

**NATIONAL
POLICY**



**WHISTLEBLOWER
POLICY**

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1. Purpose of this Policy

- 1.1. Tennis Australia's values of Excellence, Humility, Loyalty and Teamwork underscore everything we do. Consistent with these principles, those involved in Australian tennis share a responsibility to:
 - speak up and disclose Serious Misconduct by others involved in Australian tennis; and
 - ensure that those who do speak with good intentions and for a proper purpose can do so without being personally disadvantaged as a result of Whistleblowing.
- 1.2. The objective of this Policy is to encourage disclosure of wrongdoing by providing convenient and safe disclosure mechanisms and protection for people who make Serious Misconduct Disclosures.
- 1.3. Tennis Australia's Whistleblower Program incorporates this Whistleblower Policy and the Tennis Member Protection Policy. The Tennis Australia Integrity and Compliance Unit has oversight of this Program and Policy.
- 1.4. If anything in this Policy is inconsistent with any relevant Federal, State or Territory law, the relevant Federal, State or Territory law prevails to the extent of the inconsistency.

2. Definitions

Australian Sports Anti-Doping Authority (ASADA) means Australia's national anti-doping organisation.

Australian Tennis Organisation (ATO) means any of the following:

- (a) **Tennis Australia,**
- (b) **Member Associations,** being the governing body of tennis in each Australian State and Territory known as Tennis ACT, Tennis Victoria, Tennis New South Wales, Tennis Queensland, Tennis NT, Tennis West, Tennis SA and Tennis Tasmania,
- (c) **Affiliated Organisations,** being those organisations (other than Member Associations, Regional Associations and Affiliated Clubs) which are affiliated to Tennis Australia from time to time in accordance with its constitution,
- (d) **Member Affiliated Organisations,** being those organisations (other than Regional Associations and Affiliated Clubs) which are members of or affiliated to Member Associations and/or Affiliated Organisations and by way of example include Tennis Umpires Australia Queensland Division Inc and Tennis Seniors New South Wales Inc.,
- (e) **Regional Associations,** means those regional or metropolitan tennis associations which are members of, or affiliated to, a Member Association,
- (f) **Affiliated Clubs,** being those tennis clubs which are a member of or affiliated to a Regional Association and/or Member Association,

(g) **Tennis Australia Coach Members**, being those coaches that are Tennis Australia Coach Members.

Court of Arbitration for Sport (CAS) means the international quasi-judicial body established to settle disputes related to the sport through arbitration.

Disclosure means providing information about actual or suspected Serious Misconduct via the Disclosure mechanisms in clause 4.

International Tennis Federation (ITF) means the governing body of world tennis.

Serious Misconduct means an allegation of illegal conduct or serious sports integrity breaches as defined in clause 6.1.

Tennis Australia Integrity and Compliance Unit is responsible for ensuring compliance with all Tennis Australia's national policies.

Tennis Integrity Unit (TIU) means the anti-corruption body covering all professional tennis around the world. The TIU is an operationally independent organisation based in London. It is funded by the sport's seven major stakeholders – International Tennis Federation, ATP, WTA, Australian Open, French Open, Wimbledon and the US Open.

World Anti-Doping Agency (WADA) means the Agency responsible for the monitoring of the World Anti-Doping Code.

Whistleblowing means a Disclosure by (or for) a witness of actual or suspected Serious Misconduct.

Whistleblower means a person who discloses actual or suspected Serious Misconduct in accordance with this Policy.

Whistleblower Investigation Officer (WIO) means a person appointed to investigate the Disclosure.

Whistleblower Protection Officer (WPO) means a person who will provide mentoring and other support deemed necessary. The WPO is responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation subject to considerations of privacy of those against whom a Disclosure has been made.

3. Who is covered by the Whistleblower Program?

3.1. Anyone who is reasonably connected with an Australian Tennis Organisation who makes a Disclosure that meets the requirements in clause 6.1.

4. Avenues for making a Disclosure

4.1. If you have a concern that another person in the Australian tennis community has engaged in Serious Misconduct you should disclose that concern by:

- a) Contacting the Tennis Australia Integrity and Compliance Unit (via phone, email to integrity@tennis.com.au or by completing the online form); or
 - b) Contacting the 24 hour external reporting service (via telephoning 1800 11 SAFE (1800 117 233), or by fax, email, mail or online form).
- 4.2 The external reporting service is managed by an experienced and reputable firm and is available 24 hours a day, 7 days a week. Tennis Australia's Whistleblower Program supports confidential and anonymous reporting.
- 4.2. When making a Disclosure you can choose to:
- a) Remain anonymous from both Tennis Australia and the external reporting service;
 - b) Disclose your identity to the external reporting service, but withhold it from Tennis Australia;
 - c) Disclose your identity to Tennis Australia (and the external reporting service, if you decide to use that service).

5. How will Disclosures be handled?

- 5.1. Disclosures received via the external reporting service will be evaluated by the external reporting service, and if the external reporting service deems appropriate, referred to the Tennis Australia Integrity and Compliance Unit for further evaluation.
- 5.2. Disclosures received directly by the Tennis Australia Integrity and Compliance Unit will be evaluated by that Unit.
- 5.3. The Tennis Australia Integrity and Compliance Unit will evaluate whether a Disclosure may potentially fall within the scope of the Whistleblower Program.
- 5.4. Where the Tennis Australia Integrity and Compliance Unit considers it appropriate, a Whistleblower 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 Whistleblower Investigation Officer will determine the process of investigation.
- 5.5. At times, the matter may be referred to the police and/or other external bodies for investigation.
- 5.6. Nothing in this policy prohibits Tennis Australia from sharing information with the police, law enforcement and regulatory bodies and any other relevant external bodies, including without limitation, ASADA, WADA, TIU and ITF.

