

# Whistleblower Policy

## 1. Purpose

- 1.1. The Fremantle Football Club (“the Club”) is committed to fostering a culture of ethical behaviour through its trademark values of excellence and respect.
- 1.2. The purpose of this Policy is to outline how the Club will receive, investigate and resolve allegations of Reportable Conduct and, will ensure the protection of those who make such reports (“Whistleblower”).
- 1.3. This Policy was drafted in accordance with the *Corporations Act 2001* and applies to all personnel engaged in the Club’s operations including, but not limited to,
  - a) Current and former Employees, Players, Contractors, Labour hire personnel, Students, Volunteers, Associates and Officers; and,
  - b) Relatives, dependants, trustees or spouses of a person described in paragraph 1.3a.
- 1.4. A copy of this Policy will be made available to all internal stakeholders via the Club’s intranet and, will be made available to all external stakeholders via the Club’s website (<https://www.fremantlefc.com.au/club/our-people>)

## 2. Objectives

- 2.1. The objectives of this Policy are to:
  - a) provide Whistleblowers with a clear framework with which to make an allegation;
  - b) ensure any reports of Reportable Conduct are dealt with appropriately;
  - c) provide Whistleblowers with a clear understanding of how allegations will be handled;
  - d) protect Whistleblowers from victimisation and retaliation;
  - e) support Whistleblowers throughout the reporting process;
  - f) afford natural justice and procedural fairness to anyone who is the subject of an allegation of Reportable Conduct.
- 2.2. To support its stated objectives, this Policy provides a framework for Whistleblowers to make a Protected Disclosure by:
  - a) providing reasonable protections for a Whistleblower who, acting honestly with genuine or reasonable belief that the information in the allegation is true or likely to be true, raises concerns about Reportable Conduct; and
  - b) ensuring allegations of Reportable Conduct are properly and lawfully investigated and addressed.

### 3. Protected Disclosures

- 3.1. A “**Protected Disclosure**” is a report of Reportable Conduct made in accordance with this Policy. Nothing in this Policy is intended to abrogate or diminish any additional or alternative protections which may be available under law. Where this Policy differs from applicable law, the Club will apply the higher standard.
- 3.2. To be protected under this Policy, a Whistleblower must:
  - a) be acting honestly with genuine or reasonable belief that the information in the allegation is true or likely to be true;
  - b) make the disclosure in accordance with this Policy; and
  - c) not themselves have engaged in serious misconduct or illegal conduct in relation to the Reportable Conduct.
- 3.3. Where a Whistleblower makes a Protected Disclosure and continues to comply with this Policy during the reporting process, that person will be protected from disciplinary action, victimisation, retaliation or claims by the Club as a result of the report.
- 3.4. In circumstances where, for any reason, the identity of the Whistleblower is known outside of the investigation process, the Club will take all reasonable steps to protect the Whistleblower from retaliatory or discriminatory action.
- 3.5. In some jurisdictions, in addition to the protections provided for under this Policy, a person making an allegation of Reportable Conduct may be protected by local law from civil and/or criminal proceedings, and, against retaliatory or discriminatory action as a result of having made an allegation protected by applicable local law. Whistleblowers should be aware that, in some jurisdictions, making an allegation to a government authority without using the Clubs internal procedure may result in the loss of Whistleblower protections available under this Policy.

### 4. Reportable Conduct

- 4.1. This Policy supports the reporting of allegations of serious wrongdoing (“**Reportable Conduct**”) by those eligible parties as defined in section 1.3.
- 4.2. Reportable Conduct includes, but is not limited to the following:
  - a) dishonest, corrupt or illegal activities;
  - b) theft, fraud, money laundering or misappropriation;
  - c) a serious breach of the Club’s policies or procedures;
  - d) offering or accepting a bribe;
  - e) use of Club funds or resources in a manner that falls within the scope of Reportable Conduct;
  - f) damage, sabotage, violence and the sale/use of drug and alcohol;
  - g) risks to health and safety;
  - h) unethical conduct;
  - i) bullying, discrimination, harassment or abuse;

- j) victimising someone for reporting Reportable Conduct;
  - k) recrimination against someone because they participated in an investigation or review;
  - l) any instruction to cover up or attempt to cover up serious wrongdoing;
  - m) unethical behaviour including breaches of the anti-doping code; and,
  - n) manipulation of internal or external audit processes.
- 4.3. This Policy extends to serious wrongdoing that occurs before or after the commencement of this Policy and is not limited to the above examples.
- 4.4. Personal work-related grievances, other than those detailed in paragraph 4.5, are not considered Reportable Conduct and are to be handled in accordance with the Club's Grievance Management Policy.
- 4.5. Personal work-related grievances are only considered Reportable Conduct if there is systematic, widespread or ongoing misconduct relating to grievance management.

