



Whistleblower Policy

The Entertainment Grounds

1. Policy Statement

The Entertainment Grounds is committed to the principles of transparency and accountability and fostering a culture in which honesty, integrity and the highest ethical standards are maintained.

The Entertainment Grounds encourages and supports the reporting of any conduct which may be considered illegal, unethical or an act of serious wrongdoing. The Entertainment Grounds provides protections so that people can feel safe that they can report concerns confidentially and without fear of reprisal, disadvantage, or intimidation.

The purpose of this Policy is to provide guidance on how to raise concerns about suspected or actual unethical or illegal behaviour in good faith.

2. Who Does the Policy Apply to?

- a. This Policy applies to all current and former Board Members, Chief Executive Officers, employees, volunteers, suppliers and contractors of The Entertainment Grounds.
- b. Individuals who make disclosures about Reportable Conduct as defined in this Policy and are eligible for whistleblower protections under the law whether or not the disclosure is made under this Policy are whistleblowers.
- c. Whistleblowers are eligible to whistleblower protections under the Corporations Act or the Tax Administration Act where they have reasonable grounds to suspect conduct that qualifies for protection including misconduct or an improper state of affairs in relation to our organisation:
 - They make a disclosure of Reportable Conduct to an eligible recipient or to ASIC or to a legal practitioner for the purpose of obtaining legal advice; or
 - They make an Emergency Disclosure or a Public Interest Disclosure.

3. Definitions

3.1. Anonymity: is when one's identity is unknown. In the case of an anonymous Whistleblower, their identity is not known by anyone, including those who receive and investigate the Report.

3.2. Confidentiality: is when one's identity is protected to prevent harm. In the case of a Whistleblower, their identity may be known to those receiving and investigating the Report but is protected from the broader organisation and public.

3.3. Eligible Recipient means:

- The persons authorised by our organisation to receive whistleblower disclosures.
- The auditor of our organisation or a member of the audit team.
- A director, secretary, officer, or senior manager of our organisation.
- ASIC
- Whistleblower's lawyer.

3.4. Emergency Disclosure:

A disclosure of information to a journalist or member of Parliament where:

- The whistleblower previously made a disclosure of information to a Prescribed Authority;
- The whistleblower has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the environment;
- Before making the emergency disclosure the whistleblower has given written notice to the Prescribed Authority that includes sufficient information to identify the previous disclosure and that the whistleblower intends to make an emergency disclosure and the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or member of Parliament of the substantial and imminent danger.

3.5. Eligible Public Recipient: is a person that is a member of Commonwealth or State Parliament, a member of the legislature of the Territory or a journalist.

3.6. Public Interest Disclosure

A disclosure of information to a journalist or a member of Parliament where:

- At least 90 days have passed since the whistleblower made the disclosure to a Prescribed Authority;
- The whistleblower does not have reasonable grounds to believe that action is being or has been taken in relation to the disclosure;
- The whistleblower has reasonable grounds to believe making a further disclosure of the information is in the public interest and

before doing so the whistleblower has given written notice to the Prescribed Authority that includes sufficient information to identify the previous disclosure and that the whistleblower intends to make a public interest disclosure.

3.7. Prescribed Authority: means ASIC or other prescribed Commonwealth Authority.

3.8. Reportable Conduct includes any past, present, or likely future activity which:

- a. Is in breach of legislation or regulations, or which is otherwise illegal (eg violence or threatened violence against another person and property damage).
- b. Is fraudulent or dishonest.
- c. Could cause financial or non-financial damage to the organisation, or the reputation of the organisation.
- d. Is a systemic, wilful, or serious breach of the organisation's Code of Conduct, policies, and procedures.
- e. Constitutes maladministration (that is conduct that is in breach of the law, is unreasonable or improperly discriminatory or based wholly or partly on improper motives).
- f. Infringes on the rights of any person.
- g. Endangers the health and safety of others.
- h. Is a misuse of organisational, public, or other funds.
- i. Is any sexual offence or sexual misconduct or sexual harassment.
- j. Is dishonest or corrupt behaviour such as theft or misappropriation of funds or property or bribery.
- k. Amounts to interfering or impeding internal or external audit processes or investigations.
- l. Involves victimisation of someone for reporting a Reportable Conduct.
- m. Involves any instructions to cover up serious wrongdoing.

3.9. Non-Reportable Conduct

For the purposes of this Policy, Reportable Conduct does not include:

- Personal employment or work-related grievances that have implications for the employee personally but do not have significant implications for The Entertainment Ground or do not concern Reportable Conduct.

Examples of personal work-related grievances include any interpersonal conflict between the whistleblower and another

employee and a decision relating to their employment such as not being hired, promoted, being suspended or fired.

3.10. Report means: a report made on an alleged misconduct in relation to the organisation.

3.11. Whistleblower: is a person associated with the organisation, whether it be a Board Member, Chief Executive Officer, employee, contractor or volunteer, spouse or family members, who discloses information regarding organisational wrongdoing/misconduct.

