



WHISTLEBLOWER POLICY

December 2024

CATHOLIC SCHOOLS BROKEN BAY

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Rationale

Catholic Schools Broken Bay (CSBB) is committed to maintaining a safe and supportive environment where individuals are encouraged to raise concerns about illegal, unethical, or improper conduct. This policy ensures that anyone who discloses such concerns can do so in confidence, without fear of retaliation or detrimental treatment. By providing a clear and confidential process for reporting, we promote a culture of accountability and transparency, consistent with our values of integrity, respect, and care for all members of our school communities.

Guiding Principles and Objectives

The guiding principles of this Whistleblower Policy are founded on the values of integrity, accountability, respect, and care for the well-being of all individuals within CSBB. These principles set a standard for behaviour and attitude, ensuring that members of the school community are empowered to act ethically and responsibly.

The purpose of this policy is to provide a clear, confidential, and safe process for reporting concerns about illegal, unethical, or improper conduct, without fear of retaliation. By promoting transparency and protecting whistleblowers, the policy aims to foster a culture of openness and trust, while ensuring that any disclosures are thoroughly investigated and appropriately addressed.

Policy Statement

CSBB is committed to maintaining the highest standards of ethical behaviour and professional practice. CSBB aims to foster a culture of accountability, integrity, and trust, where concerns are taken seriously and investigated in accordance with legal and ethical standards. All disclosures made under this policy will be handled with the utmost care, respect, and confidentiality, and will be addressed promptly and appropriately.

CSBB provides a responsive and effective complaints management process. In relation to whistleblowers, CSBB is committed to ensuring:

- that reporters can raise matters without fear of detriment
- that reports from whistleblowers are handled in a way that will protect the identity of the whistleblower
- to provide for the secure storage of the information provided
- support to persons making, or named in, a whistleblower report
- accessibility and visibility of this policy
- the provision of training to relevant stakeholders on responsibilities and requirements of this policy.

Whistleblower Provisions

A whistleblower report can be made when a person becomes aware of a serious breach of trust, ethics, or compliance, and wishes to report it in a way that

protects them from detriment. This kind of report can be made (see definitions below):

- By an *eligible whistleblower*
- To an *eligible recipient*
- About a *disclosable matter*.

The reporter is then provided with protections for their confidentiality and from detriment as a result of the disclosure.

The vast majority of complaints will not fit the definition of whistleblower matters, and/or do not need to be raised via that mechanism. It is expected that staff, volunteers and contractors who have reasonable grounds to suspect wrong-doing, or non-compliance, to report such matters through the normal complaints processes.

Key Responsibilities

The **Board of Directors** is responsible for ensuring a Whistleblower Policy and a mechanism for receiving and dealing with eligible matters is in place. The Board will provide strategic oversight of the policy, and be aware of their responsibilities as eligible recipients to support protection for whistleblowers.

Director of Schools is responsible for policy implementation, including ensuring that systems for the reporting, managing and resolving matters reported according to the whistleblower provisions are in place, accessible, compliant and effective. The Director of Schools will provide leadership in promoting a culture of transparency, integrity and accountability.

System Leaders are responsible for the implementation, culture building and publishing of the Whistleblower Policy in their schools or workplaces in accordance with this policy and any regulatory requirements supporting a safe and respectful environment for colleagues and others.

All **CSBB Staff** are expected to be committed to understanding and complying with CSBB Whistleblower Policy by:

- promptly reporting any concerns about illegal, unethical, or improper conduct they become aware of, using the designated reporting channels, including as a whistleblower report, if necessary
- cooperating fully with any investigations related to disclosures, providing accurate and truthful information
- if they are eligible recipients (see definitions), understanding their role and responsibilities under this policy.

Audience

This policy demonstrates CSBB's commitment to transparency, compliance and high ethical standards to our school, parish and wider communities. It is particularly relevant to any current or former officer or employee, contractor,

supplier, volunteer or an associate of CSSB or a relative or dependent of any of those persons, or other person who meets the definition of 'eligible whistleblower', or who is an 'eligible recipient'.

