



## **WHISTLEBLOWER POLICY AND PROCEDURES**

### **(BY-LAW 44)**

#### **1. INTRODUCTION**

1.1 **The Board of LRGC is committed** to operating fairly and correctly in accordance with the Board Charter and the Club Constitution and By Laws. This includes enabling the reporting by whistleblowers of misconduct where LRGC operations and the Club's reputation are concerned. Members, Directors and Employees, and other associated people (see below), who do assist the club through properly reporting misconduct (openly or anonymously), are to be protected and not to be penalised in any way.

1.2 Amendments passed by parliament in 2019 to the Commonwealth Corporations Act 2001 (The Act), brought into law a range of rights and protections for "eligible whistleblowers", along with penalties and a basis for procedures to enable protection of people who report misconduct.

#### **1.3 The whistleblower policy of LRGC is to:**

- (a) encourage the reporting of matters that may cause harm or loss to the Club, and its Members, Officers and Employees;
- (b) enable LRGC to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower as far as legally possible and enable secure, confidential storage of information they provide;
- (c) establish formal arrangements for protecting whistleblowers against reprisals by any person internal or external to LRGC;
- (d) enable LRGC to continue to operate within current Australian corporate law and for the Club to continue to maintain the highest standards of ethical behaviour and integrity.

1.4 Where this policy and its related procedures may be read as inconsistent with the provisions set down in the Commonwealth Corporations Act (2001) and the Constitution of LRGC , the Act and the Club Constitution have precedence.

## 2. DEFINITIONS

2.1. For the purposes of this policy, the following definitions apply:

(a) **“whistleblower”**: is **any person** who has a past or present connection with LRGC. This includes present and former Members, Directors and Employees, contractors, suppliers and any other third parties, (and their relatives), **and** who may be in a position to observe, or be affected by misconduct involving the Club, and has a concern or fear they may suffer reprisals in any shape or form, should they have reasonable grounds to report (and after they have reported), such misconduct.

(b) **“recipient”**: can be a Director of the Club, the General Manager or a Senior Manager of LRGC, who receives information from an Eligible whistleblower. Outside LRGC, other recipients include a person or organisation appointed by LRGC for this purpose, LRGC Auditors, related superannuation funds and their auditors/trustees, The Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA), a journalist or a Member of a State or Federal Parliament. Legal Practitioners are also recipients where the whistleblower is seeking legal advice or representation.

### **NB: Notes Re Definitions:**

(a) The above definitions **do not relate** to people experiencing specific, personal employment disputes or work-related grievances with LRGC, nor do they involve issues of concern to competitors of LRGC and customers or clients of LRGC.

(b) The above definitions allow for **anonymous as well as open** disclosure of whistleblowing information to eligible recipients

(c) The whistleblower may also disclose information to a registered legal practitioner for the purpose of obtaining legal advice or representation should they choose to do so.

(d) Senior managers at LRGC include the Course Superintendent, Food and Beverage Manager, Functions Manager and Golf and Marketing Manager.

### **3. REPORTABLE CONDUCT**

Where a whistleblower has grounds to suspect misconduct or some other improper event/activity occurring at LRGC they may openly or anonymously report this matter to a Director, the General Manager or a Senior Manager of the Club. Alternatively, they may make a report where relevant to the other agencies mentioned in 2.1 (b) above. Matters involving misconduct or improper events/activities may include:

- (a) fraud;
- (b) corruption;
- (c) illegal conduct such as criminal damage, theft, drug use, violence;
- (d) discrimination, vilification, sexual harassment, bullying and victimisation;
- (e) offences in breach of commonwealth, state and local government legislation;
- (f) gross general and/or financial mismanagement;
- (g) waste or squandering of LRGC resources;
- (h) unsafe work practices,
- (i) environmental damage; or
- (j) deliberate concealment of information which may otherwise be revealed concerning any of the above matters.

