



Whistleblower Procedure

What is it? Australian Cricket encourages its personnel to report incidents of misconduct. This procedure outlines how Australian Cricket will support and protect those who make such reports, and how we will deal with and investigate Protected Disclosures. It aims to assist in ensuring that misconduct is identified and dealt with appropriately. If an Australian Cricket Person becomes aware of any matter or behaviour that may amount to Improper Conduct, they should report it to:

- a Protected Disclosure Officer, the details of which are set out in the Schedule to this Procedure; or
- the Cricket Integrity Hotline on 1300 FAIR GAME (1300 3247 4263) (an externally monitored hotline that allows for anonymous disclosure).

Please refer to the procedure details below.

Version	Issue Date	Comments	Created By	Consulted	Approved By	Review date
4.0	October 2013	Updated	CA People & Culture Manager	AC Heads of People & Culture	AC Heads of People & Culture	October 2014
4.1	July 2018	Updated	CA People & Culture Manager	AC Heads of People & Culture	AC Heads of People & Culture	July 2019
5	April 2019	CA approved	CA People & Culture Manager CA Head of Integrity			
6	August 2019	Updated	CA People & Culture Manager CA Legal Counsel	AC Heads of People & Culture	AC Heads of People & Culture	December 2019

Australian Cricket endorses the ‘the Whistleblower Procedure’ as an Australian Cricket Procedure that must be complied with as defined in this Procedure.

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1 PRELIMINARY

Definitions

For the purpose of this Procedure and unless the context otherwise requires:

Australian Cricket Person/Personnel means past and present Employees, Officers, Contractors and any individual who provides goods and services to an entity of Australian Cricket or is an associate of an entity of Australian Cricket.

Australian Cricket means the entities of Cricket Australia and all State and Territory Cricket Associations as follows:

- Cricket Australia (ACN 006 089 130)
- ACT Cricket Association (ABN 61 741 344 332);
- Northern Territory Cricket Association (ABN 21 938 643 056);
- New South Wales Cricket Association (ABN 27 000 011 987);
- Queensland Cricket Association (ABN55 612 695 676);
- South Australian Cricket Association (ABN 44 623 135 393);
- Tasmanian Cricket Association (ABN 34 009 476 993);
- Victorian Cricket Association (ABN 53 004 128 812); and
- Western Australian Cricket Association (ABN 44 026 744 769);
- T20 World Cup 2020 Ltd (ABN 14 618 113 269).

Eligible Recipient means an officer, senior manager, auditor or actuary of an entity of Australian Cricket.

Employee means a person employed by an entity made up of Australian Cricket.

Improper Conduct means conduct that amounts to misconduct or an improper state of affairs in relation to an entity of Australia Cricket.

Protected Disclosure means a report of Improper Conduct made by an Australian Cricket Person in accordance with Clause 3.2 of this Procedure.

Protected Disclosure Officer means a person specified in the Schedule to this Procedure.

Whistleblower means an Australian Cricket Person, a relative or dependent of an Australian Cricket Person, or any other person who is an eligible whistleblower in accordance with applicable legislation, including the *Corporations Act 2001* (Cth), who has made a Protected Disclosure in accordance with this Procedure.

2 PURPOSE

The Whistleblower Procedure is intended to describe the process and requirements that apply when dealing with a report of Improper Conduct made by an Australian Cricket Person under clause 3.2 of this Procedure.

This Procedure aims to:

- encourage an Australian Cricket Person to report an issue if they have reasonable grounds for believing that someone has engaged in Improper Conduct;
- outline how Australian Cricket will deal with and investigate all Protected Disclosures;

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- outline the protections available to Whistleblowers and how Australia Cricket will support Whistleblowers and protect them from detriment; and
- assist in ensuring that misconduct or unethical behaviour is identified and dealt with appropriately.

3 SCOPE

This Procedure applies to all current and former Australian Cricket Personnel.

4 PROCEDURE DETAIL

4.1 Improper Conduct

An Australian Cricket Person is encouraged to report any conduct they consider may amount to Improper Conduct. This includes matters they believe contravene:

- (i) Australian Cricket's codes, procedures and policies; and/or
- (ii) the law.

Matters may include, but are not limited to, any actual or suspected:

- conduct or practices while on official duty that are illegal or breach any law;
- breach any of Australian Cricket's codes, policies or procedures;
- corrupt activities while on official duty;
- theft, fraud or misappropriation while on official duty;
- significant mismanagement or waste of Australian Cricket's funds or resources;
- serious harm to public health, safety or environment or the health and safety of any Australian Cricket Personnel;
- any other conduct that is reasonably likely to cause loss to Australian Cricket, or otherwise that is reasonably likely to be detrimental to its interests; or
- any action taken against, or harm suffered by an Employee or Australian Cricket Person as a result of making a report under this Procedure.

Personal work-related grievances do not fall within the scope of this Procedure.

4.2 Reporting Improper Conduct

If an Australian Cricket Person becomes aware of any matter or behaviour that may amount to Improper Conduct, they should to report it to:

1. a Protected Disclosure Officer, the details of which are set out in the Schedule to this Procedure; or
2. the Cricket Integrity Hotline on 1300 FAIR GAME (1300 3247 4263), which is an externally monitored hotline.

