



Whistleblower Policy

1. PURPOSE

The purpose of this Whistleblower Policy is to encourage and set out the process for reporting concerns of possible unlawful, unethical or undesirable conduct without fear of reprisal and with the support and protection of DOOLEYS Lidcombe Catholic Club (DOOLEYS).

This policy applies across all of DOOLEYS premises, operations, activities and undertakings.

This policy sets out:

- the protection to which whistleblowers are entitled, and
- the investigation process which DOOLEYS is committed to follow on receipt of a whistleblowing report, and
- DOOLEYS' commitment to rectify wrongdoing verified by the investigation.

The policy, with the protection it offers, is an important tool for helping DOOLEYS identify wrongdoing that otherwise might not be uncovered and to give people the confidence to speak up knowing that they say will be investigated, that they will be supported and that they need not fear of reprisal.

2. SCOPE

This policy applies to all officers and employees of DOOLEYS. It also applies to other Eligible Persons or Eligible Recipients, who are listed at the end.

3. ALTERNATIVES AND ESCALATION

DOOLEYS has several channels for reporting a wrongdoing. While if you are an employee then DOOLEYS asks that you first raise any concerns by speaking

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with your manager or People & Learning and providing appropriate details, DOOLEYS recognises that you may not always feel comfortable discussing certain matters with them.

Accordingly, KPMG, an independent service provider, has been engaged to operate a *FairCall* telephone hotline and reporting service for DOOLEYS. Details appear below. You can make protected disclosures to them, in connection with DOOLEYS and though that although protections are available and that will also trigger an appropriate investigation process.

You can also choose to make a protected disclosure to any other Eligible Recipient.

4. REPORTING PROCEDURE

Circumstances that you may wish to report

The full protection offered by this policy is available for the disclosure by an Eligible Person of any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, in relation to DOOLEYS.

Examples of the circumstances where the full protection of this policy will be available are any concerns about actual or possible:

- conduct or practices suspected to be illegal or in breach of any law, regulation or code of conduct applying to DOOLEYS or any significant breach of a contract by an employee or director;
- suspected fraudulent or corrupt practices (such as misappropriation of funds, bribery, undue influence, false information etc.);
- continuing or regular breaches of DOOLEYS's policies or other rules of conduct;

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- misleading or deceptive conduct of any kind (e.g. statements that are factually incorrect);
- situations within DOOLEYS' control that may present a significant risk to the health or safety of people or a significant danger to the environment;
- inappropriate staff behaviour (such as bullying, sexual or other harassment, discrimination, drug abuse and other similar behaviours) especially where you feel it is not appropriate to discuss that with your line manager or with People & Learning;
- other improper conduct that may cause material financial or non-financial loss to DOOLEYS or be otherwise be materially detrimental to the interests or reputation of DOOLEYS; and
- deliberate concealment of information tending to show material misconduct or a material improper state of affairs or circumstances, in connection with DOOLEYS.

You should of course contact the police immediately if, in your judgement, that is the appropriate course of action in particular circumstances. Examples where that might be appropriate include crimes against persons or property (for example, burglary).

A disclosure that relates solely to a personal work-related grievance without detriment or threat of detriment to the person making the disclosure, does not qualify for these protections. Examples include where there is no detriment, and the only concern is:

- interpersonal conflict between a person and another employee
- a decision that does not involve a breach of workplace laws
- a decision about the engagement, transfer or promotion of the person

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- a decision about the terms and conditions of engagement of the person, or
- a decision to suspend or terminate the engagement of the person, or otherwise disciplined the person.

If you are an employee, those excluded situation should be raised with your manager or People & Learning; and in those cases, you are encouraged to also consider whether it might be appropriate to seek legal advice about your rights and protections under employment or contract law and you are encouraged to work with management to find a resolution.

It would be a very serious wrongdoing to intentionally or maliciously or carelessly make a false report.

You are still encouraged, though, to make a disclosure where there is any basis for reasonable suspicion or concern about relevant matter. No adverse action will be taken in relation to a protected disclosure made in good faith even if on investigation there turns out to be no basis for the concern raised.

Confidentiality

You have the right to make a protected disclosure anonymously although it may hamper investigation of the concern if you make a disclosure and do not identify yourself. You have the right to make protected disclosures through an anonymous telephone call or email address. You have the right to adopt a pseudonym for the purpose of a protected disclosure.

If you choose to not disclose your identity at the time of submitting your report then your identity will be kept confidential and will not be publicly disclosed by DOOLEYS. Any reporting will be de-identified.

The legislation creates specific confidentiality requirements in order to protect your anonymity if you make a protected disclosure, if requested. DOOLEYS and all Eligible Recipients will and must honour those confidentiality obligations

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including the obligation to protect your anonymity where you make a protected disclosure if that is requested.

