

Whistleblower Policy

What is it? Australian Cricket encourages its personnel, players, officials, coaches and participants (each an **Australian Cricket Person**) to report incidents of misconduct. This Policy 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 Policy; or
- the Cricket Integrity Hotline on 1300 FAIR GAME (1300 3247 4263) (an externally monitored hotline that also allows for anonymous disclosure).

Please refer to the Policy 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 General Manager, People & Culture CA Head of Integrity			
6	August 2019	Updated	CA General Manager, People & Culture CA Legal Counsel	AC Heads of People & Culture	AC Heads of People & Culture	December 2019
7	July 2023	Draft	CA EGM People & Culture	AC Heads of People & Culture		

Australian Cricket endorses the Whistleblower Policy as an Australian Cricket Policy that must be complied with as set out in this Policy.

1 POLICY STATEMENT

As part of our vision to be a sport for all that makes Australians proud, Australian Cricket is committed to fostering a culture of the highest standards of honesty, integrity, and ethical behaviour. Australian Cricket will not tolerate any corrupt, illegal, or other undesirable conduct. We encourage people to speak up and report potential Improper Conduct and will not tolerate anyone being discouraged or being subject to harm because they want to speak up or have done so.

2 PURPOSE

This Policy is designed to promote open communication throughout Australian Cricket, develop practices that reduce the risk of Improper Conduct, and safeguard the reputation, values, and ethics of our sport. This Policy describes the process and requirements that apply when dealing with a report of Improper Conduct.

Whistleblowing refers to the act of raising concerns about suspected, or actual Improper Conduct within Australian Cricket and is a key element of our governance framework and to achieving transparency and accountability.

The objectives of this Policy are to:

- (a) encourage reporting of potential Improper Conduct;
- (b) help deter Improper Conduct;
- (c) ensure individuals who speak up about potential Improper Conduct can do so safely, securely and with confidence they will be protected and supported;
- (d) provide transparency around Australian Cricket's framework for receiving, handling, and investigating reports of potential Improper Conduct; and
- (e) ensure that Improper Conduct is identified and dealt with appropriately and in a timely manner.

3 WHO DOES THIS POLICY APPLY TO?

Anyone with information about potential Improper Conduct is encouraged to speak up.

This Policy applies to any individual who is:

- (a) a current or former Australian Cricket employee, including employees who are permanent, part-time, fixed term or temporary, interns, secondees and managers;
- (b) a current or former officer or associate of Australian Cricket, for example a Board Director or Company Secretary;
- (c) a service provider or contractor who is providing, or has provided goods or services to Australian Cricket, whether paid or unpaid (e.g. volunteering) including their employees; and
- (d) a relative, dependent, or spouse of an individual identified in (a) to (c) above.

A Whistleblower is any of the above individuals who make a report (**Protected Disclosure**) in accordance with this Policy.

4 WHAT IS IMPROPER CONDUCT?

4.1 Meaning of Improper Conduct

Potential Improper Conduct is any suspected or actual misconduct or an improper state of affairs or circumstances in relation to Australian Cricket.

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

- (a) illegal activity;

- (b) breach of any Australian Cricket codes, policies, or procedures;
- (c) discrimination, bullying, harassment and sexual harassment;
- (d) bribery or corruption;
- (e) theft, fraud, dishonest, unethical, or irresponsible behaviour;
- (f) misleading or deceptive conduct;
- (g) significant mismanagement or waste of Australian Cricket's funds or resources;
- (h) serious harm to public health, safety or environment or the health and safety of any Australian Cricket Person;
- (i) 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
- (j) any action taken against, or harm suffered by an Employee or Australian Cricket Person because of speaking up and making a report under this Policy.

Potential Improper Conduct generally does not include personal work-related grievances (described in clause 5 of this Policy).

4.2 False Reports

Reports must be based on reasonable grounds that the information disclosed is true. Whistleblowers must not make a report that they know is not true or is misleading. Making a false report is considered a serious matter and may result in disciplinary action, including summary dismissal.

5 WHAT IS A PERSONAL WORK-RELATED GRIEVANCE?

Disclosures that relate solely to personal work-related grievances, and do not relate to detriment or threat of detriment to the person speaking up, are not covered by this Policy.

Personal work-related grievances are those that relate to someone's current or former engagement within Australian Cricket and only have implications for the individual personally, with no other significant implications for Australian Cricket or other matters of misconduct beyond the individual's personal circumstances.

Examples of personal work-related grievances include:

- (a) an interpersonal conflict between an individual and another person within Australian Cricket;
- (b) a decision that does not involve a breach of workplace laws;
- (c) a decision about an individual's engagement, transfer, or promotion;
- (d) a decision about an individual's terms and conditions of engagement; or
- (e) a decision to suspend or terminate an individual's engagement, or otherwise to discipline them.