6. What kinds of matters are covered by the Whistleblower Program?

- 6.1. The Whistleblower Program relates to Serious Misconduct, which will generally involve allegations of illegal conduct or serious sports integrity breaches. Below is a list of the matters that are considered **Serious Misconduct** for the purposes of the Program and who can make a Disclosure for the purposes of the Program:

Serious Misconduct	Who can make a Disclosure under the Whistleblower Program?
Member protection matters of a serious nature which may involve illegal conduct. Child abuse or Abuse are examples.	Anyone
Breaches of Tennis Australia's Anti-doping Policy .	Anyone
Fraud is dishonest activity causing actual or potential financial loss to a tennis organisation. Examples include theft of money or other property .	Anyone
Corruption which is dishonest activity whereby a person acts contrary to the interests of a tennis organisation to which they have duties and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity.	Anyone
Conduct that seriously endangers the health and safety of employees or contractors of a tennis organisation.	A current officer of the tennis organisation A current employee of the tennis organisation A contractor or the employee of a contractor who has a current contract to supply good or services to the tennis organisation.
In respect of tennis organisations that are Corporations, contravention of a provision of the Corporations legislation	As set out in part 9.4AAA of the Corporations Act 2001 (Cth): 1. a current officer of the tennis organisation 2. a current employee of the tennis organisation 3. a contractor, or the employee of a contractor, who has a current contract to supply goods or services to the tennis organisation.
In respect of tennis organisations that are Incorporated Associations, contravention of the rules relating to that Incorporated association.	1. a current officer of the tennis organisation 2. a current employee of the tennis organisation 3. a contractor, or the employee of a contractor, who has a current contract to supply goods or services to the tennis organisation.

Please note: offences under the Tennis Anti-Corruption program should be disclosed directly to the TIU.

- 6.2. The Whistleblower Program is about disclosing and dealing with serious and illegal practices. It is not about simply airing a personal grievance with another person or recording your disagreement with a decision that has been validly made or the way something is done. Conventional complaint procedures should be used for those purposes.
- 6.3. The person making a Disclosure for the purposes of this policy should have reasonable grounds to suspect that a person involved in tennis in Australia has engaged in Serious Misconduct and share whatever information they have available to them in respect of the Disclosure.
- 6.4. A Disclosure must be made in “good faith” which means the Disclosure must be honest, genuine, and motivated by wanting to disclose Serious Misconduct. Allegations which are considered by Tennis Australia’s Integrity and Compliance Unit to be vexatious, malicious, motivated by revenge, motivated by personal (or business) gain or motivated by a desire to harm the reputation of another will not result in Whistleblower protections and may be viewed as a serious disciplinary offence.

- 6.5. Nothing in the Whistleblower Program is intended to obstruct any person from reporting possible violations of law or regulation to any appropriate law enforcement, governmental agency or regulatory body.

7. Protections under the Whistleblower Program

- 7.1. The Whistleblower Program provides protection by allowing for anonymous Disclosures. Where a matter is Disclosed anonymously, Tennis Australia will not be able to implement any additional protective mechanisms.
- 7.2. In situations where the person making the Disclosure discloses his or her identity to Tennis Australia, Tennis Australia's Integrity and Compliance Unit will assess and determine if any protections should be put in place and what those protective mechanisms should be.
- 7.3. Confidentiality will be the most common protective mechanism. The Tennis Australia Integrity and Compliance Unit will ordinarily not release the identity of the person who made the Disclosure to others within the Australian tennis community, without the consent of the person who made the Disclosure. The Tennis Australia Integrity and Compliance Unit liaises and co-operates with law enforcement, regulatory bodies and sports administrative bodies and will share information with those external bodies as required.
- 7.4. Where the disclosure has been made by a current Tennis Australia or Member Association employee and the employee has disclosed his or her identity to the Tennis Australia Integrity and Compliance Unit, that Unit will assess the situation and determine whether it is appropriate to appoint a Whistleblower Protection Officer for the employee. If a Whistleblower Protection Officer is appointed they will oversee protection and welfare of the Whistleblower to ensure that the Whistleblower is not personally disadvantaged as a result of making the Disclosure by:
- (a) Dismissal,
 - (b) Demotion,
 - (c) Any form of harassment,
 - (d) Discrimination, or
 - (e) Current or future bias.

In addition, a confidential support and counselling program (Employee Assistance Program) is available to all staff.

- 7.5. The Tennis Australia Integrity and Compliance Unit will, if the need arises, consider whether any immunity can or should be provided by Tennis Australia to the Whistleblower. It should be noted that Tennis Australia is not able to provide immunity from criminal prosecutions and civil claims or matters adjudicated by other tennis or sports bodies, such as the ITF, TIU, WADA, ASADA or CAS. Additionally, Tennis Australia may not be able to impact the decisions or conduct of other parties including, without limitation, other Australian Tennis Organisations.
- 7.6. If a Whistleblower who has disclosed their identity to Tennis Australia reasonably believes that they have been adversely affected by a decision of an Australian Tennis Organisation 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 an Australian Tennis

Organisation, and if so, if there are other legitimate reasons why the relevant decision was made.

8. Program updates

- 8.1 The Whistleblower Program will be reviewed in line with changes to the legislative and sports governance requirements in Australia.

Tennis Australia

Melbourne Park,
Olympic Boulevard
Private Bag 6060, Richmond
Victoria 3121, Australia