Definitions

In this policy, the following definitions apply unless the context requires otherwise:

Australian Acts	means the Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth)
APRA	Australian Prudential Regulations Authority
ASIC	Australian Securities and Investments Commission
Commonwealth	Commonwealth of Australia
Detrimental Treatment	<p>Detrimental treatment is defined in legislation and includes:</p> <ul style="list-style-type: none"> • dismissal of an employee or alteration of an employee's position or duties to their disadvantage • injury of an employee in their employment • discrimination between an employee and other employees of the same employer • harassment, intimidation, harm, or injury, including psychological harm • damage to a person's property, reputation, business, or financial position • any other damage to a person.
Disclosable conduct	<p>Other conduct in addition to disclosable matters that:</p> <ul style="list-style-type: none"> • represents a danger to the public or the financial system • constitutes an offence against any Commonwealth legislation punishable by imprisonment for a period of 12 months or more (for example, terrorism, property offences, fraud, slavery, or human trafficking) • constitutes an offence or contravention of relevant legislation (for example, not filing ASIC returns, misleading statements to investors, failure to disclose information, tax fraud, cartel conduct, misuse of market power).
Disclosable matters	<p>A 'Disclosable matter' applies to a disclosure of information where the discloser has reasonable grounds to suspect that the information concerns misconduct or an improper state of affairs or circumstances in relation to CSBB, such as:</p> <ol style="list-style-type: none"> a) corrupt conduct or breach of trust b) fraud or theft c) maladministration or negligence d) harassment or unlawful discrimination e) serious and substantial waste of public resources f) practices endangering the health or safety of the staff, students, volunteers, or general public

	g) practices endangering the environment h) breach of duty
Eligible recipient	A Whistleblower can make a disclosure to any of the following: <ul style="list-style-type: none"> • a director, company secretary, company officer or senior manager of CSBB (workstream lead) • an auditor of CSBB • regulatory bodies such as ASIC or APRA. <p>A lawyer can also be disclosed to for the purpose of obtaining independent legal advice.</p>
Eligible whistleblower	An eligible whistleblower includes a current or former officer or employee, contractor, supplier, volunteer, or an associate of CSBB, or a relative or dependent of any of those persons. <p>A Whistleblower is eligible to be treated as whistle-blower if they disclose information about eligible matters to an eligible recipient.</p>
Protected Disclosures Officer	The CSBB Company Secretary or such person as may be nominated by CSBB from time to time.
Qualifying disclosures	Qualifying disclosures must relate to disclosable matters, and be reported to an Eligible Recipient only, in order for whistleblower protections to apply.

Related Legislation

- The *Corporations Act 2001*
- The *Australian Securities and Investments Commission Act 2001*
- The *Banking Act 1959*
- The *Financial Sector (Collection of Data) Act 2001*
- The *Insurance Act 1973*
- The *Life Insurance Act 1995*
- The *National Consumer Credit Protection Act 2009*
- The *Superannuation Industry (Supervision) Act 1993*
- The *Competition and Consumer Act 2010*
- The *Taxation Administration Act 1953*
- An instrument made under any of the above Acts
- Other tax laws administered by the Federal Commissioner of Taxation
- Any other Commonwealth law that is punishable by imprisonment for a period of 12 months or more.

These are known as 'relevant legislation' when referred to in this policy.

Related Documents

Complaints Management and Resolution Policy
Conflict of Interest Policy
Privacy Policy

Policy Owner

The person responsible for the review and updates of this policy is the Director of Schools who may delegate this to a suitable senior direct report.

Review

The Whistleblower Policy and related Guide will generally be reviewed every five (5) years unless there is a legislative or regulatory requirement to do so earlier.

Revision/Modification History

Version	Current Title	Summary of Changes	Approval Date	Commencement Date
1	Whistleblower Policy	New policy	December 2024	1 January 2025

Approval Date/Revision Schedule

Approved by: Danny Casey – Director of Schools
Date Approved: December 2024
Date of next review: December 2029

Appendix 1 Whistleblower Guide

1. Introduction and Purpose

Catholic Schools Broken Bay (CSBB) is committed to fostering an environment of ethical behaviour and integrity. The purpose of the Whistleblower Policy is to promote and support a culture of responsible and ethical behaviour, good corporate governance, compliance with CSBB's legal and regulatory obligations, and raising matters of concern.

This policy encourages and provides protections for the reporting of reasonably held concerns of suspected or actual misconduct or an improper situation or circumstances at CSBB.