4. Reporting Framework

If a person becomes aware of Reportable Conduct, they can make a disclosure in the following ways:

4.1. Internal Reporting

Internal reporting to the WPO should be the first step. However, if this proves to be ineffective, they can make a disclosure externally.

To report internally, staff should notify the Whistleblower Protection Officer WPO, who is an “eligible recipient” – Karen Ansen, karen@ignitehr.com.au.

If they believe that the WPO is involved in the Reportable Conduct then they should contact the Chief Executive Officer, Daniel Lacey, daniell@theeg.com.au.

If they believe that the Chief Executive Officer is involved in the Reportable Conduct, then they can contact a member of the Board or the Chair of Risk and Compliance Committee of The Entertainment Grounds Boards of Directors, Peter Kernan – pk@aubreybrown.com.au.

4.2. External Reporting

If the Whistleblower believes that:

- all the above internal staff are involved in the Reportable Conduct.
- all internal measures have been taken to try to get the issue addressed.
- the issue is significant and poses dangers to health or safety.

They may report the complaint to an external agency such as ASIC or the Australian Charities and Not-for-Profits Commission (ACNC):

- ASIC phone number: 1300 300 630
- ACNC phone number: 13 22 62

4.3. Anonymous Reporting and Confidentiality

Reports of Reportable Conduct can be made orally or in writing and can be anonymous. They should contain as much information as possible including details of the misconduct, persons involved, dates, location and any evidence that exists.

The WPO will receive and consider seriously anonymous Reports and ensure the anonymity of the Whistleblower as far as possible. However, whistleblowers must be aware that anonymous reporting may limit the WPO's ability to investigate the matter and may affect the outcome of the investigation, as evidence may be more difficult to substantiate.

Subject to compliance with legal requirements, The Entertainment Grounds will only disclose the identity of a whistleblower and information likely to lead to the identification of the whistleblower with their prior consent or otherwise in the limited circumstances listed below.

In limited circumstances The Entertainment Grounds may need to disclose the identity of the person making the Report without their consent to certain third parties including to:

- Its lawyers
- ASIC
- Australian Charities and Not-For-Profit Commission
- AFP or State Police
- any third party where the investigating authority or public authority is of the opinion that disclosure of the identity of the whistleblower is necessary to investigate the matter effectively or it is otherwise in the public interest to do so.

The Entertainment Grounds may disclose information contained in a Report without the consent of the whistleblower:

- if the information does not include the identity of the whistleblower;
- The Entertainment Grounds has taken all reasonable steps to reduce the risk that the whistleblower will be identified from the information and
- It is reasonably necessary to investigate the issues mentioned in the Report.

4.4. Public Interest and Emergency Disclosure Reporting

The Entertainment Grounds encourages reporting of Reportable Conduct in the manner described in 4.1 to 4.2 above.

Reports made in “public interest” (Public Interest Disclosures) and “emergency disclosures” (Emergency Disclosures) are also protected. Under those circumstances, Reports can be made to an Eligible Public Recipient.

It is important to understand the criteria for making a Public Interest Disclosure or an Emergency Disclosures. See the Definitions above. We recommend that independent legal advice should be sought on the requirements for these types of disclosures.

4.5. False Reporting

Protections available to whistleblowers under this Policy will not apply to false or vexatious claims.

If it is discovered that the whistleblower knowingly and intentionally fabricated an accusation against an employee or associate of the organisation, for their own personal gain or with malicious intent, they may be subject to disciplinary action which may include up to and including summary dismissal.

4.6. Disclosure to Media

Protections are not offered to staff of The Entertainment Grounds who report internal wrongdoing to a journalist unless it can be established that the disclosures meet the relevant requirements of Public Interest Disclosures or Emergency Disclosures.

5. Responding to Reportable Conduct

5.1. Investigating Reportable Conduct

All Reports received will be reviewed and the WPO will in consultation with the CEO determine whether the Report falls within the Policy and whether an investigation is appropriate.

The WPO will determine whether the investigation should be conducted internally or with external assistance and whether legal advice is required.

In consultation with the CEO, the WPO will prepare an investigation plan which includes:

- The key issues to be investigated.
- The scope of the investigation, in proportion to the alleged wrongdoing.
- Allocation of resources.

If the WPO believes they may have a conflict of interest by acting as WPO in the matter, the CEO will appoint an alternative WPO who must ensure that the matter is addressed without conflict of interest.

The Investigator will conduct the investigation promptly and in an objective and fair manner ensuring that every individual to whom the Report relates will be treated in a manner that is fair and objective; will be informed about the subject matter of the Report and is granted sufficient opportunity to reply to any claims raised before any adverse findings are made.

5.2. Documentation

As soon as practicable after the investigation is concluded, the WPO must prepare a report providing a summary of the facts of the suspected misconduct and of the findings of the investigation (i.e. whether the misconduct was substantiated or unsubstantiated). The report shall be provided to the CEO who shall ensure that appropriate measures are taken considering the findings in the report, which may include notification to regulatory and enforcement agencies.

The investigation report includes:

- The allegations.
- A statement of facts and the corroborating evidence.
- Conclusions reached by the investigation.
- Recommended amendments to organisational Policy to avoid future wrongdoing.

