

# Catholic Ladies' College



## Whistleblower Policy

[clc.vic.edu.au](http://clc.vic.edu.au)

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Under the Stewardship of  
Mary Aikenhead Ministries



LOVE HOPE COMPASSION JUSTICE



**Catholic Ladies' College Ltd**  
**(ACN 058 164 891) (ABN 44 058 164 891)**

## **Whistleblower Policy**

Catholic Ladies' College (the College) is a Mary Aikenhead Ministry in the tradition of the Sisters of Charity. We seek to develop in each member of our community a contemporary understanding and application of the charism of Mary Aikenhead, the spirituality of the Sisters of Charity, the mission and vision of Mary Aikenhead Ministries and their values of justice, love, compassion and hope.

In responding to this call, the College is a Christ-centred community established to educate, in partnership with parents, women of faith, integrity, individuality and compassion, confident of their own worth as women and wholly involved in the transformation of society.

### **Introduction**

Certain statutory protections are available to people who make a disclosure under the Corporations Act 2001 (Cth) or the Taxation Administration Act 1953 (Cth) (Whistleblower Protection Scheme). Such disclosures are sometimes referred to as 'protected disclosures', as only certain kinds of disclosures are protected by the legislation. The protections available relate to, amongst other things, confidentiality and protection from unfair treatment.

A disclosure will 'qualify' for protection under the Whistleblower Protection Scheme if the following three elements are met:

1. It is a disclosure by an 'eligible whistleblower' (see section 5)
2. The eligible whistleblower has 'reasonable grounds' to 'suspect' that the disclosed information concerns a 'disclosable matter' (see section 6)
3. The disclosure is made to: Either Australian Securities and Investment Commission (ASIC), Australian Prudential Regulation Authority (APRA), the Commissioner of Taxation (in relation to tax matters), a prescribed Commonwealth authority or a legal practitioner (to obtain legal advice or legal representation about the operation of the Whistleblower Protection Scheme) or – an 'eligible recipient' (see section 8).

Public interest and emergency disclosures also qualify for protection – see section 8.4

This Whistleblower Policy is underpinned by a strong commitment to building a culture that reflects sound governance and promotes ethical behaviour in the detection and management of fraudulent, corrupt or improper conduct.

### **Purpose**

To set out information regarding the protections for people who make a protected disclosure under the Whistleblower Protection Scheme (known as whistleblowers), including information about:

- the types of disclosures that qualify for protection
- to whom disclosures can be made and how they can be made
- the protections available to whistleblowers
- how the College will investigate disclosures
- how the College will ensure fair treatment of Workers who are the subject of, or are mentioned in, disclosures
- how the College will support whistleblowers and protect them from detriment and
- how this Policy is to be made available.

Recognising the importance of an effective whistleblowing process, this Policy establishes a platform for encouraging the disclosure of actual or suspected wrongdoing and for investigation and response when there are reasonable grounds to suspect misconduct or wrongdoing.



## Scope

The Policy applies to the following individuals (collectively referred to as Workers):

- a) College Staff (teaching and support staff);
- b) Directors, contractors, volunteers engaged by the College
- c) any other individual who is eligible to make a protected disclosure under applicable Whistleblower legislation.

This Policy applies only to matters that constitute *protected disclosures* under relevant legislation.

Where a disclosure does not qualify as a protected disclosure under this Policy, the College will still ensure that the information is treated seriously and managed under the appropriate policy or legislative framework appropriately. Some disclosures may be protected under other legislation, such as the *Fair Work Act 2009 (Cth)* (for example, see section 7.1 below regarding personal work-related grievances).