2. Who can be a Whistleblower?

You can access the legal rights and protections for whistleblowers in the Corporations Act 2001 (Cth) if you meet the definition of 'eligible whistleblower'. An eligible whistleblower includes a current or former officer or employee, contractor, supplier volunteer, or an associate of CSBB or a relative or dependent of any of those persons.

A Whistleblower is eligible to be treated as whistle-blower if they disclose information about the types of matters outlined in section 3.1 to one of the persons listed in section 3.4.

3. Whistleblower Disclosures

3.1 What are disclosable matters?

A 'Disclosable matter' applies to a disclosure of information where the discloser has reasonable grounds to suspect that the information concerns misconduct or an improper state of affairs or circumstances in relation to CSBB referred to in s.1317AA of the Act, such as:

- a) corrupt conduct or breach of trust
- a) fraud or theft
- b) maladministration or negligence
- c) harassment or unlawful discrimination
- d) serious and substantial waste of public resources
- e) practices endangering the health or safety of the staff, students, volunteers, or general public
- f) practices endangering the environment
- g) breach of duty.

The matter does not need to relate to a breach of legislation, but applies to a range of serious misconduct matters or circumstances. A whistleblower may also report disclosable conduct where they have reasonable grounds to suspect an officer, employee, volunteer, contractor or CSBB has:

- a) breached any provision of the legislation in corporate, financial and credit sections or relating to tax affairs;
- b) breached any provision of Commonwealth legislation which may be punishable by imprisonment of 12 months or more; or
- c) acted in a way which represents danger to the public; or to the financial system.

A whistleblower must have reasonable grounds to suspect that there is Disclosable Matter. This means there must be some supporting information for the suspicion.

Reports must be made in good faith and must not contain information that is known to be untrue. If a Whistleblower has reasonable grounds and the Whistleblower's concern later turns out to be incorrect, the Whistleblower may still be entitled to the protections under this policy and, if it is a protected disclosure, under the Australian Acts.

3.2 *What is not considered disclosable information?*

Disclosures that are solely about personal work-related grievances are not protected under this Policy. These grievances may include:

- Interpersonal conflicts
- Decisions relating to the engagement, transfer, or promotion of the discloser
- Decisions about the terms and conditions of engagement of the discloser
- Decisions to suspend or terminate the engagement of the discloser, or to otherwise discipline the discloser.

Personal work-related grievances which however may still qualify for protection, include a disclosure of misconduct, involve a breach of laws punishable by imprisonment of 12 months or more, represent a danger to the public, or the discloser suffers from or is threatened with detriment for making a disclosure. Persons should report any issues or concerns that do not qualify for whistleblower protection, through CSBB's complaints procedures.

3.3 *What if information is not a Disclosable Matter?*

If any employee, officer, or director wishes to report information that is not covered by this policy, reports may be made according to CSBB's Complaints Policy.

3.4 *Who can a Whistleblower Disclose Information to?*

A Whistleblower can make a disclosure to any of the following:

- A director, company secretary, company officer or senior manager of CSBB (a member of the workstream leads group)
- An auditor of CSBB
- Regulatory bodies such as ASIC or APRA

- A lawyer for obtaining legal advice or representation regarding the disclosure.

A discloser also qualifies for protection if they have made a disclosure to a legal practitioner for the purposes of obtaining legal advice about the whistleblower provisions.

Note: the Australian Charities and Not-for-Profits Commission (ACNC) is NOT an eligible recipient and therefore whistleblower protections do not apply to concerns reported this way.

In certain circumstances, a whistleblower may make a public interest or emergency disclosure to a member of Parliament or a journalist, as specified by the Corporations Act 2001 (Cth).

Emergency and Public Interest Disclosures

Disclosures can be made to a journalist or parliamentarian under certain circumstances and qualify for protection. It is important for the discloser to understand the criteria for making a public interest or emergency disclosure and should contact an independent legal adviser before making such disclosure. In both circumstances, the disclosure must have previously been made in written form to the ASIC, APRA or a prescribed body with sufficient information to identify the previous disclosure and stating that it intends to make the relevant disclosure

A 'public interest disclosure' is the disclosure of information to a journalist or parliamentarian, where:

- a) at least 90 days have passed since the discloser made the disclosure to a Commonwealth body prescribed by regulation;
- b) the discloser does not have reasonable grounds to believe that action is being taken in relation to their disclosure;
- c) the discloser has reasonable grounds to believe that making a further disclosure of information is in the public interest.