### **4. WHISTLEBLOWER PROTECTION (NO DETRIMENT)**

4.1 When a whistleblower (having met the definition in 2.1 (a) above) and whether or not their information is subsequently found to be incorrect, unfounded or vexatious, LRGC will not victimise, sanction, threaten or penalise that whistleblower.

4.2 LRGC will not take adverse action where a whistleblower has reported any of the above events with the possible exception where the whistleblower has been, or is currently involved in the event/s being reported.

4.3 LRGC will continue to afford protection to a whistleblower where the reported misconduct is subsequently found to be incorrect, so long as the whistleblower was deemed to be acting in good faith.

### **5. WHISTLEBLOWER REPORTING**

5.1 When a person as a whistleblower wishes to report misconduct including those matters in set down in 3 (above), they should do so to the General Manager of the Club. If for any reason the whistleblower feels this is inappropriate the report may be made to any other person defined as a recipient in 2.1 (b) (above).

5.2 Such reports may be made by phone, by email or in writing, and include specific, adequate and relevant information. Reference should be made to dates, places, persons, witnesses, behaviour, amounts of money, goods or equipment involved.

5.3 If the report is made on an anonymous basis there can be no endeavour to identify and/or communicate the whistleblower, even if subsequently their identity becomes known to LRG. In these circumstances the whistleblower cannot be approached for more information, or whether LRG takes action to refer the matter to external parties.

5.4 LRG assures whistleblowers that any disclosure will be dealt with on a strictly confidential basis and they therefore should disclose their identity if possible, to enable on-going communication during investigatory procedures.

5.5 Should the whistleblower deem it inappropriate to make a report of misconduct to anyone in LRG, they may report such matters to the Club's Auditors:

Name: Conroy Audit and Advisory

Postal Address: Level 2, 154 Elizabeth Street

Sydney NSW 2000.

Telephone: 02 92679227

5.6 Where reported misconduct involves the tax or superannuation affairs of LRG the whistleblower may become protected by making their report to additional recipients including the Commissioner for Taxation, a registered tax or BAS agent, ASIC, APRA, or a legal practitioner where the whistleblower is seeking legal advice or representation.

## **6. CONFIDENTIALITY**

6.1 LRG recognises that stating and then maintaining appropriate levels of confidentiality is crucial to ensure potential whistleblowers feel they can safely come forward and make disclosures in an open and timely manner without the fear or concern that their reputations will suffer or that reprisals (see 8 below), may be taken against them.

6.2 LRG will take all reasonable steps to protect the identity of the whistleblower, adhering to any statutory requirements concerning the confidentiality of the person and the information they disclose.

6.3 It is recognised that in some circumstances such as formal legal proceedings, disclosure of identity and certain information may be unavoidable. Where these situations occur, keeping in mind the statutory requirement concerning confidentiality in the Act, LRG will seek advice from its own legal counsel and/or from ClubsNSW.

## **7. INVESTIGATION**

7.1 Once a whistleblower makes a disclosure, LRGC will consider the most appropriate action. This could include an internal investigation, and/or reporting the disclosed information to a relevant external authority for their investigation and subsequent action.

7.2 Any investigation will be conducted promptly and fairly, with due regard to the rights of all persons involved. A whistleblower disclosure must not be investigated by a person in LRGC who may be implicated in alleged misconduct.

7.3 LRGC will ensure that where disclosure is made openly (not anonymously), the whistleblower is kept informed of the outcome of an investigation, subject to considerations of privacy of persons against whom allegations are made.

## **8. BREACH OF POLICY**

8.1 A breach of this policy involves unfair or unwarranted reprisal action against a whistleblower. A reprisal is an act of retaliation against a whistleblower. Any reprisal taken against a person reporting misconduct or assisting in an investigation in breach of this policy is a serious matter. Where such reprisal action occurs LRGC may take disciplinary action against the offender which may include dismissal.

8.2 Where LRGC becomes aware that reprisal action has been taken against a whistleblower for complying with this policy or its underlying legislation, such reprisal will be overturned, cancelled or deemed to be void. This protection applies not only to the whistleblower but to anyone else providing information related to an investigation under this policy.