



PONY CLUB

NEW SOUTH WALES

Pony Club Association of NSW Inc Whistleblower Policy and Procedure

DOCUMENT REVISION HISTORY

REVISION	DATE	AUTHOR	APPROVED BY
1	23rd March 2020	K Britton	PCA NSW State Executive

RELATED DOCUMENTS

REFERENCE
Code of Conduct
Member Protection Policy

TABLE OF CONTENTS

2. SCOPE 3

3. VARIATIONS TO THIS POLICY 3

4. DEFINITIONS..... 4

5. WHAT SHOULD BE REPORTED UNDER THIS POLICY..... 5

6. REPORTING MISCONDUCT 5

7. REPORTING NON-COMPLIANCE OUTSIDE THE COMPANY..... 6

8. INVESTIGATION 6

9. REPORTING OF INVESTIGATION FINDINGS..... 7

10. WHISTLEBLOWER ANONYMITY 7

11. WHISTLEBLOWER PROTECTION..... 7

12. FEEDBACK AND COMMUNICATION WITH THE WHISTLEBLOWER..... 8

13. FALSE MISCONDUCT REPORTS..... 8

14. DOCUMENT RETENTION AND CONFIDENTIALITY 9

15. POLICY REVIEW 9

16. AUSTRALIAN STANDARDS 9

WHISTLEBLOWER POLICY AND PROCEDURE

1. INTRODUCTION

Pony Club New South Wales (PCANSW) is committed to creating and maintaining an open working environment in which directors, employees (whether they are full-time, part-time or casual), contractors and members are able to raise concerns regarding actual or suspected unethical, unlawful or undesirable conduct.

The Pony Club Association NSW State Executive (Board) recognises that any genuine commitment to detecting and preventing illegal and other undesirable conduct must include a mechanism whereby employees and others can report their concerns freely and without fear of reprisal or intimidation. The Whistleblower Policy and Procedure (Policy) provides such a mechanism and encourages the reporting of such conduct.

Unethical, unlawful or undesirable conduct is referred to in this Policy as Misconduct.

Misconduct and other terminology used in this Policy are defined in section 4.

The purpose of this Policy is to:

- Encourage employees, directors, contractors and members to report an issue if they genuinely believe a person or persons have breached PCANSW's Code of Conduct, policies or the law.
- Demonstrate PCANSW's commitment to a fair workplace and organisation and outline the process for managing matters of Misconduct.
- Protect individuals who in good faith, report Misconduct which they reasonably believe to be corrupt, illegal or unethical on a confidential basis, without fear of reprisal, dismissal or discriminatory treatment.
- Assist in ensuring that matters of Misconduct and/or unethical behaviour are identified and dealt with appropriately.

2. SCOPE

This Policy applies to all PCANSW directors, employees (whether they are full-time, part-time or casual), contractors and members.

3. VARIATIONS TO THIS POLICY

Any variation to this Policy must be authorised by the PCANSW Board.

4. DEFINITIONS

For the purposes of this Policy, the definitions listed below apply.

4.1 INVESTIGATION

A search of evidence connecting or tending to connect a person (either a natural person or a body corporate) with conduct that infringes the criminal law, or the policies and standards set by PCANSW.

4.2 MISCONDUCT

All PCANSW directors, employees, contractors and members are encouraged to report any genuine concerns that they believe constitute a breach of PCANSW's Code of Conduct, policies or the law.

Matters which should be reported under this Policy, whether actual or suspected may include:

- Dishonest, fraudulent, corrupt or unlawful conduct or practices.
- Misleading or deceptive conduct, including conduct or representations which amount to improper or misleading accounting or financial reporting practices.
- Conduct or any proposed conduct, bid, proposal, offer, contract, product or other aspect of PCANSW's business that breaches the provisions of the Trade Practices Act 1974, all associated legislation in all States and Territories in Australia and the competition law in countries PCANSW does business with.
- Coercion, harassment or discrimination by, or affecting, any member of PCANSW or its affiliates.
- A breach of PCANSW's policies or Code of Conduct or Fraud Control Policy.
- Conduct within PCANSW's control which is a significant danger to the environment.
- Conduct endangering the health and safety of any person or persons which has been reported to management but not acted upon.
- Any action taken against, or harm suffered by a person as a result of making a report under this Policy.
- Any breach of the *Public Governance, Performance And Accountability Act 2013*.
- Any other conduct or act which may cause loss to PCANSW or which may otherwise be detrimental to its interests.