In any report concerning a protected disclosure, DOOLEYS and Eligible Recipients will make all efforts to also keep the report confidential, subject to the need to conduct an adequate investigation. All documents, reports and records relating to the investigation of a *FairCall* report or other protected disclosure will be confidentially stored and retained in an appropriate and secure manner.

There are some narrow exemptions from the protection of your anonymity which include disclosure to ASIC, APRA, the Australian Federal Police, to a legal practitioner for the purpose of obtaining legal advice on the whistleblower legislation or where there is disclosure with your consent.

With appropriate de-identification, information that you disclosed, can be further disclosed where reasonably necessary for investigation.

Manner of disclosure in order to have these guaranteed protections

This policy outlines and guarantees protection for the disclosures to which this policy relates.

Relevant disclosures are only guaranteed to be protected if made to a DOOLEYS' officer or senior manager, KPMG *FairCall*, or one of the other Eligible Recipients listed at the end.

To be guaranteed protection under this policy, you must make the disclosure directly to an Eligible Recipient.

Disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in legislation, is also protected.

For each disclosure covered by this policy, DOOLEYS and all Eligible Recipients are bound to comply with this policy and offer the protections outlined in this policy.

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No Detriment

DOOLEYS (and Eligible Recipients) must not and will not take any adverse action against you because you have made a protected disclosure, unless you are a participant in the prohibited activities with respect to which the complaint is made.

In that case you are protected against detrimental acts or omissions, or threats of detrimental acts or omissions as a result of having made the protected disclosure. That includes protection against dismissal, harassment or intimidation. DOOLEYS is committed to ensuring that you receive that protection.

If a disclosure qualifies for protection and you are a DOOLEYS' employee then the protection to which you are entitled overrides any provision of your employment contract, including any confidentiality clause.

If you were involved in the conduct which was the subject of the disclosure, the fact that you have made the disclosure will be taken into account in determining the severity of the disciplinary measures, if any, that may eventually be taken against you.

FairCall Reporting Mechanism

You can call KPMG *FairCall* to discuss your whistleblower rights or to make a protected disclosure, at any time. The operators taking the call on that hotline are not associated with DOOLEYS. They are trained and experienced specialists dedicated to dealing with whistleblowers and their concerns.

You will be provided with a confidential reference number by the *FairCall* operator. The *FairCall* operator will then prepare a *FairCall* report which details the concerns as reported by you, with that report having all of the protection regarding anonymity and confidentiality set out elsewhere in this policy. All *FairCall* reports are forwarded to DOOLEYS's Whistleblower Protection Officer (WPO) or the Chairperson of the Risk Committee – depending upon the apparent severity. The WPO is currently DOOLEYS' Chief Operating Officer.

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Investigation Process

The investigation process where there is a protected disclosure will vary depending on the precise nature of the conduct being investigated.

All investigations must be conducted in a manner that is fair and objective to everyone involved. For example, a report will not be investigated by someone who is implicated in the concern that has been raised.

The focus of any such investigation will be on the substance of the disclosure. At the outset DOOLEYS, largely through the WPO, will need to determine the nature and scope of the appropriate investigation, who is to lead the investigation, the nature of any technical, financial or legal advice that may be required to support the investigation, and the timeframe for the investigation.

DOOLEYS will take or reasonable steps to follow best practice investigations to ensure any investigation is objective, fair and independent, whilst preserving confidentiality. Where appropriate, DOOLEYS may undertake an investigation jointly with an external investigation further and that may be KPMG *FairCall* or an external legal adviser, for example.

The objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters arising out of the protected disclosure.

Where protected disclosure concerns an employee, then in order to ensure fair treatment DOOLEYS at some stage will usually have to advise that employee of the subject matter of the disclosure as and when required by the principles of natural justice and procedural fairness and prior to any actions being taken. An employee who finds themselves to be the subject of a disclosure may contact DOOLEYS' employee assistance service (Assure EAP Program).

On the other hand, in particular circumstances DOOLEYS may not notify an employee who is identified in a protected disclosure or may delay notification for example where there is a concern that the individual may destroy information or if DOOLEYS decides that the disclosure should be referred to a regulator or the police.

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If you make a protected disclosure and either disclose your identity or provide anonymous contact details, DOOLEYS will consider whether and to what extent it might be reasonable to keep you informed of the progress of an investigation. In deciding what information to provide, DOOLEYS will also need to have regard to the rights of any other people concerned and that may limit the reporting.

There will be limits to how far DOOLEYS can investigate following a protected disclosure, though, especially potentially significant limitations if you make a disclosure anonymously and DOOLEYS is not able to contact you.

