BADMINTON AUSTRALIA
WHISTLEBLOWER POLICY

Title:	Whistleblower Policy
Type of Policy:	Governance
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Next Review Date:	September 2028 (or as required by law)
Responsible Person:	Badminton Australia (BA) Board
Authority:	This Policy is made under clauses 3 and 8 of the BA Constitution and the Board's general powers.

1. INTRODUCTION

Badminton Australia (**BA**) is committed to a culture of high integrity and ethical behaviour in fulfilling its responsibilities to its members and stakeholders and to comply with applicable whistleblower laws including the *Corporations Act 2001 (Cth)* and the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* in all its operations and interactions.

2. PURPOSE

The purpose of this policy is to encourage the reporting of serious conduct or wrongdoing that is of legitimate concern to BA (**Reportable Conduct**), by providing a convenient and safe reporting mechanism that ensures protection for anyone who makes a disclosure.

This policy defines who can make a protected disclosure (**Whistleblower**), identifies who can receive a protected disclosure (**Eligible Recipient**) and establishes a process for Whistleblowers to make a protected disclosure (**Report**) and a corresponding process for BA to address reports from Whistleblowers. Any person who raises a concern or makes a disclosure (for example unethical, illegal, corrupt or other inappropriate conduct) should not be subject to victimisation, harassment or discriminatory treatment.
This policy sets out the avenues available to Whistleblowers to report wrongdoing to BA and how BA will deal with any such reports.

3. SCOPE

This policy is intended to be a workplace policy and applies to the following types of people and Whistleblowers – both current and former and including their relatives, dependents or spouses:

(a) BA employees;

(b) BA Directors;

(c) Independent members of BA board or subcommittees of the board;

(d) BA contractors (including employees of contractors);

(e) consultants to BA; and

(f) suppliers to BA.

BA must make this policy available in an accessible format to all BA employees and BA Directors.

This policy does not apply to members of BA. Any Reportable Conduct or Whistleblowing relating to or by a Member should be managed under BA's Member Protection Policy.

4. REPORTABLE CONDUCT

Any conduct or wrongdoing that is genuinely believed to be in breach of the law or BA's Regulations or Policies should be reported in accordance with this policy.

Reportable Conduct includes, but is not limited to, any conduct that involves:

(a) illegal activities (including but not limited to theft, dealing in or use of illicit drugs, violence, harassment, intimidation or threatened violence and criminal damage against property);

(b) dishonest behaviour;

(c) fraudulent or corrupt activity, including financial fraud or bribery;

(d) perverting the course of justice;

(e) unlawful, corrupt or irregular use of company funds or practices;

(f) unethical behaviour, including any form of discrimination, harassment or bullying;

(g) improper or misleading accounting or financial reporting practices;

(h) a breach of any legislation relating to BA's operations or activities;

(i) behaviour that is oppressive, unjust, discriminatory or grossly negligent (including gross mismanagement, serious or substantial waste of BA's resources or repeated breaches of administrative procedures);

(j) any behaviour that poses a serious risk to the health and safety of any person at the workplace;

(k) a serious risk to public health, public safety or the environment;

(l) an improper state of affairs in relation to BA;

(m) any other conduct which may cause loss to BA or be otherwise detrimental to the interests of BA or any of its employees; and

(n) the deliberate concealment of information tending to show any of the conduct listed above.

Reportable Conduct does not include personal work-related grievances. Personal work-related grievances include but are not limited to interpersonal conflicts between the Whistleblower and another employee, or a decision relating to the engagement, transfer or

promotion of the Whistleblower. Such grievances should be addressed by the appropriate BA Manager or the BA CEO under the provisions of the relevant Employment Agreement and the *Fair Work Act 2009 (Cth)*.

5. RESPONSIBILITY TO REPORT

It is expected that any person becoming aware of any Reportable Conduct will notify the appropriate personnel as per this policy in order to maintain BA's integrity and ethical behaviour. A Whistleblower must provide information to assist in any inquiry or investigation of the conduct disclosed.

