



WHISTLEBLOWER POLICY

BIATHLON AUSTRALIA LIMITED

Date: 3 October 2022

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1. SCOPE AND PURPOSE

- (a) The purpose of this Policy is to encourage the Reporting of serious wrongdoing, and to set out:
 - (i) the avenues available to Whistleblowers for Reporting serious wrongdoing to BA; and
 - (ii) how BA will deal with any such Reports.
- (b) Any person who raises a concern and makes a disclosure of a serious nature (for example unethical, illegal, corrupt or other inappropriate conduct) should not be subject to victimisation, harassment or discriminatory treatment.
- (c) This Policy:
 - (i) defines who can make a protected disclosure (**Whistleblower**),
 - (ii) identifies who can receive a protected disclosure (**Eligible Recipient**),
 - (iii) establishes a process for Whistleblowers to make a protected disclosure (**Report**), and
 - (iv) establishes a corresponding process for BA to address reports from Whistleblowers.
- (d) This Policy is a workplace policy and applies to the following types of people :
 - (i) BA employees;
 - (ii) BA Directors;
 - (iii) BA contractors (including employees of contractors);
 - (iv) consultants to BA; and
 - (v) suppliers to BA;

(Whistleblowers).
- (e) This Policy will be available in an accessible format to all BA employees and BA Directors, and publicly available on the BA website at Resources and/or Policies.
- (f) This Policy does not apply to Members unless they also fall under **clause 1(d)**. Any Reportable Conduct or Whistleblowing relating to, or by, a Member should be managed under BA's Member Protection Policy and National Integrity Framework.

2. DEFINITIONS AND INTERPRETATION

BA means Australian Biathlon Limited.

Member has the meaning given to it by the BA Constitution.

RAIC means the BA Risk Audit and Integrity Committee.

Reportable Conduct means conduct or wrongdoing of a serious nature that is of legitimate concern to the Whistleblower or to BA.

Sport means the sport of Biathlon.

Headings are for convenience only and do not affect interpretation and unless the context indicates a contrary intention.

Includes in any form is not a word of limitation.

A reference to **month** is to a calendar month.

A reference to **\$** or **dollar** is to Australian currency.

3. REPORTABLE CONDUCT

- (a) Any conduct or wrongdoing that is genuinely believed to be in breach of the law or BA's by-laws or policies should be reported in accordance with this Policy.
- (b) Reportable Conduct includes, but is not limited to, any conduct that involves:
 - (i) illegal activities (including but not limited to theft, dealing in or use of illicit drugs, violence, harassment, intimidation or threatened violence and criminal damage against property);
 - (ii) dishonest behaviour;
 - (iii) fraudulent or corrupt activity, including financial fraud or bribery;
 - (iv) perverting the course of justice;
 - (v) unlawful, corrupt or irregular use of company funds or practices;
 - (vi) unethical behaviour, including any form of discrimination, harassment or bullying;
 - (vii) improper or misleading accounting or financial reporting practices;
 - (viii) a breach of any legislation relating to BA's operations or activities;
 - (ix) behaviour that is oppressive, unjust, discriminatory or grossly negligent (including gross mismanagement, serious or substantial waste of BA's resources or repeated breaches of administrative procedures);
 - (x) any behaviour that poses a serious risk to the health and safety of any person at the workplace;
 - (xi) a serious risk to public health, public safety or the environment;
 - (xii) an improper state of affairs in relation to BA;
 - (xiii) any other conduct which may cause loss to BA or be otherwise detrimental to the interests of BA or any of its employees; and
 - (xiv) the deliberate concealment of information tending to show any of the conduct listed above.

