



Whistleblower Protection Policy

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Introduction

- The Paralympics Australia (PA) Board, CEO and staff, Australian Paralympic Teams and authorized support staff are committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational policy and procedures), and ethically (in accordance with recognised ethical principles).
- PA's values around respect, inclusion, fairness and equity underscore everything we do.
- Consistent with these values, those involved with PA and para-sport share a responsibility to:
 - Support our commitment to legal, proper and ethical operations by speaking up and reporting any non-compliant conduct by other people;
 - Ensure that those who do speak with good intentions and for a proper purpose are supported throughout the process and not personally penalized in any way for having the courage to speak up.

Purpose

- PA staff, volunteers and members of PA teams and support staff are encouraged to speak up and voice their views on issues through 'normal channels'; however, we recognize the possibility that this may be stymied for some reason and complaints may need to go outside those channels on occasion (including outside the organisation).
- The purpose of this Policy is to:
 - encourage disclosure of wrongdoing by providing convenient and safe disclosure mechanisms and protection for people who make such disclosures.

- establish policies for protecting genuine whistleblowers against reprisal by any person internal or external to PA.
 - enable PA to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide secure storage of the information provided.
- It is not the purpose of this Policy to provide a cover for people who wish to raise malicious or solely self-serving allegations or allegations designed to unfairly damage the reputation of another.

Definitions

‘Disclosure’ means a report made by a Whistleblower.

‘Subject Conduct’ means a substantial breach of general law, PA policy, or generally recognised principles of ethics or sports integrity by a Director, manager, employee, volunteer of PA or a member of an PA team.

‘Whistleblower’ is a person (being an PA Director, employee, volunteer, member of an PA team or member of the public) who makes, attempts to make or wishes to make, a report in connection with reportable or seemingly reportable Subject Conduct and wishes to avail themselves of protection against reprisal for having made the report.

Investigation Officer means a person appointed to investigate the Disclosure in accordance with this policy.

‘Whistleblower Protection Officer’ (WPO) means a person appointed to that position by the Chairman of PA and listed on the PA’s website: <http://www.paralympic.org.au/contact/>.

Application of this policy

- PA's Board is responsible for adopting this PA Whistleblower Protection Policy.
- The CEO has oversight of this policy and its implementation. They are also responsible for nominating an Investigation Officer.
- All Directors, staff, volunteers and members of PA teams are responsible for reporting Subject Conduct.
- This policy will generally not apply to matters reported in accordance with the procedures outlined in PA's People Protection Policy.
- This policy does not apply to classification/intentional misrepresentation issues. Whistleblower policies for these issues are outlined in PA's Classification Policy at <http://www.paralympic.org.au/classification/> and PA Classification Standard – Athlete Evaluation Policy at <http://www.paralympic.org.au/about-us/apc-policies/>
- This policy does not apply to general personal grievances or complaints about valid decisions. Other PA procedures should be used for these purposes.
- Complaints regarding occupational health and safety should where possible be made through the PA's OH&S procedures.
- If anything in this Policy is inconsistent with any relevant Federal, State or Territory law, the relevant law prevails to the extent of the inconsistency.
- PA will refer disclosures onto other relevant external agencies/NSOs for review when deemed appropriate.

Who is bound by this Policy

- This policy applies to all PA Directors, staff, volunteers and members of PA teams and support staff.
- PA also enables members of the public to report serious misconduct involving PA Directors, staff, volunteers and members of PA teams and support staff.

Reporting process

- Where a person who is bound by this policy believes in good faith and on reasonable grounds that Subject Conduct has occurred they should disclose that concern by emailing integrity@paralympic.org.au.
- Any member of the public who wishes to raise a Subject Conduct issue should also send an email to integrity@paralympic.org.au.
- Any such report should contain, as appropriate, details of:
 - the nature of the alleged breach;
 - the person or persons apparently responsible for the breach;
 - the facts on which the complainant's belief that a breach has occurred, and has been committed by the person or persons named, are founded;
 - the nature and whereabouts of any further evidence that would substantiate the complainant's allegations, if known.
- When making a disclosure a person can choose to reveal their own identity or to remain anonymous or to reveal their identity only to the CEO or WPO.
- If the complainant wishes to make their complaint anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law.