6. PROTECTION OF WHISTLEBLOWERS

Whistleblowers (internal and external) who qualify for protection under the law are afforded protection regarding their identity, from detrimental acts or omissions, from civil, criminal and administrative liability and can seek compensation and remedies through the courts if they suffer loss, damage or injury as a result of a disclosure and there was a failure by BA to take reasonable precautions and exercise due diligence to prevent the conduct.

BA will take all reasonable steps to ensure that a legitimate Whistleblower will not be subject to any form of victimisation, discrimination, harassment, demotion, dismissal, threats or prejudice because they have made a Report, even if the disclosure is subsequently determined to be incorrect or is not substantiated. This also applies to anyone providing information related to an investigation pursuant to this policy.

BA will take all reasonable steps to protect the identity of a Whistleblower and will adhere to statutory requirements in respect of the confidentiality of Reports made. In appropriate cases, disclosure of the identity of a Whistleblower or the allegation made may be unavoidable, such as if court proceedings result from a Report pursuant to this policy.

This policy will not protect a Whistleblower if they are also involved in, or connected with, the misconduct or wrongdoing reported.

6.1 Reporting on Reasonable Grounds

A Report may have serious consequences, including potential damage to the career prospects and reputation of people who are the subject of allegations of misconduct or wrongdoing. Therefore, it is very important that those who make a report under this policy do so with reasonable grounds for believing that the information is correct or likely to be correct.

BA takes very seriously any Reports made under this policy and will look particularly unfavourably on any false reports or claims. Disciplinary action may be taken against anyone who makes a report that is not on reasonable grounds.

A Report will not be considered to be made on reasonable grounds if it is frivolous, vexatious, raised for a malicious reason, for personal gain or an ulterior motive, or if it is not based on facts and/or circumstances that provide a reasonable basis for the report. Repeated reports about trivial matters may also be considered not to be made on reasonable grounds and if so will not be investigated under this policy.

6.2 Anonymous Reporting

A Report can be made anonymously, however it may be difficult for the matter to be properly investigated without the Whistleblower's identity. If further legal action is taken on the reported matter, it may become necessary for a Whistleblower to identify themselves. An anonymous Whistleblower may still benefit from statutory protections.

In these instances, BA will continue to take all reasonable steps to protect the Whistleblower from any possible reprisal, however Whistleblowers are encouraged to provide their identity to enable a robust process to be undertaken.

7. PROCEDURES

7.1 Making a Report to an Eligible Recipient

Any person who has reasonable grounds to suspect that Reportable Conduct has occurred is encouraged to first discuss the matter informally with their direct line manager in order to determine if serious misconduct or wrongdoing has occurred. This provides an opportunity to clarify the conduct in question, ask questions and determine if the conduct is Reportable Conduct under this policy. At all times, these discussions must remain confidential.

If this is not considered appropriate, or the conduct has already been confirmed as Reportable Conduct, a Report should be made to an Eligible Recipient.

An Eligible Recipient is the:

(a) BA CEO; or

(b) BA President; or

(c) the Chair of BA's Finance, Audit and Risk Committee.

Reports should be made to the BA CEO. If the Report involves the CEO or a BA Director, then the matter should be reported to the BA President. If the Report involves the President, it should be reported to the Chair of the Audit and Risk Committee.

Where possible, a Report of Reportable Conduct should be in writing and should contain, as appropriate, details of the:

(a) nature of the alleged breach;

(b) persons or persons believed to be responsible for the breach;

(c) facts on which the Whistleblower's belief that a breach has occurred are based; and

(d) nature and whereabouts of any further evidence that may substantiate the Whisteblower's allegations, if applicable.

