

CAULFIELD HOTEL

WHISTLING BLOWING POLICY

Introduction

Caulfield Hotel is committed to adhering to its statutory obligations, its rules and values. We are committed to providing those involved in our Organisation a safe environment to raise breaches of internal rules or policy, or disclosable conduct relating to the Organisation, its venues, officers, employees or members.

In cases where people feel they need to be protected in relation to raising a matter, this Policy outlines the protections that will apply.

Purpose

The purpose of this policy;

- Provide you with an understanding of what can be reported under this Policy.
- Demonstrate the importance Caulfield Hotel places on ensuring a safe and supportive environment where our people feel confident to raise breaches of internal rules or disclosure conduct relating to the organisation, its venues, officers, employees or members;
- Assist to create a culture with Caulfield Hotel that encourages our people to speak up and raise breaches of internal rules or disclosable conduct relating to the Organisation, its venues, officers, employees or members;
- Explain the processes for reporting breaches of internal rules or policy, or Disclosable Conduct, including what happens when you make a report; and to
- Outline how you will be protected if you make a report

Scope

The scope of this Policy - People

- The following people can make a disclosure within the Organisation:

- 1) an officer or former officer of the Organisation, or one of its venues;
- 2) An employee or former employee of the Organisation, or one of its venues;
- 3) A member or former member of the organisation, or one of its venues
- 4) A person who is (or was) a supplier to, or has had a transaction with, the organisation or one of its venues.
- 5) A person who is (or was) a supplier to, or has had a transaction with, an officer or employee of the organisation or one of its venues.
- 6) An employee (or former employee) of a supplier or person who has had such a transaction
- 7) A lawyer on behalf of a disclosure in one of the above categories

The scope of this policy - conduct

The scope of this policy relates to conduct which:

- Breaches the organisations internal rules and policies: and/or
- is disclosable conduct under the RO Act, 2009 (including alleged reprisals for making a disclosure) as defined in part 4 of this policy (as well as section 6 of the RO act, 2009)

Out of scope - Complaints and grievances

From time to time, you may have a Complaint in relation to service levels, policy decisions, or an employment-related grievance with another person within the organisation, which is not Disclosable Conduct or a breach of the Organisation's rules or policies.

If you have a Complaint about a service issue or policy decision or you wish to raise a grievance issue speak to your manager or refer to the Managing Director of Caulfield Hotel.

- For example, this could include an employee of a State registered association if that association provides services to a federally registered organisation or branch
- Disclosable Conduct can also be reported directly to the ROC at regorgs@roc.gov.au

Disclosable Conduct

Disclosable Conduct is conduct, as defined in the Registered Organisations Act, specifically the Fair Work Act, 2009, that may be reported to the ROC or other responsible external agencies, which amounts to a suspected contravention of the law.

Disclosable Conduct is defined in section 6 of the RO Act as follows:

Disclosable conduct means an act or omission that:

a) contravenes, or may contravene, a provision of this Act, the Fair Work Act or the Competition

and The Australian Consumer Act (ACL), 2010 or

b) constitutes, or may constitute, an offence against a law of the Commonwealth.

Although Disclosable Conduct can be reported to external agencies, such as the ROC, in many cases, if it is dealt with promptly and effectively, the organisation will be capable of dealing with the matter internally to reach an appropriate resolution.

What is (& isn't) 'Disclosable Conduct'

As defined above (and in the RO Act, 2009) Disclosable Conduct must be a suspected breach of the RO Act, the Fair Work Act, 2009 or the Competition and Consumer Act 2010, or criminal offence.

Examples of things which would be Disclosable Conduct include:

- Fraud or corruption, including theft, bribery, or falsifying records.
- Illegal activity or conduct that breaches applicable laws or regulations.
- Serious misconduct or unethical behaviour, including bullying, harassment, discrimination, or abuse of authority.
- Breaches of organisational policies, codes of conduct, or ethical standards.
- Conflicts of interest that are not properly declared or managed.
- Unsafe or harmful practices that endanger health, safety, or wellbeing.
- Environmental harm or breaches of environmental legislation.
- Financial misconduct, including accounting irregularities or misleading financial disclosures.
- Misuse, unauthorised access to, or improper disclosure of confidential or personal information.
- Retaliation, victimisation, or obstruction related to the reporting of concerns.