WHISTLEBLOWER POLICY AND PROCEDURE

4.3 WHISTLEBLOWER

A PCANSW director, employee, contractor or member who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with Misconduct and where the whistleblower wishes to avail themselves of protection against reprisal for having made the report.

4.4 WHISTLEBLOWER PROTECTION OFFICER (WPO)

A designated PCANSW representative tasked with the responsibility of protecting and safeguarding the interests of whistleblowers within the meaning of this Policy. The WPO will have access to independent financial, legal and operational advisers as required. The WPO is the PCA NSW EO or as determined by the PCA State Executive Committee from time to time.

4.5 WHISTLEBLOWER INVESTIGATIONS OFFICER (WIO)

A designated PCANSW representative tasked with the responsibility of conducting preliminary investigations into reports received from a whistleblower. The role of the Whistleblower Investigation Officer is to investigate the substance of the complaint to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made.

The WIO will be appointed by the WPO on a case by case basis, depending on the nature of the report. The WIO will be an independent party who is not associated with the area under investigation.

5. WHAT SHOULD BE REPORTED UNDER THIS POLICY

All PCANSW directors, employees, contractors and members are encouraged to report Misconduct that they believe constitute a breach of PCANSW's Code of Conduct, policies or the law. Examples of matters which should be reported under this Policy, whether actual or suspected are outlined in section 4.2.

6. REPORTING MISCONDUCT

If a PCANSW director, employee, contractor or member becomes aware of an issue or behaviour believed to constitute a breach of PCANSW's Code of Conduct, policies or the law, then the following reporting mechanisms are available.

6.1 INTERNAL REPORTS

Whistleblowers may wish to discuss the matter informally with a PCANSW State Executive member first to determine whether an incident of Misconduct has occurred. This is an opportune time to clarify the incident, ask questions and become familiar with the process. At all times, discussions will remain confidential.

WHISTLEBLOWER POLICY AND PROCEDURE

Where this is not appropriate, or where the whistleblower does not feel comfortable in doing so; or where the whistleblower has previously done so and believes no action has been taken, the whistleblower may contact the WPO directly to discuss the incident or the whistleblower can report the Misconduct internally to the WPO by completing a Misconduct Report Form (MRF) and submitting it to the WPO.

Refer to Appendix A for a sample MRF.

6.2 EXTERNAL REPORTS

Alternatively, the whistleblower may report Misconduct, anonymously if preferred, to PCANSW's Audit and Risk Committee Chairperson or State President.

Reporting options available include:

- Email
- Post

All reports under this Policy are treated very seriously and will be investigated appropriately.

7. REPORTING NON-COMPLIANCE OUTSIDE THE COMPANY

It is PCANSW's aim to ensure that directors, employees, contractors and members do not feel the need to discuss PCANSW's company concerns outside of PCANSW, however, nothing in this Policy should be interpreted as restricting a director, employee, contractor or member from raising issues or providing information to an external party, in accordance with any relevant law, regulation or prudential standard.

8. INVESTIGATION

All reports of Misconduct will be treated seriously and be the subject of a thorough investigation with the objective of locating evidence that either substantiates or refutes the claims/allegations made by the whistleblower. Investigations are to be undertaken by the WIO.

The WIO responds to all concerns raised and reports to the WPO.

Following a report of Misconduct, either internally or externally, the following procedure is to be followed.

- The completed MRF is to be forwarded to the WIO by the WPO
- The WIO is to review the MRF and determine the appropriate manner of investigation, and then inform WPO (who is required to inform the whistleblower) of how the investigation will proceed.
- The WIO is to determine what resources are needed and secure access to those resources, including where necessary the assistance of other employees or external

WHISTLEBLOWER POLICY AND PROCEDURE

professional help (including lawyers, accountants, forensic analysts or operational experts).

- The WIO plans and conducts the investigation.
- The WIO to consider process/control improvements (risk assessments, audits, etc.).
- The WIO prepares an Investigation Report and forwards the Investigation Report to the WPO and the Chairman of the Audit Risk and Finance Committee.
- The WPO advises and debriefs the whistleblower.

9. REPORTING OF INVESTIGATION FINDINGS

At the end of the investigation, the WIO will report their findings to the WPO and the Chairman of the Audit and Risk Committee who will determine the appropriate response. This response will include addressing any unacceptable conduct and taking remedial action required to prevent any future occurrences of the same Misconduct. In the event of the CEO being the subject of an investigation or allegation, the Chairman of the Audit and Risk Committee will determine the report and corrective measures. All investigation outcomes will be reported to the Audit and Risk Committee.

