and upsetting for the discloser, the individual/s against whom a disclosure is made, and other people who may become involved in the process. NWA will take all reasonable steps to support and to treat fairly and compassionately any person who is involved in a disclosure process.

### Protection of Records

NWA will take reasonable precautions to securely store any records relating to a disclosure and only permit access to authorised persons who are directly involved in the managing of the disclosure and subsequent investigation.

## Definitions

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| **Discloser** | A person who reports suspected misconduct. |
| **Disclosure** | A report of suspected misconduct. |
| **Eligible whistleblower** | A person who has a connection with Netball WA, may be in a position to observe or be affected by misconduct, and may face reprisals for reporting it. |
| **Disclosable matter** | Information that a person has reasonable grounds to suspect indicates that Netball WA, or an officer or employee of Netball WA, has engaged in conduct that constitutes wrongdoing, or improper circumstances. |
| **Eligible recipient** | Netball WA's director, officer, senior manager, auditor, or another person authorised to receive whistleblower disclosures. |

## Support Documents

| Document Number | Document Description |
|---|---|
| NWA-POL-03A | Whistleblower Flowchart |
| NWA-POL-42 | Grievance Policy |
| NWA-FOR-09 | Whistleblower Report Form |
| INT001 | Netball Australia Complaints & Disciplinary Policy |

## Relevant Legislation/Compliance

| Legislation / Compliance |
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| Corporations Act 2001 (Cth)<br>https://www.legislation.gov.au/Series/C2004A00818 |

## Reference List

| References |
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| Whistleblower Rights and Protections<br>https://www.asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/whistleblower-rights-and-protections/ |