Reports may also be made to ASIC, APRA, or to a legal practitioner for the purpose of obtaining legal advice or representation, other bodies prescribed by regulation or to an Eligible Recipient as defined in this Procedure.

After receiving a disclosure, the Cricket Integrity Hotline operator will provide details of the disclosure to the relevant Protected Disclosure Officer. Where a Whistleblower provides their contact details to

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the Cricket Integrity Hotline, those contact details will not be provided to any other person without the Whistleblower's consent.

4.3 Confidentiality

The identity of a Whistleblower will be kept confidential by the recipient in accordance with applicable laws. As detailed above, anonymous reports may be made to the Cricket Integrity Hotline.

A Whistleblower shall be protected from any form of detriment including discrimination, harassment or retaliation as a consequence of a Protected Disclosure. To effect this protection, the recipients of the Protected Disclosure shall maintain ongoing contact with the Whistleblower as circumstances warrant.

4.4 Procedure

All Protected Disclosures will be acknowledged within 14 days of receipt.

All Protected Disclosures will be investigated, this may be undertaken by the Integrity Unit or People & Culture or equivalent department, with the objective of locating evidence that substantiates or refutes the claims made by a Whistleblower. It may be the case that external professionals are engaged to assist in the investigation process.

Investigations will be conducted without bias and any person against whom an allegation is made will be given the opportunity to respond prior to a determination being made about any allegations raised.

Any substantiated reports will be managed in line with other applicable Australian Cricket codes and policies and appropriate action taken in relation to the substantiated conduct.

The Whistleblower's identity and the contents of the report will be kept confidential and no details of participation in the process will be included in the Whistleblower's file or performance review. The report will not be disclosed to anyone except those that are required to be involved in investigating the matters raised in the report.

In certain limited circumstances an emergency or public interest disclosure may be protected under legislation and this Policy. Further information regarding such disclosures can be obtained from a Protected Disclosure Officer.

4.5 Communication

The Whistleblower will be kept informed of the outcomes of the investigation, subject to privacy and confidentiality considerations. Whistleblowers must maintain confidentiality and not disclose details of the report to any person except as permitted under applicable laws.

4.6 Will a Whistleblower be penalised for reporting a matter?

Australian Cricket is committed to ensuring confidentiality and the protection of Whistleblowers and will take all reasonable steps and comply with all applicable laws to ensure that the Whistleblower does not suffer any detriment or disadvantage as a result of his or her Protected Disclosure.

Any Australian Cricket Personnel who is found to have dismissed, demoted, harassed, or discriminated against a Whistleblower because of their status as a Whistleblower, may be subjected to disciplinary measures, including summary dismissal in line with relevant Australian Cricket policies.

The Australian Cricket Grievance Procedure should be applied (as applicable) if an Employee or Australian Cricket Person considers that they have been discriminated against, vilified, victimised,

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bullied, harassed or treated unfairly, in breach of applicable legislation or a code or policy of Australian Cricket.

Any Whistleblower who makes a Protected Disclosure in accordance with this Policy has protection under Australian law from criminal, administrative and contractual liability in relation to the making of the disclosure.

4.7 Vexatious Reports

Whistleblowing is about reporting real or perceived Improper Conduct. A report may damage the career prospects and reputation of people who are the subject of serious allegations and therefore if the Australian Cricket Person's report is found to be deliberately misleading or vexatious, in that the Whistleblower did not have reasonable grounds to suspect that the information would indicate Improper Conduct, the Whistleblower may be subject to disciplinary proceedings, including summary dismissal.

5 BREACH OF PROCEDURE

A substantiated breach of this Procedure will be considered serious and appropriate disciplinary action will be taken which may include a verbal warning, written warning or termination of employment.

6 RELATED LEGISLATION AND STANDARDS

This document will be made available on the Australian Cricket intranet and must be read and implemented in conjunction with:

- *Corporations Act 2001 (Cth)* as amended by the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)*
- Other relevant Federal, State or Territory legislation or regulations.

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Schedule – Protected Disclosure Officers

Australian Cricket Entity	Protected Disclosure Officer
Cricket Australia	<ul style="list-style-type: none">• Head of Integrity and Security• General Counsel and Company Secretary• General Manager, People & Culture
Cricket ACT	<ul style="list-style-type: none">• Chief Executive Officer• General Manager, Commercial, Competitions & Operations
Cricket NSW	<ul style="list-style-type: none">• General Manager, People & Culture• People & Culture Advisor
NT Cricket	<ul style="list-style-type: none">• Chief Executive Officer• Office Manager, Business Services
SACA	<ul style="list-style-type: none">• Manager, People & Culture• General Manager, Fan Engagement and Business Operations
Cricket Tasmania	<ul style="list-style-type: none">• Chief Executive Officer• General Manager Corporate Services
T20 World Cup	<ul style="list-style-type: none">• People & Culture Manager• Legal Counsel
Queensland Cricket	<ul style="list-style-type: none">• Chief Executive Officer• General Manager People & Culture
Cricket Victoria	<ul style="list-style-type: none">• Chief Executive Officer• General Manager, People & Culture
WACA	<ul style="list-style-type: none">• General Manager, People & Culture• Chief Financial Officer

The Protected Disclosure Officer named above includes the person acting in this role, or a representative of the Protected Disclosure Officer as nominated in writing by the Protected Disclosure Officer.