## 5. Making a report

- 5.1. A Protected Disclosure may be made using the reporting channels outlined below. The availability of each channel depends on whether the Whistleblower is external or internal to the Club (see sections 5.2 and 5.3 respectively).
- 5.2. **External Whistleblowers** – External Whistleblowers (e.g. members of the Fremantle Football Club) can contact either a Club Whistleblower Protection Officer (“WPO”) (see section 6 for more information) or the AFL’s Integrity and Security Department to make a report (see section 7 for more information).
- 5.3. **Internal Whistleblowers** – Internal Whistleblowers may use any of the following channels of communication to make a report:
- a) verbally or in writing to their immediate supervisor or department manager;
  - b) verbally or in writing to a Club Whistleblower Protection Officer (“WPO”) as listed in section 6 of this Policy; or,
  - c) if the Whistleblower does not feel they are able to use the internal channels as the alleged Reportable Conduct involves a WPO or an executive of the Club; or, the Club has failed to appropriately respond to the report, they may contact the AFL’s Integrity and Security Department as detailed in section 7 of this Policy.
- 5.4. At any time, a potential Whistleblower who is unsure about whether to report Reportable Conduct will be entitled to discuss the matter in confidence with their immediate supervisor or department manager or a WPO. In the event a Whistleblower does not formally make a Protected Disclosure, the Club may nevertheless be compelled to act on the information provided if that information reasonably suggests Reportable Conduct has occurred or may occur.

## 6. Whistleblower Protection Officers

- 6.1. The Club’s WPOs are appointed by the Club’s Head of Integrity Committee to:

- a) safeguard the interests of Whistleblowers;
- b) assess the immediate welfare and protection needs of a Whistleblower and, where the Whistleblower is an employee, seek to foster a supportive work environment; and,
- a) respond as appropriate and necessary to any concerns or reports of victimisation by a Whistleblower.

6.2. The Club's WPOs and their contact details are as follows:

Title	Name	Email
Chief Operating Officer	Graeme Parker	<a href="mailto:graemeparkerwbo@fremantlefc.com.au">graemeparkerwbo@fremantlefc.com.au</a> Landline: 08 9433 7123
Human Resources Manager	Brad Wellings	<a href="mailto:bradwellingswbo@fremantlefc.com.au">bradwellingswbo@fremantlefc.com.au</a> Landline: 08 9433 7122
Head of Integrity Committee	Craig Carter	<a href="mailto:craigcarterwbo@fremantlefc.com.au">craigcarterwbo@fremantlefc.com.au</a>
Member of Board of Directors	Sue Murphy	<a href="mailto:suemurphywbo@fremantlefc.com.au">suemurphywbo@fremantlefc.com.au</a>

6.3. If a Whistleblower is uncertain how to contact a WPO, they may seek clarification from their supervisor or manager, or consider using the independent Whistleblower Service.

## 7. Independent Whistleblower Service - AFL Integrity and Security

- 7.1. If a Whistleblower is not comfortable or able to make a report of Reportable Conduct internally, they may make a report via an Independent Whistleblower Services provided by the AFL's Integrity and Security Department.
- 7.2. The Independent Whistleblower Service acts as the intermediary, providing the means for Whistleblowers to retain anonymous, whilst enabling the Club to obtain further information if required. All reports received by the Independent Whistleblower Service are reported to the Club's WPOs in accordance with this Policy. The Independent Whistleblower Service also enables the Whistleblower to receive updates from the Club without disclosure of their identify.
- 7.3. The Independent Whistleblower Service enables reports to be made anonymously and confidentially. Whilst the Club would prefer Whistleblowers to disclose their identity in order to facilitate any investigation, a Whistleblower is not required to identify themselves and will not be named in any report to the Club unless they have consented to their identity being disclosed.
- 7.4. The 24/7 Independent Whistleblower Service reporting options include:
  - a) Website: <https://eaf.austfoot.com.au/afl-makeareport/#/landing>; or,
  - b) Telephone: 0447 044 984
- 7.5. In the event a report received by the Independent Whistleblower Service relates to a WPO, the Independent Whistleblower Service will exclude the relevant WPO from all communications when reporting that report to the Club for investigation. The WPOs who are not named in the report will then determine how the matter should be investigated.

- 7.6. If a report relates to all WPOs, the Independent Whistleblower Service will refer the report directly to the Club's Head of the Integrity Committee who shall act as the alternative WPO in this instance.
- 7.7. The Independent Whistleblower Service will remain an independent intermediary at all times and will only communicate with the Club's WPOs, or the Chair of the FAIRC where applicable.

## **8. Consequences of making a false report**

- 8.1. Anyone who knowingly makes a false report of Reportable Conduct, or who otherwise fails to act honestly with reasonable belief in respect of the report may be subject to disciplinary action, including dismissal, termination of service or sanctions as appropriate.