- (c) Reportable Conduct does not include personal work-related grievances. Personal work-related grievances include but are not limited to interpersonal conflicts between the Whistleblower and another employee, or a decision relating to the engagement, transfer or promotion of the Whistleblower. Such grievances should be addressed by the BA CEO or their nominee under the provisions of the relevant Employment Agreement and the *Fair Work Act 2009 (Cth)*.
- (d) A personal work-related grievance may still qualify for protection if:
 - (i) it includes information about misconduct, or information about misconduct includes or is accompanied by a personal work-related grievance (mixed report);
 - (ii) the entity has breached employment or other laws punishBAe by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances;
 - (iii) the Whistleblower suffers from or is threatened with detriment for making a disclosure; or
 - (iv) the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the *Corporations Act*.

4. RESPONSIBILITY TO REPORT

- (a) It is expected that any person becoming aware of any Reportable Conduct will notify the appropriate personnel as per this Policy in order to maintain BA's integrity and ethical behaviour.
- (b) A Whistleblower must provide information to assist in any inquiry or investigation of the conduct disclosed.

5. PROTECTION OF WHISTLEBLOWERS

- (a) BA will take all reasonable steps to ensure that a Whistleblower will not be subject to any form of victimisation, discrimination, harassment, demotion, dismissal, threats or prejudice because they have made a Report, even if the disclosure is subsequently determined to be incorrect or is not substantiated. This also applies to anyone providing information related to an investigation pursuant to this Policy.
- (b) Protections available for Whistleblowers who make a Report include:
 - (i) identity protection (confidentiality);
 - (ii) protection from detriment;
 - (iii) compensation and other remedies; and
 - (iv) civil, criminal and administrative liability protection.
- (c) Protections such as confidentiality and protection from detriment are available under the law and it is an offence to breach confidentiality or cause detriment.
- (d) BA will take all reasonable steps to protect the identity of a Whistleblower and will adhere to statutory requirements in respect of the confidentiality of Reports made. In

appropriate cases, disclosure of the identity of a Whistleblower or the allegation made may be unavoidable, such as if court proceedings result from a Report pursuant to this Policy.

- (e) This Policy will not protect a Whistleblower if they are also involved in, or connected with, the misconduct or wrongdoing reported.

5.1 Reporting on Reasonable Grounds

- (a) A Report may have serious consequences, including potential damage to the career prospects and reputation of people who are the subject of allegations of misconduct or wrongdoing. Therefore, it is very important that those who make a report under this Policy do so with reasonable grounds for believing that the information is correct or likely to be correct.
- (b) BA takes very seriously any Reports made under this Policy. Disciplinary action may be taken however, against anyone who makes a false report or claim, or a report or claim that is not on reasonable grounds.
- (c) A Report will not be considered to be made on reasonable grounds if it is frivolous, vexatious, raised for a malicious reason, for personal gain or an ulterior motive, or if it is not based on facts and/or circumstances that provide a reasonable basis for the report. Repeated reports about trivial matters may also be considered not to be made on reasonable grounds and if so, will not be investigated under this Policy.

5.2 Anonymous Reporting

- (a) Whistleblowers can disclose anonymously and qualify for protections under the *Corporations Act 2001 (Cth)*. It may be difficult however for the matter to be properly investigated without the Whistleblower's identity. Whistleblowers may make anonymous disclosures by emailing a Report to an Eligible Recipient. Anonymous Whistleblowers are encouraged to maintain ongoing communication using their preferred reporting channel, which allows BA to ask follow-up questions and better understand and investigate their concerns. A Whistleblower can refuse to answer questions that they feel could reveal their identity at any time, including during follow-up conversations.
- (b) If further legal action is taken on the reported matter, it may become necessary for a Whistleblower to identify themselves. In these instances, BA will continue to take all reasonable steps to protect the Whistleblower from any possible reprisal, however Whistleblowers are encouraged to provide their identity to enable a robust process to be undertaken.