## Definitions

Corruption is dishonest activity in which a Worker acts contrary to the interests of the relevant Entity and abuses their position of trust in order to achieve some personal gain or advantage for themselves or for another person or entity

Disclosure Officer is an individual who has relevant expertise to deal with protected disclosures and can receive disclosures that qualify for protection

Eligible Recipient – an individual nominated by the Entity who has the relevant experience and/or training to deal with a disclosure

Employee is a person that supplies services or goods to an entity (including volunteers) or who is an associate of the entity

Entity means the College as an incorporated body

Fraud is dishonest activity causing actual or potential financial loss to an Entity including theft of moneys or other property by Workers or persons external to the Entity and whether or not deception is used at the time, immediately before or immediately following the activity. It also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position

Staff are individuals directly employed by the College

Whistleblower is a person to whom this Policy applies who reports in accordance with this Policy (refer 'eligible whistleblower, page 4)

Whistleblower Investigations Officer is the person appointed (internal or external) by the Whistleblower Protection Officer to conduct an investigation into reports that are made to the College or School Authority

Whistleblower Protection Officer is the individual or body nominated by the College to receive Whistleblower disclosures

Worker means a staff member, Director, contractor, consultant or volunteer of the College.

## Policy

### Principles

This Policy reflects the commitment of the College to uphold principles of sound governance and promote honest and ethical behaviour by:



- encouraging the reporting or disclosure of any reasonable suspicion of misconduct or wrongdoing within the College, such as unlawful or unethical behaviour
- supporting and protecting those who disclose suspected misconduct or wrongdoing
- ensuring mechanisms are in place for handling disclosures confidentially and
- ensuring individuals authorised by the College to receive disclosures understand their obligations.

## 5. Who can make a disclosure as an eligible whistleblower?

An 'eligible whistleblower' is an individual who is, or has been, any of the following:

- An officer of the College (such as a Board director)
- A staff member or volunteer of the College (including, but not limited to, staff who are or were permanent, part-time, fixed term or temporary/casual)
- An individual who supplies services or goods to the College (whether paid or unpaid) (including, but not limited to, contractors, consultants, service providers and business partners)
- An employee of a person who supplies services or goods to the College (whether paid or unpaid)
- An individual who is an associate of the College or
- A relative, dependent or spouse of an individual set out above.

## 6. What information can be reported as a 'disclosable matter'?

The College encourages the reporting of suspected or actual wrongdoing – being conduct that is illegal, unacceptable or undesirable, or concealment of such conduct.

A 'disclosable matter' that is eligible for protection under the Whistleblower Protection Scheme is information that:

- concerns misconduct or an improper state of affairs or circumstances in relation to the College
- indicates that one of its officers or staff has engaged in conduct that: – constitutes an offence against, or a contravention of, the:  
*§ Corporations Act 2001 (Cth)*  
*§ Australian Securities and Investments Commission Act 2001 (Cth)*  
*§ Financial Sector (Collection of Data) Act 2001 (Cth)*  
*§ Superannuation Industry (Supervision) Act 1993 (Cth) and*  
*§ any instrument made under these Acts*
- constitutes an offence against any other law of the Commonwealth punishable by imprisonment for 12 months or more or
- represents a danger to the public or the financial system.

'Disclosable matters' do not necessarily involve a contravention of a law. For example, 'misconduct or an improper state of affairs or circumstances' could involve conduct that, whilst not unlawful, indicates a systemic issue of concern that the relevant regulator should know about to properly perform its functions. It may also relate to behaviour and practices that may cause harm to a Worker or the school community. Information that indicates a significant risk to public safety or the stability of, or confidence in, the financial system is a disclosable matter, even if it does not involve a breach of a particular law.

Specific examples of 'disclosable matters' include:

- systemic, wilful or serious breach (or breaches) of College internal policies, including the CLC Staff Code of Conduct (noting that individual breaches are likely to be excluded on the basis that they are 'personal work-related grievances' – see section 7 below)
- conduct posing a significant or serious threat to the health and safety of workers or students
- serious mismanagement of College resources
- engaging in or threatening to engage in victimisation or detrimental conduct towards someone for reporting a disclosable matter
- instruction to cover up or attempt to cover up serious wrongdoing
- interference with an internal or external audit process
- unethical conduct or conduct that creates a serious risk to the reputation of the College
- conduct that is dishonest, fraudulent, corrupt, negligent or illegal (such as theft, drug sale/use, criminal damage)
- conduct that is in breach of legal or regulatory requirements and
- financial irregularities or conduct that creates a serious risk to the financial wellbeing of the College, including, but not limited to, fraud, money laundering, or misappropriation of funds.



