



**Progress** the game, so **everyone** can share in its **heritage** and **possibilities**.

## AFL Whistleblower Policy



**Play as one team**



**Play fair**



**Play with passion**



**Play to win**

## Table of Contents

<b>1.</b>	<b>Policy Background</b>	<b>1</b>
<b>2.</b>	<b>Policy Purpose</b>	<b>1</b>
<b>3.</b>	<b>Policy Applicability and Scope</b>	<b>1</b>
<b>4.</b>	<b>Definitions</b>	<b>1</b>
<b>5.</b>	<b>Matters that should be reported</b>	<b>2</b>
5.1	Improper Conduct	2
5.2	Matters that are not covered by this Policy	3
<b>6.</b>	<b>How to report Improper Conduct</b>	<b>3</b>
<b>7.</b>	<b>Availability of Policy</b>	<b>4</b>

## 1. Policy Background

The AFL has a strong commitment to ensuring that all its activities are carried out in a way that is both ethical and compliant with its rules and regulations and applicable laws. Employees (current and past), including AFL employees, Club employees, players and volunteers, are encouraged to report any improper conduct they observe or encounter.

## 2. Policy Purpose

The purpose of this Policy is to:

- (a) encourage the reporting of misconduct or an improper state of affairs or circumstances relating to AFL and its related entities;
- (b) help deter wrongdoing; and
- (c) provide information about how to make a complaint or report about Improper Conduct.

## 3. Policy Applicability and Scope

This Policy applies to the AFL and its related entities, including the following:

- (a) AFL (NSW/ACT) Commission Limited;
- (b) AFL Queensland Limited;
- (c) AFL Northern Territory Limited;
- (d) Australian Football League (Victoria) Limited;
- (e) Football Tasmania Limited;
- (f) AFL Cape York Limited; and
- (g) AFL Stadia Pty Ltd (and its subsidiaries).

## 4. Definitions

**Act** means the *Corporations Act 2001* (Cth), as amended from time to time.

**Improper Conduct** means conduct outlined in section 5.1 of this Policy.

**Whistleblower** includes any person who is, or has been:

- (a) an officer or employee (whether full time, part time, fixed-term or casual) of AFL;
- (b) a supplier of goods or services to AFL, or an employee of that supplier (whether paid or unpaid) of such a supplier;
- (c) an associate of AFL, such as a person with whom AFL acts in concert;
- (d) a relative, dependant or spouse of an individual who otherwise constitutes a whistleblower under this section; and

- (e) any other person who is an eligible whistleblower in accordance with applicable legislation, including the Act. Note: A person may also be an eligible whistleblower and eligible for protection under this policy in accordance with the provisions of the *Taxation Administration Act 1953* (Cth).

## 5. Matters that should be reported

### 5.1 Improper Conduct

**Improper Conduct** means information that the Whistleblower has reasonable grounds to suspect constitutes misconduct, or an improper state of affairs or circumstances in relation to the AFL. This includes conduct which:

- (a) is fraud, negligence, default, a breach of trust or breach of duty;
- (b) is corrupt or constitutes financial malpractice;
- (c) is unethical or improper;
- (d) manipulates the internal or external audit process;
- (e) constitutes a substantial mismanagement of the AFL's resources;
- (f) is adverse to basic human rights;
- (g) is in breach of any applicable industry practices;
- (h) is causing an unsafe workplace or unsafe work practices;
- (i) represents a substantial risk or danger to the public, financial system or the environment;
- (j) is potentially damaging to the AFL's reputation;
- (k) constitutes retaliation against someone who has made a report under this Policy;
- (l) may cause loss or damage to the AFL or may damage the AFL's interests;
- (m) constitutes an offence against, or a contravention of, a provision of any of the following:
  - (i) the Act;
  - (ii) the *Australian Securities and Investments Commission Act 2001*;
  - (iii) the *Banking Act 1959*;
  - (iv) the *Financial Sector (Collection of Data) Act 2001*;
  - (v) the *Insurance Act 1973*;
  - (vi) the *Life Insurance Act 1995*;
  - (vii) the *National Consumer Credit Protection Act 2009*;
  - (viii) the *Superannuation Industry (Supervision) Act 1993*;
  - (ix) an instrument made under an Act referred to in any of subparagraphs (i) to (viii) above; or
- (n) constitutes an offence against any other law of the Commonwealth, State or Territory.

A Whistleblower can still qualify for protection under this Policy even if their report of Improper Conduct turns out to be incorrect.

## 5.2 Matters that are not covered by this Policy

- (a) A disclosure that is not about Improper Conduct will not qualify for protection under this Policy or the Act.
- (b) Disclosures that relate solely to personal work related grievances, and that do not relate to detriment or threat of detriment to the discloser do not qualify for protection.
- (c) **Personal work-related grievances** concern a grievance about any matter in relation to the person's employment, or former employment which may have implications for the discloser personally, but which do not have significant implications for AFL or relate to any Improper Conduct.
- (d) Personal work-related grievances include:
  - (i) interpersonal conflicts with other employees;
  - (ii) decisions relating to engagement, transfer or promotion of the discloser;
  - (iii) decisions about the terms and conditions of the discloser's employment; or
  - (iv) suspension, termination or disciplinary decisions in relation to the discloser.
- (e) Employees or officers who believe that they have a personal work-related grievance should raise the matter with their People Business Partner. For clarity, systemic, widespread or ongoing misconduct relating to the handling of work-related grievances may constitute Improper Conduct and a Whistleblower wishing to report such Improper Conduct may do so in accordance with this Policy.
  - (i) A disclosure involving a personal work-related grievance can still qualify for protection if:
  - (ii) the disclosure also includes information about Improper Conduct;
  - (iii) the discloser suffers from or is threatened with detriment for making the report; or
  - (iv) the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Act (even if the legal practitioner concludes that the disclosure does not involve Improper Conduct).

## 6. How to report Improper Conduct

- (a) A Whistleblower has the option of reporting anonymously or identifying themselves when using the Whistleblower reporting channels in accordance with the AFL Whistleblower Reporting Procedure.
- (b) The reporting mechanism set out in the AFL Whistleblower Reporting Procedure is available to all Whistleblowers.
- (c) A person qualifies for protection as a whistleblower under the Act if they are a Whistleblower in relation to AFL, and:
  - (i) they have made a disclosure of Improper Conduct directly to one of the Whistleblower reporting channels in accordance with the Whistleblower Reporting Procedure;

- (ii) they have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions of the Corporations Act; or
- (iii) they have made an "emergency disclosure" or a "public interest disclosure" within the meaning of the Act.

## 7. Availability of Policy

A copy of the Policy will be made available on AFL's intranet for internal staff, and will also be made publicly available for the reference of other stakeholders on the AFL website (<https://www.afl.com.au/policies>).

<b>Policy Owner</b>	Head of Compliance & Risk			
<b>Policy Approval Authority</b>	AFL Executive			
<b>Policy Effective Date</b>	1 January 2020			
<b>Last Review Date</b>	1 January 2020			
<b>Next Scheduled Review Date</b>	1 November 2020			
<b>Policy Revision History</b>	<b>Version</b>	<b>Approved By</b>	<b>Approval Date</b>	<b>Amendments</b>
	v.1	AFL Executive	January 2020	Policy development
<b>Related Policies and Procedures</b>	<i>AFL Whistleblower Reporting Procedure</i> <i>AFL Employee Code of Conduct</i> <i>AFL Managing Performance Policy</i>			
<b>Other Related Documents</b>	NA			