6. PROCEDURES

6.1 Making a Report to an Eligible Recipient

- (a) Any person who has reasonable grounds to suspect that Reportable Conduct has occurred is encouraged to speak to BA's MPIO, from whom the Whistleblower can confidentially seek further information before making a disclosure. Independent legal practitioners can also provide a Whistleblower with advice. If this is not considered appropriate, or the conduct has already been confirmed as Reportable Conduct, a Report should be made to an Eligible Recipient.
- (b) An Eligible Recipient is the:

- (i) BA Deputy Chair; or
- (ii) BA Chair.
- (c) Eligible Recipients shall receive training in BA's processes and procedures for receiving and handling disclosures, including training relating to confidentiality and the prohibitions against detrimental conduct.
- (d) Reports should wherever possible be made to the BA EO. If the Report involves the EO or a BA Director, then the matter should be reported to the BA Chair. If the Report involves the Chair, it should be reported to the Chair of the RAIC.
- (e) Reports may be made in person, by phone, by email or by post, but preferBAy by email. Whistleblowers can qualify for protection regardless of which channel they choose to report through.
- (f) The relevant email addresses are currently as follows:
 - (i) BA Chair
 - (ii) BA Deputy Chair
- (g) Whistleblowers are encouraged to use one of the availBAe reporting channels to make a Report if they are unsure whether the matter would be considered Reportable Conduct. This preserves the Whistleblower's ability to rely on the protections if the matter disclosed relates to Reportable Conduct. All Reports made under this policy will be treated the same way, regardless of if the matter qualifies for protection under Australia's whistleblower laws. BA is willing to support and encourage a culture of speaking up.
- (h) Where possible, a Report of Reportable Conduct should be in writing and should contain, as appropriate, details of the:
 - (i) nature of the alleged breach;
 - (ii) persons or persons believed to be responsible for the breach;
 - (iii) facts on which the Whistleblower's belief that a breach has occurred are based; and
 - (iv) nature and whereabouts of any further evidence that may substantiate the Whistleblower's allegations, if applicable.
- (i) Reports should provide specific, adequate and pertinent information regarding the conduct with respect to, among other things, dates, places, specific activities, persons/witnesses, amounts and other relevant information, in order to allow for a reasonBAe investigation to be conducted.

6.2 Support and Practical Protection for Whistleblowers

- (a) BA will support Whistleblowers through the provision of employee support services or making case-by-case changes to an employee's working arrangements. BA has a designated 'whistleblower protection officer' to support and protect Whistleblowers. When appropriate and with the Whistleblowers' consent, such persons would be appointed to support individual Whistleblowers and protect them from detriment.

- (b) BA has the following processes in place to assess and control the risk of detriment to Whistleblowers:
 - (i) processes for assessing the risk of detriment against a Whistleblower and other persons (e.g. other staff who might be suspected to have made a Report), which will commence as soon as possible after receiving a Report;
 - (ii) support services (including counselling or other professional or legal services) that are available to Whistleblowers;
 - (iii) strategies to help a Whistleblower minimise and manage stress, time or performance impacts, or other challenges resulting from the Report or its investigation;
 - (iv) BA may allow the Whistleblower to perform their duties from another location, reassign the Whistleblower to another role at the same level, make other modifications to the Whistleblower's workplace or the way they perform their work duties, or reassign or relocate other staff involved in the ReportBAe Conduct;
 - (v) processes for ensuring that management are aware of their responsibilities to maintain the confidentiality of a Report, address the risks of isolation or harassment, manage conflicts, and ensure fairness when managing the performance of, or taking other management action relating to, a Whistleblower;
 - (vi) procedures on how a Whistleblower can lodge a complaint if they have suffered detriment, and the actions of BA may take in response to such complaints; and
 - (vii) interventions for protecting a Whistleblower if detriment has already occurred.