## **9. Confidentiality and Privacy**

- 9.1. The Club will make all reasonable efforts to ensure the identity of a Whistleblower remains confidential throughout the investigation process. The Club will not disclose a Whistleblower's identity unless:
  - a) the Whistleblower consents to the disclosure of their identity;
  - b) disclosure of the Whistleblower's identity is compelled by law;
  - c) disclosure is necessary to prevent a serious threat to any person's health or safety; or,
  - d) it is necessary to protect or enforce the Club's legal rights or interests or to defend any claims as recognised by applicable laws.
- 9.2. Whistleblowers can report anonymously. Any supervisor or manager who receives a Whistleblower report must not disclose that report to anyone other than a WPO or the Chair of FAIRC.
- 9.3. Unauthorised disclosure of the Whistleblower's identity or information from which the identity of the Whistleblower could be inferred will be regarded as a disciplinary matter and will be dealt with in accordance with the Club's disciplinary procedures.
- 9.4. Where a Protected Disclosure is made anonymously through the independent Whistleblower Service, the Club will use reasonable efforts to ensure the process of investigating the report does not lead to the Whistleblower being identified.
- 9.5. A Whistleblower must always keep information relating to an allegation as confidential, both during any investigation process and following any resolution of an allegation.

## **10. Investigation**

- 10.1. A Whistleblower's report may only be investigated and acted upon following referral to a WPO. Any other person (such as a supervisor or manager) who receives a report of Reportable Conduct must immediately refer it to a WPO, take no further action and keep the report confidential.
- 10.2. Once received, all allegations of Reportable Conduct pursuant to this Policy must be referred to the WPOs and include, at a minimum, the following details:

- a) the date the Whistleblower made the report;
- b) the date and substance of the Reportable Conduct;
- c) the identity and level of seniority of the alleged wrongdoer;
- d) the level of risk associated with the alleged wrongdoing.

10.3. All Protected Disclosures will ultimately be reported to the FAIRC.

10.4. The WPOs (or the Chair of the Integrity Committee as applicable) will determine whether sufficient information exists to allow the report to be investigated, whether an investigation is required, and, if so, determine the appropriate investigation process, including:

- a) the nature and scope of the investigation;
- b) who will conduct the investigation and whether that person should be external to the Club;
- c) the nature of any technical, financial or legal advice that may be required;
- d) a timeframe for the investigation (having regard to the allocated level of risk).

10.5. The Whistleblower will, if the Club deems it appropriate and permissible to do so, be informed on a continuing basis as to the nature and progress of the investigation.

10.6. The Club may be required to refer an allegation of Reportable Conduct to the Police or other agency (e.g. the Australian Football League (“AFL”)). In such circumstances, the Club may not be able to keep a Whistleblower informed on the progress of a Protected Disclosure.

## **11. Investigation Findings**

11.1. The Club will apply principles of procedural fairness and natural justice to the conduct of any investigation and its findings arising under this Policy.

11.2. The person leading an investigation will report their findings to the relevant WPO (or directly to the Chair of the Integrity Committee as appropriate) and advise the recommended course of action (if any) that the Club should take in response to the findings. Such action may include a disciplinary process or another form of escalation of the report within or outside of the Club.

11.3. A WPO and the Chair of the Integrity Committee will determine the action (if any) to be taken. If appropriate, and subject to any applicable confidentiality, privacy or legal constraints, the WPO may notify the Whistleblower of the conclusion of the investigation and the action taken.

## **12. Record Keeping and Accountability**

12.1. The Club’s Chief Operating Officer is responsible for:

- a) establishing and maintaining the Whistleblower Service;
- b) generating and distributing the Whistleblower Service details to the WPOs;

- c) communicating this Policy and the Whistleblower Service details to the Club's personnel; and,
- d) otherwise ensuring maintenance and adherence to this Policy.

12.2. The Club will establish and maintain a record of all reports of Reportable Conduct received, the investigation process undertaken, and any actions taken to resolve the matter ("Whistleblower Register").

12.3. The WPOs will:

- a) coordinate and support the impartial investigation of Protected Disclosures;
- b) submit a quarterly summary report to the FAIRC, which provides statistics of:
  - c) the number of reports received, per quarter;
  - d) for each report, the type of misconduct alleged, the level of seniority of the alleged wrongdoer and the level of perceived risk;
  - e) for each report, the time taken to investigate it;
  - f) the conclusion of each investigation (upholding or dismissing the report) and the nature of the action taken (such as disciplinary action).

12.4. The Chair of the Integrity Committee shall periodically review the Whistleblower Register to ensure proper process is being followed.

## 13. Victimization

13.1. The Club is committed to ensuring that any person who reports Reportable Conduct, acts as a witness or participates in any way with respect to a report of Reportable Conduct is not victimised.

13.2. The Club will thoroughly investigate reports of victimisation. If proven, those who have victimised a person may be subject to disciplinary action.

## 14. Support

14.1. The WPO can initiate or coordinate support for employees who have, or are in the process of making, a report. As a first step, employees can contact the Club's employee assistance provider – Benestar, on 1300 360 364

Signed by,



Brad Wellings  
**HR Manager**

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