Additional examples of Disclosable Conduct include:

- A breach of an officer's duties to the organisation in relation to financial management.
- Providing false or misleading information in a document or record.
- Misuse or unauthorised use of the organisation's resources.
- Unauthorised or improper payments being made.
- Election-related offences.
- Coercion to exercise, or not exercise, a workplace right.
- Refusing membership to a person who is legally entitled to be a member.
- Failing to lodge required documents with relevant authorities within prescribed timeframes.

However, matters that (on their own) would usually *not* be considered Disclosable Conduct include:

- Complaints about the level or quality of service received from the organisation or a particular official.
- Differences of opinion regarding a policy, strategy, or decision adopted by the organisation.
- Not being elected or appointed as a workplace representative or office holder.
- Employment-related disputes with your employer where the employer is **not** the registered organisation.
- Disagreement with the organisation's decision to donate funds or support a particular cause.

Reporting Disclosable Conduct

Every person in the Organisation has a role and responsibility in ensuring the Organisation is run ethically and in accordance with its internal rules and policies. Where matters related to breaches of internal rules or policies or Disclosable Conduct are identified they should be raised as soon as possible. In instances where a person has concerns about making a report, reports can be made anonymously.

As outlined in Part 3a of this Policy, all officers, employees, members, and suppliers share responsibility for identifying and reporting matters of concern to the Organisation. It is not acceptable to ignore, overlook, or “turn a blind eye” to reportable conduct.

If you become aware of a matter, you should raise it as soon as practicable with the appropriate person(s) responsible for managing disclosures, as outlined below. Early reporting helps ensure concerns are addressed promptly, appropriately, and by the right person. You should not attempt to investigate the matter yourself prior to reporting, as this may interfere with any subsequent action or, in rare circumstances, place your safety at risk.

If you have concerns about your wellbeing or safety, or fear reprisal as a result of making a report, you should raise these concerns at the time of disclosure. You will be recognised by

the Organisation as a Discloser and afforded the protections outlined in this Policy. Where applicable legislative requirements are met, you may also be protected under the provisions of the RO Act.

Who should I report my matter to?

You may report your matter to:

- Your Manager, or
- The Managing Director of owning body of Caulfield Hotel.

In some cases, a suspected issue may arise from a misunderstanding and may not constitute wrongdoing. For this reason, you are encouraged to seek clarification or an initial response through internal reporting channels in the first instance. Internal reporting is the Organisation's preferred approach where appropriate.

Please note that in some circumstances, the response provided may be limited due to confidentiality obligations or other legitimate considerations. If you believe the response to your concern is not appropriate, alternative reporting mechanisms are available.

Alternative reporting channel

Reports may also be submitted confidentially via:

hr@zagames.com.au

What happens when you report Disclosure Conduct to your organisation

When reporting a suspected breach of internal rules, policies, or **Disclosable Conduct** under this Policy, you are encouraged to provide as much relevant information as reasonably possible. This may include dates, times, locations, individuals involved, potential witnesses, and any available supporting material such as documents, records, images, or other evidence. Providing detailed information assists the Organisation to assess the matter and determine appropriate next steps.

Any information provided may be used by the Organisation for the purposes of assessing, investigating, or otherwise responding to the disclosure, in accordance with this Policy and applicable legislation.

Following assessment, the Organisation may take one or more of the following actions:

- Determine that a satisfactory explanation has been provided and no further action is required;
- Resolve the matter through discussions with one or more relevant parties;
- Record the matter and monitor it on an ongoing basis;

- Commence an investigation, either internally or through independent external investigators;
- Refer the matter to an appropriate external body or regulator; or
- Take a combination of the above actions.

Where practicable and appropriate, you will be contacted and advised of the action to be undertaken, noting that the level of information provided may be limited by confidentiality or legal requirements.

If the Organisation determines that an investigation is warranted, it may be conducted by the **Whistleblower Investigation Officer (WIO)**, a suitably qualified officer or employee nominated by the WIO, or an independent external investigator appointed by the Organisation. All investigations will be conducted in a manner that is **procedurally fair, confidential, impartial, and timely**, and in accordance with applicable legislative requirements.

At the conclusion of an investigation, you may be informed of the outcome, subject to confidentiality obligations and legal constraints.

Where required by law, or where the Organisation considers it appropriate, information relating to a disclosure or investigation may be provided to relevant external bodies, including the **Registered Organisations Commission (ROC)**, the **Fair Work Commission**, or another appropriate authority, in accordance with the **Fair Work (Registered Organisations) Act 2009** and other applicable legislation.