DOOLEYS' WPO is DOOLEYS' designated representative for overseeing the protection of the interests of whistleblowers making protected disclosures. All protected disclosures, anonymous or otherwise, will be investigated in accordance with this policy. The WPO will have access to independent financial, legal and operational advisers as required and, for serious allegations, will be assisted by the Risk Committee – a subcommittee of DOOLEYS' Board.

During investigation of a protected disclosure where you have requested anonymity the steps that DOOLEYS will take to reduce the risk that you will be identified include:

- all personal information or reference to you witnessing an event will be redacted
- you will be referred to in a gender-neutral context
- where possible, you will be contacted to help identify certain aspects of your disclosure that might inadvertently identify you
- disclosures will be handled and investigated by staff of appropriate seniority who are aware of the sensitivity and their obligations
- all paper and electronic documents and other materials relating to your protected disclosure will be stored securely and access appropriately limited and monitored.

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Breach of Policy

DOOLEYS guarantees that there will be no reprisal against you for making any protected disclosure. Any breach of this policy by a DOOLEYS' employee would be extremely serious and result in disciplinary action, including quite possibly dismissal.

If DOOLEYS was to become aware of any reprisal against a whistleblower for complying with this policy or the legislation, DOOLEYS will take steps to overturn or reverse the decision or action and use its best endeavours to make good. This protection applies to anyone providing information related to an investigation pursuant to this policy.

You have the right to seek independent legal advice or contact regulatory authorities such as ASIC, APRA or the ATO if you believe you have suffered detriment as a result of making a protected disclosure.

Further Information

For further information regarding this policy please contact the WPO on (02) 8745 6148.

Additional information on *FairCall* can be found on DOOLEYS HQ

alternatively *FairCall* can be contacted on 1800 500 965.

Monitoring

The WPO is responsible for the maintenance and update of this policy. This policy must be reviewed at least annually, and more regularly if there is cause for concern. The review includes re-assessing the capacity and performance and the arrangement in place with KPMG *FairCall*.

The WPO and DOOLEYS' People & Learning executives, are bound by this policy like all other DOOLEYS' offices and employees and they are also jointly responsible for ensuring the observance of the following commitments for the publication of this policy.

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Publication of this policy

DOOLEYS will take the following steps at least to ensure that this policy is widely disseminated to, and easily accessible by, its officers and employees.

- making available a copy of this policy on the DOOLEYS HQ
- drawing attention to this policy during the induction of every new employee
- including and making available a copy of this policy in the DOOLEYS' Employee Handbook that is provided to every employee
- by having reminders about the existence and nature of this policy, given to all employees at regular toolbox or similar meetings, at least every six months
- by making review of this policy, a standing Risk Committee Agenda item, at least once each calendar year
- by making acknowledgement of this policy, a standing Board agenda item, at least once each calendar year.

Important details

In this policy, **DOOLEYS** refers to DOOLEYS Lidcombe Catholic Club Ltd ACN 000 963 244

Eligible Persons protected under this policy are any of the following in connection with DOOLEYS:

- an officer or employee (which includes current or former employees employed in any manner, managers and directors)
- a supplier of services or goods to DOOLEYS (whether paid or unpaid), including their employees such as current and former contractors,

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consultants, service providers and business partners

- a relative, dependent or spouse of any of the above.

Eligible Recipients to which this policy extends are any of the following in connection with DOOLEYS:

- an officer (which includes any director and the company secretary)
- any senior manager – someone who makes or participates in making decisions that affect the whole, or a substantial part, of DOOLEYS' business, or who has the capacity to significantly affect DOOLEYS' financial standing
- the internal or external auditor (including a member of an audit team conducting an audit), and
- the staff of KPMG who manage and provide the KPMG FairCall service.

NOTE: Protected disclosures about disclosable matters can also be made to ASIC, APRA or the ATO - and for example, you could search the internet for ASIC Information Sheet 239 *How ASIC Handles Whistleblower Reports* or for similar material published by the Australian Taxation Office.

NOTE ALSO: Protected disclosures about disclosable matters can also be made to a journalist or parliamentarian under certain circumstances where that would qualify as a "*public interest disclosure*".

That only applies where there has been no appropriate action following a protected disclosure. You need to consult the legislation for the details of the various strict requirements. Those requirements include that you must give to written notice in advance to DOOLEYS with sufficient information to identify a previous disclosure and a statement that you intend to make a public interest disclosure.

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NOTE ALSO: Protected disclosures about disclosable matters can also be made to a journalist or parliamentarian under certain circumstances where that would qualify as an "*emergency disclosure*".

Again, that only applies where there has been no appropriate action following a protected disclosure and you need to consult the legislation for the details of the various strict requirements.

You should contact an independent legal adviser before making a public interest disclosure or an emergency disclosure. It would be a serious matter to make any disclosure of that type except where the strict requirements of legislation have been satisfied. If you make a disclosure of that type where you have not fully complied with the legislation then you may be exposed to significant consequences.

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