Reports should provide specific, adequate and pertinent information regarding the conduct with respect to, among other things, dates, places, specific activities, persons/witnesses, amounts and other relevant information, in order to allow for a reasonable investigation to be conducted.

7.2 Investigation

Any Reports of alleged or suspected misconduct or wrongdoing made under this policy will be properly assessed, and if appropriate, inquired into or independently investigated. The CEO (or President or Chair of the Audit and Risk Committee as appropriate) will determine the appropriate method and personnel for an investigation. In appropriate cases, assistance may be sought from internal or external specialists as deemed necessary.

During an investigation, an investigator must conduct sufficient inquiry to be able to determine conclusions and any recommendations regarding the Report.

The investigator and any specialists involved in the investigation shall be allowed access to all relevant materials, documents, and records and all personnel must co-operate fully with the investigator.

Any investigations will be conducted in a fair and independent manner and all reasonable efforts will be made to preserve the confidentiality of an investigation.

Information contained in reports and provided by Whistleblowers in the course of an investigation will be kept confidential, except as required by law or where disclosure is necessary to regulatory authorities, law enforcement agencies or professional advisors to BA.

A Whistleblower must keep confidential the fact that a report has been made (subject to any legal requirements) to avoid jeopardising an investigation.

During an investigation, BA will also take reasonable steps to fairly treat any person who is the subject of a Report.

7.3 Investigation Findings

On conclusion of the investigation, the investigator must prepare a report of the findings for the CEO, President or Chair of the Audit and Risk Committee (as the case may be) which should include recommendations for steps to be taken to prevent the misconduct from occurring in the future, as well as any action that should be taken to remedy any harm or loss arising from the misconduct, including disciplinary proceedings against the person responsible for the conduct, and the referral of the matter to appropriate authorities, as is deemed necessary.

The Whistleblower will be kept informed of the progress, findings and conclusion of an investigation by the investigator, subject to privacy and confidentiality considerations.

Where a person is identified as being suspected of possible wrongdoing or misconduct, but preliminary enquiries determine that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the Whistleblower will be informed of this outcome and the matter concluded with no further action.

The CEO, President or Chair of the Audit and Risk Committee (as the case may be) will decide whether the person named in the Report should be informed that a Report was lodged and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named and to protect the Whistleblower.

Where an investigation is conducted and the investigator believes there may be a case for an individual to respond to, the investigator must ensure that a person who is the subject of a Report:

(a) is informed of the substance of the allegations;

(b) is given a fair and reasonable opportunity to answer the allegations before the investigation is finalised;

(c) has their response set out fairly in the investigator’s report; and

(d) is informed about the substance of any adverse conclusions in the investigator's report that affects them.

Where adverse conclusions are made in an investigator's report about an individual, that individual has a right to respond to those conclusions prior to any action being taken by BA against them.

All relevant parties must adhere to the determination and any recommendations of an investigation or inquiry held under this policy.

7.4 Reporting to a third party

The law may provide protection to a Whistleblower who informs an external (to BA) third party of concerns about Reportable Conduct. These may include legal practitioners, regulatory bodies, journalists and members of parliament, again in certain circumstances

Further information can be found on the ASIC, APRA and ATO websites, and includes ASIC Information Sheet 239.

8. BREACH OF THIS POLICY

BA is committed to protecting and respecting the rights of a Whistleblower who reports wrongdoing or misconduct on reasonable grounds under this policy. BA will not tolerate any reprisals or threats of reprisals against a Whistleblower, or against a Whistleblower's colleagues, employer or relatives.

Any such retaliatory action or victimisation in reprisal for a Report made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal. In some circumstances, it may be illegal in which case BA may notify the Australian Securities and Investments Commission or the appropriate state or federal police.

9. REVIEWS

BA reserves the right to amend this policy from time to time subject to organisational needs or changes in the law. The Policy will be reviewed at least every three years and any amendments will be approved by the BA Board, updated in the BA Policy register and updated on the BA website if appropriate.