



PONY CLUB
AUSTRALIA

**WHISTLEBLOWER
POLICY & PROCEDURE
NOVEMBER 2022**

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1 INTRODUCTION

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

The Board of PCA (Board) recognises that any 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. The Board encourages the reporting of Serious Misconduct and considers this Policy to be of the highest importance. Serious Misconduct and other terminology used in this Policy are defined in section 4.2.

1.1 The purpose of this Policy is to:

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

2 SCOPE

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

2.1 There are four types of reports that can be made:

- (a) Health and Safety Incident Reports should be reported via the PCA Incident Reporting System <https://form.jotform.com/PonyClubAust/pca-incident-reporting-system>

The below matters can all be reported via <https://ponyclubaustralia.com.au/complaints/>

- (b) Personal Grievances that are handled under the [Personal Grievances Policy](#).
- (c) Sport Integrity Australia will handle all reports relating to matters that occur after 1st July 2022, in relation to the following policies:
 - (i) [Child Safeguarding Policy](#)
 - (ii) [Member Protection Policy](#)
 - (iii) [Improper Use of Drugs and Medicines Policy](#)
 - (iv) [Competition Manipulation and Sports Wagering Policy](#)

All reports relating to these policies should be directed to Sports Integrity Australia, and any reports received by PCA in relation to these policies will be referred to Sport Integrity Australia. More information is available at <https://www.sportintegrity.gov.au/making-integrity-complaint-or-report>. Sport Integrity Australia will follow the [Complaints, Disputes and Discipline Policy](#). This Policy covers reports of Serious Misconduct other than those matters that are handled by Sport Integrity Australia.

3 VARIATIONS TO THIS POLICY

Any variation to this Policy must be authorised by the PCA 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 law or the policies and standards set by PCA.
- 4.2 **Serious Misconduct:** All PCA directors, employees, contractors, volunteers and members are encouraged to report any conduct that they believe constitute a breach of PCA's Code of Conduct, policies or the law. Matters which should be reported under this Policy, whether actual, suspected or proposed may include:
- (a) 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.
 - (b) Conduct or any proposed conduct, bid, proposal, offer, contract, product or other aspect of PCA's business that breaches consumer or competition law.
 - (c) Coercion, harass mentor discrimination by, or affecting, any member of PCA or its affiliates.
 - (d) A breach of PCA's policies including Code of Conduct or Fraud Control Policy.
 - (e) A breach of the PCA Horse Welfare Policy.
 - (f) Conduct within PCA's control which is a significant danger to the environment.
 - (g) Conduct endangering the health and safety of any person or persons which has been reported to management but not acted upon.
 - (h) Any action taken against, or harm suffered by a person as a result of making a report under this Policy.
 - (i) Any breach of the Corporations Act 2001Cth.
 - (j) Any other conduct or act which may cause loss to PCA or which may otherwise be detrimental to its interests or reputation.
 - (k) See Section 2.1(c) above in relation to the matters which will be referred to Sport Integrity Australia.
- 4.3 **Personal Grievances:** Personal Grievances are defined and handled under the Personal Grievance Policy.
- 4.4 **Whistleblower:** A PCA director, employee, contractor, volunteer or member who, whether anonymously or not, makes, attempts to make or wishes to make a report in connection with Serious Misconduct and where the whistleblower wishes to avail themselves of protection against reprisal for having made the report.
- 4.5 **Whistleblower Protection Officer (WPO):** A designated PCA 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 CEO.

- 4.6 **Whistleblower Investigation Officer (WIO):** A designated PCA 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

- 5.1 All PCA directors, employees, contractors, volunteers and members are encouraged to report Serious Misconduct that they believe constitute a breach of PCA'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.
- (a) See Section 2.1(c) in relation to the matters that will be handled by Sports Integrity Australia.

6 REPORTING SERIOUS MISCONDUCT

If a PCA director, employee, contractor, volunteer or member becomes aware of an issue or behaviour believed to constitute Serious Misconduct then the following reporting mechanisms are available.

6.1 Complaint Form

The PCA Complaint Form is available online at <https://ponyclubaustralia.com.au/complaints/>

6.2 Internal Whistleblower Reports

- (a) Whistleblowers may wish to discuss the matter informally with a PCA Director (by email to secretary@ponyclubaustralia.com.au) first to determine whether an incident of Serious 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 subject to the provisions of this policy.
- (b) 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.
- (c) Alternatively, the whistleblower may report Serious Misconduct, anonymously if preferred, to PCA's Integrity Manager. Reporting options available include:
Email: integrity@ponyclubaustralia.com.au Phone: 0424 067 045

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

7 REPORTING NON-COMPLIANCE OUTSIDE OF THE COMPANY

- 7.1 Nothing in this Policy should be interpreted as restricting a director, employee, contractor, volunteer or member from raising issues or providing information to an external party, in accordance with any relevant law, regulation or prudential standard.
- 7.2 It is PCA's aim to ensure that directors, employees, contractors, volunteers and members are confident that PCA can receive all matters.
- 7.3 In relation to reports of unlawful activity, PCA may refer the matter to law enforcement authorities. It is PCA's policy to cooperate fully with any investigation by law enforcement.