An 'emergency disclosure' is the disclosure of information to a journalist or parliamentarian, where:

- a) the discloser has previously made a disclosure of information to ASIC, APRA or another Commonwealth body prescribed by the regulation;
- b) the discloser has reasonable grounds to believe that the information concerns a substantial or imminent danger to the health or safety of one or more persons or to the natural environment;
- c) the extent of the information disclosed is no greater than is necessary to inform the journalist or parliamentarian of the substantial or imminent danger.

3.5 *How is a Disclosure Made?*

Disclosures can be made in person, by telephone, or in writing. External bodies may have additional means for making disclosures.

Reports can also be made by post to CSBB (marked to the attention of the Protected Disclosure Officer) at PO Box 967 Pennant Hills NSW 1715

When disclosing information under this policy, a Whistleblower should provide as much detail as possible to assist with its enquiries into the matter, including:

- the Whistleblower's name and contact details (or, if the report is anonymous, an anonymised email address or other anonymised contact point)
- a statement describing the Disclosable Conduct or other Disclosable Information
- name of the person(s) involved
- dates, times, and locations
- details of any relevant transactions
- copies of any relevant documents
- names of possible witnesses
- any steps already taken to report or address the matter.

A third-party whistle-blower hotline may be utilised to give further assurance of confidentiality.

3.6 *How are Whistleblowers Protected?*

Whistleblowers are entitled to protection of their identity and the confidentiality of the information disclosed.

Additional protections include:

- Immunity from civil, criminal, or administrative legal action as a result of making the disclosure
- Protection from detrimental treatment or threats of detriment
- Confidential handling of the investigation process.

The protections apply not only to internal disclosures, but to disclosures to legal practitioners, regulatory and other external bodies, and public interest and emergency disclosures that are made in accordance with the Corporations Act.

Protection From Detrimental Acts or Omissions

A person cannot engage in conduct that causes detriment to a discloser (or another person), in relation to a disclosure, if the person believes or suspects that the discloser (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for protection and the belief or suspicion is the reason, or part of the reason for the conduct. In addition, a person cannot make a threat or cause detriment to

a discloser (or another person) in relation to a disclosure. Examples of detrimental conduct include:

- a) dismissal of an employee
- b) injury of an employee or his or her employment
- c) alteration of a person's duties to the person's disadvantage
- d) harassment of intimidation
- e) harm or injury to a person, including psychological harm
- f) damage to a person's property, reputation or financial position.

CSBB is entitled to take actions which are not detrimental conduct, such as its routine administrative or managerial functions. An example of this may be actions in line with the performance management framework for unsatisfactory work performance. In these situations, CSBB will explain and endeavour to provide reasons for such actions.

Civil, Criminal and Administrative Liability Protection / Compensation and other Remedies

If a reporter meets the requirements for protection under the Act in disclosing information about wrongdoing:

- a) The discloser is entitled to protections commence from when they report their concerns to an eligible recipient.
- b) They are provided with immunity from civil, criminal, or administrative liability for protected disclosures; and
- c) No contractual or other rights or remedies may be enforced against them because of the report.
- d) The discloser can seek compensation and other remedies through the courts if they suffer loss, damage or injury because of the disclosure and CSBB failed to take reasonable precautions and exercise due diligence, to prevent the detrimental conduct.

This protection does not grant immunity to the discloser for any misconduct they were involved in that is revealed in the disclosure. If a discloser voluntarily self-reports their involvement in corporate misconduct this will be taken into account.

3.7 *When May a Whistleblower's Identity be Disclosed?*

A whistleblower's identity may only be disclosed under specific circumstances, such as:

- To a lawyer for obtaining legal advice
- To regulatory bodies like ASIC, APRA, or the Australian Federal Police
- With the whistleblower's consent
- As part of the investigation process, with all reasonable steps taken to avoid identification.

CSBB can disclose information contained in a disclosure as is reasonably necessary for investigating the issues related to the disclosure provided the information does not include the discloser's identity and the entity has

taken all reasonable steps to reduce the risk that the discloser's identity will be identified from the information.