Further information and resources are available on the Registered Organisations Commission website.

How are you protected?

Confidentiality

If you report a breach of internal rules or policies, or raise a concern relating to **Disclosable Conduct** under this Policy, your identity and the information you provide will be treated with the **strictest confidence**, in accordance with applicable laws.

Your details will only be disclosed on a **need-to-know basis** to authorised persons within the Organisation who are responsible for assessing or investigating the matter. In limited circumstances, the Organisation may be required to disclose information under applicable legislation or legal obligations.

Protection from reprisal

Zagame Corporation is committed to ensuring that anyone who raises a matter under this Policy is supported and protected from **reprisal, victimisation, or any personal, professional, or financial disadvantage** as a result of making a disclosure.

Where a disclosure relates to **Disclosable Conduct**, you are entitled to protection under the **Fair Work (Registered Organisations) Act 2009 (RO Act)**. Importantly, these protections apply even where the disclosure is made internally to the Organisation, and not directly to an external regulator.

This extended protection is one of the reasons internal reporting is often the most efficient and effective way to address concerns, while still ensuring full legislative protection.

Protection under the RO Act

The RO Act provides protection to a person who makes a protected disclosure. To qualify as a protected disclosure under the RO Act, the disclosure must:

- Be made by an eligible discloser, as outlined in Part 4 of this Policy;
- Relate to suspected Disclosable Conduct, as defined in Part 3c of this Policy, including suspected contraventions of relevant Commonwealth laws; and
- Be capable of being reported to an authorised recipient within a relevant government agency.

Under section 337BA of the RO Act, a disclosure is protected if the person has made, or could have made, the disclosure to the Registered Organisations Commission (ROC) or another authorised recipient. As a result, a disclosure made internally to the Organisation attracts the same protections as if it had been made directly to the ROC or another external authority.

The RO Act prohibits reprisal where a person causes, by act or omission, any detriment to another person because they believe or suspect that the other person has made, may have made, proposes to make, or could make a protected disclosure.

Accordingly, if you raise a concern about Disclosable Conduct within the Organisation, you are entitled to the same legal protection from reprisal as if the disclosure had been made to the ROC or another authorised external body.

Reprisals

A discloser is protected from any reprisal being taken against them, whether by act or omission, that causes detriment because they have made, may have made, propose to make, or could make a protected disclosure.

Under section 337BA of the RO Act, *detriment* includes (without limitation):

- Dismissal of an employee;
- Injury to an employee in the course of their employment;
- Alteration of an employee's position to their detriment;
- Discrimination between an employee and other employees of the same employer;
- Harassment or intimidation of a person;
- Harm or injury to a person, including psychological harm;
- Damage to a person's property; and
- Damage to a person's reputation.

Reprisal action may give rise to criminal penalties, civil penalties, or other civil remedies, including reinstatement, injunctions, or compensation, where the disclosure is a reason (or part of the reason) for the reprisal being taken.

A discloser who makes a protected disclosure will not be subject to:

- Any criminal or civil liability for making the disclosure (section 337B(1)(a)); or
- The enforcement of any contractual or other right or remedy against them on the basis of the disclosure (section 337B(1)(b)).

However, making a protected disclosure does not exempt a discloser from the consequences of their own misconduct, where such misconduct is revealed during the course of an investigation.

Further information about whistleblower protections is available in the Registered Organisations Commission (ROC) Fact Sheet – Protection for Whistleblowers (FS003), available on the ROC website.

Anonymity

Anonymous reports of suspected wrongdoing are accepted under this Policy.

However, anonymous reports may present significant limitations that can affect the Organisation's ability to conduct a thorough and appropriate inquiry or investigation. Such limitations may include:

- The inability to provide feedback or updates on the outcome of the matter; and

- Difficulty in gathering additional information or clarifying details necessary to support the inquiry or investigation.

While anonymous reporting is permitted, providing your identity (even confidentially) generally allows the Organisation to investigate more effectively and keep you informed throughout the process.

Consequences of Breaching this Policy

Any breach of this Policy may result in **disciplinary action**, up to and including dismissal from the Organisation.