All documents relating to Whistleblowing reports and investigations must be kept securely and confidentially, and access to documents granted only when necessary.

The Whistleblower must be kept informed of the progress and outcomes of the investigation.

5.3. Review

Based on the recommendations made in any investigation report, the Chief Executive Officer will determine whether evaluation and amendments to any relevant organisational Policies should be undertaken to avoid future wrongdoing and increase organisational transparency.

5.4. Support and Protection for Whistleblowers

A Whistleblower who makes a report under this Policy in good faith, and who has not been involved in the conduct reported will not be penalised or disadvantaged because they have made a Report.

The Entertainment Grounds staff must not victimise, harass, or discriminate against anyone who raises a concern under this Policy or who participates in an investigation. Such victimisation, harassment or discrimination will be treated as serious misconduct and may result in disciplinary measures, up to and including summary dismissal. A Whistleblower or participant in an investigation who believes they have been penalised or disadvantaged, including by being subjected to victimisation, harassment, discrimination, or other unfavourable treatment, as a result of making a Report they should immediately report this to the WPO who will ensure the matter is investigated promptly.

Any person who is found to have penalised, threatened or disadvantaged a Whistleblower or participant in an investigation because of their status as a Whistleblower or witness to the alleged misconduct may be subjected to disciplinary measures, up to and including summary dismissal.

Where it is established by the investigation report that the Whistleblower has not acted in good faith or that they intentionally made a false, malicious, or vexatious report of alleged this may result in the Whistleblower being the subject of disciplinary measures, up to and including summary dismissal.

Whistleblowers can access support from external Whistleblower support services, e.g. Australian Securities and Investment Commission (ASIC) 1300 300 630: within Australia.

6. Responsibilities

6.1. All Employees

All employees are encouraged to be familiar with this Whistleblower Policy and cooperate with the organisation in maintaining legal, proper, and ethical operations. Where an employee has a genuine belief and with reasonable grounds over a Reportable Conduct, they are encouraged to act honestly and report their concern.

6.2. Whistleblower Protection Officer (WPO)

The WPO is responsible for safeguarding the interests of the Whistleblower. The People and Culture Advisor is the appointed WPO. The WPO is responsible for providing support and protection to the Whistleblower by immediately assessing the welfare of the Whistleblower and offer a supportive environment.

The responsibilities of the WPO include:

- Implementing the Whistleblower program under this policy.
- Initial response to an accusation of wrongdoing.
- Ensuring the protection and anonymity of the Whistleblower, where possible.
- Conducting or assisting in investigations into alleged wrongdoings.
- Informing the Whistleblower of the progress and outcomes of investigations.
- Ensuring that Whistleblower does not suffer any retaliation or adverse consequences
- Providing support and referrals for both Whistleblowers and those accused of wrongdoing

The Entertainment Grounds will ensure that all people associated with the organisation know who the designated WPO is and their contact details.

6.3. Chief Executive Officer

The responsibilities of the CEO under this Policy include:

- monitoring the overall effectiveness of the Whistleblower program.
- providing support to the Whistleblower.
- implementing the Whistleblower policy.
- appointing the WPO.
- ensures that each disclosure of wrongdoing is appropriately investigated and oversee investigations into any retaliatory action taken against the Whistleblower.

- take all reasonable steps to protect the identity of a Whistleblower and maintain confidentiality throughout the investigation process.

7. Procedures

7.1. Development and Review of this Policy

This Whistleblower protection policy established in consultation with management and employees, including consideration of their views on reporting mechanisms.

The Board is responsible for implementing the Policy, encouraging a culture of “speaking up”, and evaluating and making improvements to the effectiveness of the Policy.

This Policy is reviewed and evaluated for effectiveness every three (3) years, ensuring that it reflects the most up-to-date legal and corporate governance requirements. Any changes made to the Policy are communicated to all staff and volunteers.

7.2. Awareness and Education

The Entertainment Grounds informs and educates its staff, contractors, and volunteers of the Whistleblower policy, procedures for reporting, and the protections available to them to facilitate a safe environment in which concerns of misconduct may be voiced without reprisal.

Whistleblowers must ensure as far as they are able that their report is factually accurate, complete, based on first-hand knowledge, without material omission and presented in an unbiased fashion.

The report must be as detailed as practicable and include (but not be limited to):

- the exact nature of the alleged misconduct believed to have occurred.
- when the alleged misconduct took place if known.
- where the alleged misconduct took place if known.
- who was involved in the alleged misconduct.
- the names of witnesses who may know information that is relevant to investigating the alleged misconduct.

Staff involved in the management of Whistleblower reports will receive appropriate training in dealing with reports, investigation, and supporting Whistleblowers and staff who are the subject of allegations.

The Whistleblower Policy is accessible to all staff, is provided during onboarding, and can be accessed from the local shared drive and Tanda time and attendance system.

RELEVANT DOCUMENTS

Legislation

Tax Administration Act 1953

Fair Work Act 2009

Corporations Act 2001

Related Links

Whistleblower protections for not-for-profit organisations.

www.asic.gov.au

[ASIC Regulatory Guide RG 270.](#)