Maintaining confidentiality

CSBB shall maintain the confidentiality of the identity of the whistleblower by taking the following measures to enable the maintenance of confidentiality:

- a) personal information referencing the discloser will be deidentified such as by being redacted, or referring to the discloser in a gender-neutral way;
- b) where possible, the discloser will be asked to help identify aspects of the disclosure that may identify the discloser, to avoid inadvertently identifying them;
- c) disclosures will be handled and investigated by senior personnel or an external party;
- d) records will be securely stored;
- e) access to disclosures will be limited to those who have a role in managing or decision-making, authorised persons, or those who are required to know;
- f) taking disciplinary measures against another person who reveals the identity of a whistleblower, or who victimises them for the disclosure.

3.8 How Does CSBB Investigate a Disclosure?

The Protected Disclosures Officer may conduct an initial review of the Whistleblower's report or may provide the Whistleblower's report to another appropriate person within CSBB. This may be determined at the discretion of the Protected Disclosures Officer, including by reference to the nature of the report.

The person conducting the initial review will make initial inquiries and will determine at their discretion whether it is appropriate or necessary to conduct further inquiries or whether the concern can be resolved by other appropriate action.

If there is to be further enquiry, that inquiry or investigation may be conducted by a senior workstream lead, or, at the discretion of CSBB, by an external person (Investigator). The Investigator will not be a person implicated directly or indirectly in the report and will provide their report to the Protected Disclosures Officer.

All inquiries and/or investigations will be conducted, as far as practicable, on a confidential basis and in accordance with the Australian Acts.

Where the Whistleblower has provided CSBB with contact details, the Protected Disclosures Officer will provide the Whistleblower with updates as appropriate and consistent with CSBB's legal obligations, including whether an inquiry has commenced, while it is in progress and will advise the Whistleblower of the outcome of the inquiry or investigation. In some

circumstances, CSBB may determine that it is not appropriate to provide Whistleblowers with details of the process or outcome due to any privacy and confidentiality obligations and as required by law.

4. Support for Whistleblowers

CSBB provides support to the Whistleblower, including by:

- keeping the whistleblower informed of the progress and outcomes of the inquiry or investigation (subject to any privacy and confidentiality obligations) including proposed remedial actions
- keeping the Whistleblower's identity confidential
- endeavouring to resolve any concerns that the whistleblower has regarding actual or threatened detrimental treatment because the whistleblower has made, or is considering making, a report under this policy
- providing training to its employees, managers, and officers about this policy
- providing access to a confidential support and counselling service, the Employee Assistance Program (EAP) on 1800 818 728 or appointments@accesseap.com.au

5. Fair Treatment of Other Persons

CSBB will endeavour to provide any employee mentioned in a Whistleblower's report with an opportunity to respond to the allegations as part of any inquiry or investigation.

Employees who are mentioned in any Whistleblower report will also be entitled to access the EAP.

6. Offences under the Act

Significant penalties apply for corporations and/ or individuals for contraventions of whistleblower legislation. It is an offence to:

- a) reveal the identity of a whistleblower, including information that is likely to lead to their identification, to anyone other than regulators and the school's lawyer, without the whistleblower's consent.
- b) victimise or threaten or cause "detriment" (See Definitions) to whistleblower because of their disclosure; or because of an assumed disclosure.

7. Offences under the Act

Significant penalties apply for corporations and/ or individuals for contraventions of whistleblower legislation. It is an offence to:

- a) reveal the identity of a whistleblower, including information that is likely to lead to their identification, to anyone other than regulators and the school's lawyer, without the whistleblower's consent
- b) victimise or threaten or cause "detriment" (See Definitions) to whistleblower because of their disclosure; or because of an assumed disclosure
- c) fail to prevent an employee from victimising or threatening or causing detriment to the whistleblower
- d) discipline or dismiss an employee who is a whistleblower even if the protected disclosure constitutes a breach of contract.

Companies can also be liable to compensate the whistleblower for the losses they have suffered as a result of the detrimental behaviour.

8. Further Information and access to the policy

For questions about this policy and information about the protections provided by law to Whistleblowers please contact the Protected Disclosures Officer, the [ASIC](#) website, or seek independent legal advice.

The Whistleblower Policy will be made available on the CSBB website.