Reporting Disclosable Conduct Externally

If it is not practical to report a matter of Disclosable Conduct internally within the Organisation, you may make a disclosure to a relevant external agency. You must make the disclosure to one of the following authorised recipients:

- The Commissioner or staff of the Registered Organisations Commission (ROC);
- The General Manager or staff of the Fair Work Commission (FWC);
- An FWC Member;
- The Australian Building and Construction Commission (ABCC) Commissioner, their Deputy, or an inspector of the ABCC;
- Staff of the Fair Work Ombudsman.

Disclosures to any of these individuals will be treated as a protected whistleblower disclosure under the RO Act and will trigger the whistleblower process.

You may also provide the information to a lawyer, who can then make the disclosure on your behalf to one of the above recipients.

You are not required to use the term “whistleblower” to receive protection, although doing so may help the agency quickly recognise the importance of your disclosure. You are also not obligated to provide your name or contact details, but remaining anonymous may limit the Organisation’s or regulator’s ability to fully investigate the matter.

For further information about what constitutes Disclosable Conduct, visit the ROC website: www.roc.gov.au and review the guidance under “*What is Disclosable Conduct*”.

Appendix

Term	Definition
Fair Work (Registered Organisations) Act 2009 (RO Act)	The primary legislation governing registered organisations, unions, and employer associations, including whistleblower protections.
Authorised Recipient	<p>A person or body authorised to receive a protected disclosure under the RO Act. This includes:</p> <ul style="list-style-type: none"> The Registered Organisations Commissioner or a member of their staffThe General Manager of the Fair Work CommissionA Fair Work Commission member or employeeThe Australian Building and Construction CommissionerA Deputy Australian Building and Construction CommissionerAn Australian Building and Construction InspectorAn employee of the Office of the Fair Work Ombudsman
Disclosable Conduct	<p>As defined in section 6 of the RO Act:</p> <p>“Disclosable Conduct means an act or omission that:</p> <ul style="list-style-type: none"> Contravenes, or may contravene, a provision of the RO Act, the Fair Work Act, or the Competition and Consumer Act 2010; orConstitutes, or may constitute, an offence against a law of the Commonwealth.”
Protected Disclosure	<p>A disclosure that qualifies for protection under the RO Act. To qualify, it must:</p> <ul style="list-style-type: none"> Be made by a discloser as defined in section 337A(1)(a) of the RO ActBe made to an official or authorised recipientBe made by a discloser who has reasonable grounds to suspect that the information indicates one or more instances of Disclosable Conduct by the organisation, a branch of the organisation,

	or an officer or employee of the
Registered Organisations	Membership groups of employers or employees that are registered under the RO Act. This term may also refer to a union or an employer association.
The ROG	The Registered Organisations Commission, the regulatory body responsible for overseeing registered organisations under the RO Act.

Term	Definition
Complaint about service	<p>An officer, employee, or member of the Organisation believes that the Organisation: <ul style="list-style-type: none">Supplied them with a level of service they consider unreasonable;Failed to fulfil their consumer or contractual obligations; orMade a policy decision they do not agree with.</p>
Discloser (may also be called Whistleblower)	<p>A person who makes a disclosure relating to Disclosable Conduct under this Policy. A Discloser is entitled to protections under the RO Act and this Policy.</p>
Internal rules and policy	<p>Refers to the powers and duties of officers in the Organisation as set out in the Organisation's rule book. The RO Act requires that rules of organisations provide for the powers and duties of committees and officers (s 141(1)(b)(i)).</p>
Matters	<p>Refers to alleged contraventions of internal rules, policies, or Disclosable Conduct that are within the scope of this Policy.</p>
Organisation	<p>Refers to the Australian Hotels Association (Victoria), its Divisions, and other structures under its control.</p>
This Policy	<p>Refers to this Whistleblower Policy.</p>
Whistleblower (may also be called Discloser)	<p>A person who makes a disclosure relating to a breach of internal rules or Disclosable Conduct under this Policy. A Whistleblower may request protection under this Policy or the RO Act.</p>
Whistleblower Investigation Officer (WIO)	<p>A senior officer of the Organisation</p>

responsible for leading, coordinating, or overseeing the investigation of matters in a **fair, confidential, objective (without bias), and timely manner**

Whistleblower Protection Officer (WPO)

A senior officer of the Organisation responsible, as far as reasonably practicable, for **protecting any Discloser** who makes a report under this Policy and accountable for ensuring the provisions of this Policy are upheld.