Where issues of discipline arise, the response will be in line with the PCANSW Disciplinary Procedure. Where allegations of unacceptable conduct made against another person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

10. WHISTLEBLOWER ANONYMITY

If requested, the identity of the whistleblower will be kept strictly confidential by the WPO and the WIO unless:

- The person making the report consents to the disclosure.
- The disclosure is required by law.
- The disclosure is necessary to prevent or lessen a serious threat to a person's health or safety.
- It is necessary to protect or enforce PCANSW's legal rights or interests.
- It is necessary to defend any claims.

11. WHISTLEBLOWER PROTECTION

A whistleblower who report matters in good faith and provided he or she has not been involved in the Misconduct reported, will not be penalised or personally disadvantaged

WHISTLEBLOWER POLICY AND PROCEDURE

because they have reported a matter. PCANSW will not tolerate any instances of legitimate whistleblowers being:

- dismissed;
- demoted;
- subjected to any form of harassment and persecution; or
- discriminated against.

A whistleblower who believes he or she, or his or her family, has been the victim of any of the above by reason of their status as a whistleblower, should immediately report the matter to the WPO. Where an incident of this nature occurs, the PCANSW Code of Conduct will apply.

Any PCANSW director, employee, contractor or member who is found to have dismissed, demoted, harassed, or discriminated against a whistleblower by reason of their status as a whistleblower, may be subjected to disciplinary measures.

A whistleblower who has been involved in the reported Misconduct may be provided with immunity or due consideration from PCANSW initiated disciplinary proceedings, by agreement with PCANSW. PCANSW however, has no power to provide immunity from criminal prosecution.

12. FEEDBACK AND COMMUNICATION WITH THE WHISTLEBLOWER

Where possible, and assuming the identity of the whistleblower is known, the whistleblower will be kept informed of the outcome of the investigation of his or her report, subject to privacy and confidentiality considerations.

All whistleblowers must maintain confidentiality of all such reports, and not disclose details to any person.

13. FALSE MISCONDUCT REPORTS

Where it is established by the WIO that the whistleblower is not acting in good faith, or he or she has made a false report of Misconduct (including where the allegation has been made maliciously, vexatiously or without any basis), then he or she will be subjected to disciplinary proceedings, including summary dismissal.

Whilst not intending to discourage whistleblowers from reporting matters of genuine concern, whistleblowers must ensure as far as possible, that reports are factually accurate, complete, from first-hand knowledge, presented in an unbiased fashion (and any possible perception of bias of the whistleblower is disclosed), and without material omission.

14. DOCUMENT RETENTION AND CONFIDENTIALITY

All information, documents, records and reports relating to the investigation of a reported Misconduct will be confidentially stored and retained in an appropriate and secure manner.

15. POLICY REVIEW

The Whistleblower Policy will be reviewed periodically by the Audit and Risk Committee. A report will be made to the Board of the outcome of each review and all recommended changes to the Policy.

16. AUSTRALIAN STANDARDS

This Policy has been drafted to comply with the following Australian standards:

- AS 8004–2003 (Whistleblower Protection Programs for Entities)
- AS 8001–2008 (Fraud and Corruption Control).

WHISTLEBLOWER POLICY AND PROCEDURE

Appendix A

Pony Club Australia Ltd Misconduct Report Form (“MRF”)

Person completing the MRF:			
Whistleblower’s name:			
<i>This form can be anonymously completed and the Whistleblower can choose not to reveal their identity. Unless express consent is given, the person to whom the disclosure is made cannot reveal the Whistleblower’s identity to any other party except in relation to breaches of the Corporations Act or the PGPA Act, in which case that information may be disclosed to ASIC or the Federal Police, or otherwise to the extent allowed by law.</i>			
Confidential contact details:	E-Mail:		
	Mobile:		
	Telephone:		
	Other:		
Date of report:	Day	Month	Year
Has the Misconduct been reported in any other form by you or, to your knowledge, any other person:	Yes	No	Uncertain
	(please circle one)		
Identity of person(s) engaged in Misconduct:			
Location of Misconduct:			
Describe in as much detail as possible the facts, circumstances and events of the Misconduct:			
(Please attach additional pages if required)			
Receipt of MRF:			
Date:		Signature:	
Name:		Position :	