8 INVESTIGATION

- 8.1 All reports of Serious 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, or a suitably qualified person appointed by the PCA Board.
- 8.2 The WIO responds to all concerns raised and reports to the WPO.
- 8.3 Following a report of Serious Misconduct, either internally or externally, the following procedure is to be followed.
- (a) The Complaint Form is to be forwarded to the WIO by the WPO.
 - (b) The WIO is to review the Complaint Form and determine the appropriate manner of investigation, and then inform WPO (who is required to inform the whistleblower) of how the investigation will proceed.
 - (c) The Complaint Form will be reported to the Board.
 - (d) 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 professional help (including lawyers, accountants, forensic analysts or operational experts). WIO plans and conducts the investigation.
 - (e) The WIO to consider process/control improvements (risk assessments, audits, etc.)
 - (f) The WIO prepares an Investigation Report and forwards the Investigation Report to the WPO and the Chairman of the Finance, Audit and Risk Committee.
 - (g) The WPO advises and debriefs the whistleblower.

9 REPORTING OF INVESTIGATION FINDINGS

- 9.1 At the end of the investigation, the WIO will report their findings to the WPO and the Chair of the PCA Finance 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 Serious Misconduct.
- (a) In the event of the CEO being the subject of an investigation or allegation, the PCA Board Chair will appoint an independent party to conduct the investigation. All investigation outcomes will be reported to the PCA Board.
- 9.2 Any potential disciplinary action arising out of an investigation report under this policy will be dealt with as determined by PCA. Relevant policies include, but are not limited to:
- (a) PCA's employment policies;
 - (b) The Conduct and Disciplinary Policy (if the alleged conduct may constitute a breach of the policy); and
 - (c) Such other policy or procedure as determined by the WPO and the PCA Board Chair.
- 9.3 In determining the appropriate response, PCA will, at all times, comply with the requirements of any applicable legislation regarding the protection of whistleblowers, including the Corporations Act 2001 (Cth).

- (a) 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

- 10.1 If an individual is seeking anonymity, it should be clearly requested at the time of the initial report. If requested, the identity of the whistleblower will be kept strictly confidential by the WPO and the WIO unless:
- (a) The person making the report consents to the disclosure.
 - (b) The disclosure is required by law.
 - (c) The disclosure is necessary to prevent or lessen a serious threat to a person's health or safety.
 - (d) It is necessary to protect or enforce PCA's legal rights or interests.
 - (e) It is necessary to defend any claims.

11 WHISTLEBLOWER PROTECTION

- 11.1 A whistleblower who reports a matter in good faith and provided he or she has not been involved in the Serious Misconduct reported, will not be penalised or personally disadvantaged because they have reported a matter. PCA will not tolerate any instances of legitimate whistleblowers being:
- (a) dismissed;
 - (b) demoted;
 - (c) subjected to any form of harassment and persecution; or
 - (d) discriminated against.
- 11.2 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 or the secretary of the Board. Where an incident of this nature occurs, the PCA Code of Conduct will apply.
- 11.3 Any PCA director, employee, contractor, volunteer 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 including dismissal.
- 11.4 A whistleblower who has been involved in the reported Serious Misconduct may be provided with immunity or due consideration from PCA initiated disciplinary proceedings, by agreement with PCA. PCA however, has no power to provide immunity from criminal prosecution.

12 FEEDBACK AND COMMUNICATION WITH THE WHISTLEBLOWER

- 12.1 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.
- 12.2 All whistleblowers must maintain confidentiality of all such reports, and not disclose details to any person subject to the conditions of this Policy.

13 FALSE REPORTS

- 13.1 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 Serious Misconduct (including where the allegation has been made maliciously, vexatiously or without any basis), then he or she may be subjected to disciplinary proceedings.
- 13.2 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 DOCUMENTATION AND CONFIDENTIALITY

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

15 MONITORING AND POLICY REVIEW

- 15.1 The Whistleblower Policy will be reviewed periodically by the Finance, 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.
- 15.2 All reports of Serious Misconduct will be reported to the Board of PCA.

16 AUSTRALIAN STANDARDS

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

- (a) AS8004–2003 (Whistleblower Protection Programs for Entities)
- (b) AS8001-2021 (Fraud and Corruption Control)



VERSION TABLE

Version	Date	Description of changes
V1.0	JUN 2022	Original version of policy
V2.0	NOV 2022	Changed to reflect requirements under the Corporations Act.