6.3 Investigation

- (a) Any Reports of alleged or suspected misconduct or wrongdoing made under this Policy will be properly assessed, and if appropriate, inquired into or independently investigated. The Eligible Recipient (the EO) or the BA Chair as the case may be) will determine the appropriate method and personnel for an investigation And may seek assistance from internal or external specialists as deemed necessary.
- (b) During an investigation, an investigator must conduct sufficient inquiry to be BAe to determine conclusions and any recommendations regarding the Report.
- (c) The investigator and any specialists involved in the investigation shall be allowed access to all relevant materials, documents, and records and all personnel must co-operate fully with the investigator.
- (d) Any investigations will be conducted in a fair and independent manner and all reasonable efforts will be made to preserve the confidentiality of an investigation. To promote fairness and independence, investigations will be independent of the Whistleblower, the individuals who are the subject of the Report, and the department or business unit involved.
- (e) Information contained in reports and provided by Whistleblowers in the course of an investigation will be kept confidential, except as required by law or where disclosure

is necessary to regulatory authorities, law enforcement agencies or professional advisors to BA.

- (f) A Whistleblower must keep confidential the fact that a report has been made (subject to any legal requirements) to avoid jeopardising an investigation.
- (g) Fair Treatment of Individuals mentioned in a Report. During an investigation, BA will also take reasonable steps to fairly treat any person who is the subject of a Report.
- (h) Measures and/or mechanisms for ensuring fair treatment of individuals mentioned in a Report include (where applicable):
 - (i) Reports will be handled confidentially, when it is practical and appropriate in the circumstances;
 - (ii) each Report will be assessed and may be the subject of an investigation;
 - (iii) the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
 - (iv) when an investigation needs to be undertaken, the process will be objective, fair and independent;
 - (v) an employee who is the subject of a Report will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken—for example, if the Report will be the subject of an investigation; and
 - (vi) an employee who is the subject of a Report may contact BA's support services (e.g. counselling).

6.4 Investigation Findings

- (a) On conclusion of the investigation, the investigator must prepare a report of the findings for the Vice-President, President or Chair of the RAIC (as the case may be) which should include recommendations for steps to be taken to prevent the misconduct from occurring in the future, as well as any action that should be taken to remedy any harm or loss arising from the misconduct, including disciplinary proceedings against the person responsible for the conduct, and the referral of the matter to appropriate authorities, as is deemed necessary.
- (b) The Whistleblower will be kept informed of the progress, findings and conclusion of an investigation by the investigator, subject to privacy and confidentiality considerations.
- (c) Where a person is identified as being suspected of possible wrongdoing or misconduct, but preliminary enquiries 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 the matter concluded with no further action.
- (d) The Eligible Recipient will decide whether the person named in the Report should be informed that a Report was lodged and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named and to protect the Whistleblower.

- (e) Where an investigation is conducted and the investigator believes there may be a case for an individual to respond to, the investigator must ensure that a person who is the subject of a Report:
 - (i) is informed of the substance of the allegations;
 - (ii) is given a fair and reasonable opportunity to answer the allegations before the investigation is finalised;
 - (iii) has their response set out fairly in the investigator's report; and
 - (iv) is informed about the substance of any adverse conclusions in the investigator's report that affects them.
- (f) 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 by BA against them.
- (g) All relevant parties must adhere to the determination and any recommendations of an investigation or inquiry held under this Policy.

6.5 *Reporting to an external 3rd party*

- (a) Protection will only be offered by BA to any Whistleblower who informs an external 3rd party of concerns about Reportable Conduct if:
 - (i) the Whistleblower has previously made a Report regarding the matter to an Eligible Recipient and either:
 - (A) at least 90 days have passed since the Report was made; and
 - (B) the Whistleblower does not have reasonable grounds to believe that action is being, or has been taken to address the Report; and
 - (C) the Whistleblower has reasonable grounds to believe that making a further Report would be in the public interest; or
 - (D) the Whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health and safety of a person, persons, or the environment; and
 - (ii) the Whistleblower provides prior written notification to BA that:
 - (A) includes sufficient information to identify the previously made Report;
 - (B) clearly states that the Whistleblower intends to make a public interest disclosure or an emergency disclosure under this section of the Policy; and
 - (C) the information disclosed is no greater than necessary to inform the external 3rd party of the misconduct or the otherwise improper state of affairs.