If a disclosure involves alleged misconduct committed against, with, or in the presence of, a child, such as relevant sexual offences, sexual misconduct, physical violence, behaviour that causes significant emotional or psychological harm and significant neglect, it may also constitute Reportable Conduct under the *Child Wellbeing and Safety Act 2005 (Vic)* (Reportable Conduct Scheme). The *CLC Reportable Conduct Policy* sets out specific conduct standards and reporting requirements that operate independently of this Whistleblower Policy. Matters that fall within the scope of Reportable Conduct should be addressed in accordance with that policy.

For the College to comply with its statutory reporting obligations it may be required to report information to an external regulatory body which could lead to the identification of the eligible whistleblower. For example, by making a disclosure involving criminal behaviour or child abuse, eligible whistleblowers acknowledge, and consent to, the disclosure of this information to the Victoria Police and other relevant authorities, notwithstanding that it might lead to their identification. This consent applies only to the extent required by law.

## **7. What disclosures do not qualify for protection?**

The College will treat all reports of disclosable matters seriously and take steps to protect anyone who raises concerns in line with this Policy. An eligible whistleblower can still qualify for protection under this Policy where their disclosure turns out to be factually incorrect. However, deliberately false or vexatious disclosures will not be tolerated. Anyone making a deliberately false disclosure may be subject to disciplinary action, which could include dismissal. A disclosure does not qualify for protection if it is a 'personal work-related grievance', unless addressed under Employment Law.

### **7.1 Personal work-related grievances**

A disclosure solely about a personal work-related grievance does not qualify for protection under the Whistleblower Protection Scheme.

Such personal work-related grievances include:

- an interpersonal conflict with another worker
- a decision about your employment, transfer or promotion
- a decision about the terms and conditions of your employment or
- a decision to suspend or terminate your employment or otherwise discipline you.

Workers can raise personal work-related grievances internally using the previously established Complaints Handling process or may seek legal advice about their rights and protection in relation to employment matters.

That said, a personal work-related grievance may qualify for protection if:

- it includes information about misconduct or wrongdoing that has significance for the College beyond the person making the report (for example, systemic issues that impact the workforce more generally, or issues relating to risks to health and safety) or
- the eligible whistleblower seeks legal advice or representation about the operation of the whistleblower protections under the Corporations Act 2001 (Cth).

Where a matter is both a personal work-related grievance *and* raises systemic or safety issues, the broader aspects may still be protected.

## **8. How can eligible whistleblowers make a protected disclosure?**

This Policy establishes several different channels under which eligible whistleblowers can report suspected or actual wrongdoing. For the protections under the Whistleblower Protection Scheme to apply, a disclosure must be made directly to an 'eligible recipient' at the College (see sections 8.1 and 8.2) or to a relevant external party (see section 8.3).

An eligible whistleblower may wish to seek additional information before formally making a disclosure to an eligible recipient. If an eligible whistleblower wishes to obtain additional information, they may do so by contacting the Whistleblower Protection Officer or an independent legal advisor.



## 8.1 Making an internal disclosure

The College encourages disclosures to be made internally in the first instance. The College has appointed a Whistleblower Protection Officer and Disclosure Officers, whose role is to receive disclosures that qualify for protection.

An eligible whistleblower's disclosure qualifies for protection from the time it is made to a Whistleblower Protection Officer or Disclosure Officer, regardless of whether the eligible whistleblower, Whistleblower Protection Officer or the Disclosure Officer recognises that the disclosure qualifies for protection at that time.

Responsibility	Role
Whistleblower Protection Officer	Principal
Disclosure Officers	Business Manager Human Resources Manager

Internal disclosures can be made verbally or in writing to any eligible recipient.