- The complainant should, however, be aware that the maintenance of such anonymity may make it less likely that the alleged breach can be substantiated in any subsequent investigation.
- Where anonymity has been requested the complainant is required to maintain confidentiality regarding the issue on their own account and to refrain from discussing the matter with any unauthorized persons.
- Nothing in this Whistleblower Policy is intended to obstruct any person from reporting possible violations of law or regulation to any appropriate law enforcement, governmental agency, regulatory body, Member Organisation or NSO.

False and malicious reporting

Allegations which are considered by the PA CEO or the Human Resources Manager, as the case may be, acting reasonably, to be vexatious, malicious, motivated by revenge, motivated by personal gain, motivated by a desire to harm the reputation of another will not result in whistleblower protection and may be viewed as a serious disciplinary offence.

Dealing with disclosures - investigation

- Disclosures received will be evaluated by the CEO, Legal or Human Resources Manager as the case may be, (Recipient) as to whether they potentially fall within the scope of this Whistleblower Protection Policy.
- If the Recipient believes the behaviour complained about to be questionably trivial or fanciful they will dismiss the allegation and notify the person making the allegation of their decision.
- Where the Recipient considers it appropriate, an Investigation Officer will be appointed to investigate the substance of the complaint to determine whether there is evidence in support of the matters raised or, alternatively, refute the disclosure made.

- The Investigation Officer will determine the process of investigation. A typical investigation will ensure all relevant questions are addressed, the scale of the investigation is in proportion to the seriousness of the allegation(s) and sufficient resources are allocated.
- The principles of procedural fairness (natural justice) will be observed. In particular, where adverse comment about a person is likely to be included in a report, the person affected will be given opportunity to comment beforehand and any comments will be considered before the report is finalised. The person conducting the investigation shall be as far as possible unbiased.
- Nothing in this policy prohibits PA from sharing information with the police, law enforcement and regulatory bodies, and any other relevant external bodies (Member Organisations and NSOs) for investigation.
- At times, PA may be obliged to refer the matter to the police and/or other external bodies.

Reporting

- A report will be prepared when an investigation is complete. This report will include:
 - the allegations
 - a statement of all relevant findings of fact and the evidence relied upon in reaching any conclusions
 - the conclusions reached and their basis
 - recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.
 - possible sanctions are outlined in the sanction provisions of the PA People Protection Policy (the accused shall be notified of the final report sanctions if applicable).
- The person making the allegation will be advised of the actions taken from the report (with, if necessary, any applicable confidentiality stipulations).

Protecting whistleblowers

- The Whistleblower Protection Officer will provide mentoring and other support that they deem necessary for the Whistleblower. They are responsible for keeping the Whistleblower informed of the progress and outcomes of the investigation, subject to considerations of privacy of those against whom a Disclosure has been made.
- PA will take all reasonable steps to protect the identity of a Whistleblower where he or she wishes for their identity to remain confidential.
- PA will also take all reasonable steps to ensure that a Whistleblower does not suffer any personal, professional or financial disadvantage as a result of making a report under this Policy.
- If a Whistleblower who has disclosed their identity to PA reasonably believes that they have been adversely affected by a decision of PA as a direct result of making that disclosure, they can make a Member Protection complaint. When the Member Protection complaint is assessed, consideration will be given as to whether the person has been adversely affected by a decision of PA, and if so, if there are other legitimate reasons why the relevant decision was made.
- Any Director, Employee, volunteer or PA team member and support staff who is found (by the CEO) to have penalized, or discriminated against, a Whistleblower in any way may be subjected to disciplinary measures.

Relevant legislation

- Includes:
 - Australia – [Public Interest Disclosure Act 2013](#)
 - ACT – [Public Interest Disclosure Act 2012](#)
 - NSW – [Public Interest Disclosures Act 1994](#)
 - NT – [Public Interest Disclosure Act 2008](#)
 - Queensland – [Public Interest Disclosure Act 2010](#)
 - South Australia – [Whistleblowers Protection Act 1993](#)
 - Tasmania – [Public Interest Disclosures Act 2002](#)
 - Victoria – [Protected Disclosure Act 2012](#)
 - Western Australia – [Public Interest Disclosure Act 2003](#)

Relevant PA policies

- Includes:
 - People Protection Policy
 - Codes of Conduct
 - Classification Policy
 - Classification Standard - Protests and Appeals Policy
 - Occupational Health and Safety Policy