However, if the personal work-related grievance includes information about potential Improper Conduct or suggests misconduct beyond an individual's personal circumstances, the personal work-related grievance may qualify for whistleblower protections as set out under clause 8 of this Policy. Examples of a personal work-related grievance mixed with a Potential Improper Conduct include:

- (a) where there is a breach of employment or other laws punishable by imprisonment for a period of 12 months or more;
- (b) engaging in conduct that represents a danger to the public; or
- (c) an individual suffers from, or is threatened with, detriment for making a disclosure.

6 HOW CAN SOMEONE SPEAK UP ABOUT POTENTIAL IMPROPER CONDUCT?

If someone becomes aware of any matter or behaviour that may amount to Improper Conduct, they should speak up and report it to:

- (a) a Protected Disclosure Officer, as set out in the Schedule of this Policy; or
- (b) 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 Policy.

Any report relating to the matters described in Clause 4 is a **Protected Disclosure** unless proven otherwise.

After receiving a Protected Disclosure, the Cricket Integrity Hotline operator will provide details of the Protected Disclosure to the relevant Protected Disclosure Officer. Where a Whistleblower provides their contact details to the Cricket Integrity Hotline, those contact details will not be provided to any other person without the Whistleblower's consent.

7 WILL A DISCLOSURE BE KEPT COFIDENTIAL?

Australian Cricket is committed to ensuring confidentiality of a Whistleblower's identity unless the disclosure is authorised under law, or the Whistleblower gives consent to disclosing their identity.

Information obtained from Whistleblowers will only be disclosed to the extent reasonably necessary to investigate the matter and Australian Cricket will take all reasonable steps to reduce the risk that a Whistleblower's identity will be revealed as a result of the Protected Disclosure.

The contents of any 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.

Breaching a Whistleblower's anonymity may carry civil and criminal penalties for both individuals and organisations including significant fines and/or imprisonment.

8 WHAT PROTECTIONS EXIST IF SOMEONE SPEAKS UP UNDER THE POLICY?

Whistleblowers will be protected from any form of detriment including discrimination, harassment, or retaliation because of their Protected Disclosure.

Anyone within Australian Cricket 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. They may also be subject to civil and criminal penalties which apply for both individuals and organisations, including significant fines and/or imprisonment.

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

The Australian Cricket Grievance Procedure should be applied (as applicable) if a

Whistleblower considers that they have been discriminated against, vilified, victimised, bullied, harassed, or treated unfairly, in breach of applicable legislation or a code or policy of Australian Cricket.

9 WHAT HAPPENS ONCE A REPORT IS MADE?

All Protected Disclosures will be acknowledged within 14 days of receipt and investigated. The investigation will be undertaken by the Integrity Unit or People & Culture or equivalent department, with the objective of locating evidence in relation to the claims made by a Whistleblower. External professionals may be 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.

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.

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.

10 COMMUNICATION

A 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.

11 BREACH OF POLICY

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

12 RELATED LEGISLATION AND STANDARDS

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

- (a) Corporations Act 2001 (Cth) as amended by the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth); and
- (b) 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• Executive General Manager Legal & Business Affairs, Company Secretary• Chief People & Strategy Officer• Head of People & Culture
Cricket ACT	<ul style="list-style-type: none">• Chief Executive Officer• Head of People & Culture
Cricket NSW	<ul style="list-style-type: none">• General Manager, People Experience• General Manager, Governance & Integrity
NT Cricket	<ul style="list-style-type: none">• Chief Executive Officer• Office Manager, Business Services
SACA	<ul style="list-style-type: none">• General Manager, People & Performance• Head of Integrity, Compliance & Legal
Cricket Tasmania	<ul style="list-style-type: none">• Chief Executive Officer• General Manager People & Culture
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• Head of People Experience
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.

5 DEFINITIONS

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

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

- (a) Cricket Australia (ACN 006 089 130);
- (b) ACT Cricket Association (ABN 61 741 344 332);
- (c) Northern Territory Cricket Association (ABN 21 938 643 056);
- (d) New South Wales Cricket Association (ABN 27 000 011 987);
- (e) Queensland Cricket Association (ABN 55 612 695 676);
- (f) South Australian Cricket Association (ABN 44 623 135 393);
- (g) Tasmanian Cricket Association (ABN 34 009 476 993);
- (h) Victorian Cricket Association (ABN 53 004 128 812); and
- (i) Western Australian Cricket Association (ABN 44 026 744 769).

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

Improper Conduct is defined in clause 4.1 of this Policy.

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

Whistleblower means any 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 Policy.