7. BREACH OF THIS POLICY

- (a) BA is committed to protecting and respecting the rights of a Whistleblower who reports wrongdoing or misconduct on reasonable grounds under this Policy. BA will not tolerate any reprisals or threats of reprisals against a Whistleblower, or against a Whistleblower's colleagues, employer or relatives.
- (b) Any such retaliatory action or victimisation in reprisal for a Report made under this Policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. In some circumstances, it may be illegal in which case BA may notify the Australian Securities and Investments Commission or the appropriate state or federal police.

COMPLAINT HANDLING RUN SHEET

If you believe you have reasonable grounds to suspect that Reportable Conduct has occurred, you should speak to BA's whistleblower protection officer, from whom you can confidentially seek further information before deciding whether to make a disclosure.

Reportable Conduct means conduct or wrongdoing of a serious nature that is of legitimate concern to you or to BA.

BA's MPIO can be contacted by email infor@biathlonaustralia.com.au

You can also make a report directly to an Eligible Recipient being:

- BA Executive Officer via email executiveofficer@biathlonaustralia.com.au
- BA Board President via email president@biathlonaustralis.com.au

A **Report** should provide specific, adequate and pertinent information regarding the conduct with respect to, among other things, dates, places, specific activities, persons/witnesses, amounts and other relevant information, in order to allow for a reasonBAe investigation to be conducted, as well as details of the:

1. nature of the alleged breach;
2. persons or persons believed to be responsible for the breach;
3. facts on which your belief that a breach has occurred are based; and
4. nature and whereabouts of any further evidence that may substantiate your allegations.

Anonymity: You may make an anonymous disclosure by emailing a Report to one of the Eligible Recipients listed above. In doing so you still qualify for protections under the *Corporations Act 2001 (Cth)*. However, anonymity may make it difficult to properly investigate the matter.

If you do make an anonymous report, you are encouraged to maintain ongoing communication with the Eligible Recipient using your preferred channel, which allows BA to ask follow-up questions and better understand and investigate their concerns. As a Whistleblower you can refuse to answer questions that you feel could reveal your identity, including during follow-up conversations.

Any person who raises a concern and makes a disclosure of a serious nature (for example unethical, illegal, corrupt or other inappropriate conduct) should not be subject to victimisation, harassment or discriminatory treatment. The protections at law that they are entitled to include:

- Identity protection (confidentiality);
- Protection from detriment;
- Compensation and other remedies; and
- Civil, criminal and administrative liability protection.

Reportable Conduct means conduct or wrongdoing of a serious nature that is of legitimate concern to the Whistleblower or to BA.

As an Eligible Recipient of a Whistleblower's Report your obligations are to:

1. Decide whether the matter complained of would be considered Reportable Conduct and the subject of an investigation;
2. Assess the risk of detriment against a Whistleblower and other persons (e.g. other staff who might be suspected to have made a Report);
3. Consider strategies to help a Whistleblower minimise and manage stress, time or performance impacts, or other challenges resulting from the Report or its investigation, such as:
 - (a) Recommending the Whistleblower perform their duties from another location, or be reassigned to another role at the same level, or other modifications to the Whistleblower's workplace or the way they perform their work duties, or the reassignment or relocation of other staff involved in the ReportBAe Conduct;
 - (b) Investigating the Report as a separate matter by someone who is not involved in dealing with Whistleblower Reports, and the investigation findings provided to the BA board;
4. Investigate and address the Reportable Conduct, such as by taking disciplinary action, or recommending to the board the Whistleblower be allowed to take extended leave, or developing a career development plan for the Whistleblower that includes new training and career opportunities, or offer compensation, or other remedies.

Investigation: The objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported. The investigation process will be objective, fair and independent, including:

- An employee who is the subject of a Report will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken—for example, if the Report will be the subject of an investigation; and
- An employee who is the subject of a Report may contact BA's support services (e.g. counselling).