The Whistleblower Protection Officer reports disclosure matters to the Board Chair including findings of an investigation. However, where a disclosure involves the Whistleblower Protection Officer (Principal), the Board Chair or a member of the College Board, the whistleblower may make a disclosure directly to the secure, external and independent provider STOPLINE, as outlined in section 8.2 of the policy.

## 8.2 Making an external disclosure

If an eligible whistleblower does not feel comfortable raising their disclosure directly with an eligible recipient at the College, a disclosure can be made to the Mary Aikenhead Education's secure external service provider, Stopleveline:

Online form <https://maryaikenheadeducation.stoplinereport.com/>  
Phone 1300 304 550  
Email [maryaikenheadeducation@stopline.com.au](mailto:maryaikenheadeducation@stopline.com.au)  
Mail Mary Aikenhead Ministries, c/o Stopleveline  
PO Box 403  
Diamond Creek VIC 3089

A Disclosure can also be made anonymously – see section 9 below.

## 8.3 Making a disclosure to a body or person externally

Protected disclosures can also be raised externally with the following bodies:

- ASIC, APRA, or another prescribed Commonwealth body
- legal practitioners for the purpose of obtaining legal advice or representation about the operation of whistleblower legislation or
- journalists or parliamentarians only to the extent necessary and in specific circumstances (i.e. public interest disclosures or emergency disclosures in line with the provisions set out in the Act – see further below).

If an eligible whistleblower wishes to make their disclosure to an external party, they may wish to consult the following guidance to ensure that their disclosure will qualify for protection:

*ASIC in Information Sheet 239: How ASIC handles whistleblower reports.*

## 8.4 Public interest and emergency disclosures

Under specific circumstances, disclosures can be made to a journalist or parliamentarian and still qualify for protection. For a disclosure to be considered a public interest or emergency disclosure involving substantial and imminent danger to health/safety/environment, it must meet strict criteria, including that:

- Prior Reporting to Regulator or Prescribed Body: The information disclosed must have been reported previously to ASIC, APRA or prescribed Commonwealth authority; and
- Minimum 90-Day Interval: At least 90 days must have elapsed since the initial disclosure to the regulator or prescribed body.



Eligible whistleblowers contemplating a public interest or emergency disclosure are strongly advised to seek independent legal advice before proceeding. This precaution ensures that individuals are well informed about the legal implications and safeguards associated with such disclosures.

## **9. Anonymity**

Anonymous disclosures are capable of being protected under the Whistleblower Protection Scheme.

Eligible whistleblowers can choose to remain anonymous while making a disclosure, over the course of an investigation and after the investigation is finalised. Eligible whistleblowers can refuse to answer questions they consider could reveal their identity at any time.

If you choose to remain anonymous, please maintain two-way communication with the College (such as via an anonymous email address), so that follow-up questions and feedback can be provided. This will ensure that the College can appropriately address your disclosure.

## **10. Protections**

### **10.1 Confidentiality**

The College has a legal obligation to protect the confidentiality of an eligible whistleblower's identity, whether or not the eligible whistleblower has made their disclosure on an anonymous basis.

Maintaining confidentiality is crucial, and individuals must refrain from identifying an eligible whistleblower or disclosing information that may lead to their identification, unless an exception applies. Unless the eligible whistleblower consents, it is against the law for a person to disclose an eligible whistleblower's identity or any information that may lead to their identification. However, there are exceptions which include:

- if a person discloses the identity of the eligible whistleblower to:
  - ASIC, APRA, the Australian Federal Police (AFP) or the Commissioner of Taxation (in relation to tax matters)
  - a legal practitioner for the purposes of obtaining legal advice or legal representation about the disclosure or – to a body prescribed by the Corporations Regulations or
- if it is reasonably necessary to disclose the information to investigate the issues raised, provided that:
  - the information does not contain the eligible whistleblower's identity and
  - the College has taken all reasonable steps to reduce the risk that the eligible whistleblower will be identified from the information.

Options for preserving the confidentiality of an eligible whistleblower's identity include:

- all personal information or reference to the eligible whistleblower will be redacted
- the eligible whistleblower will be referred to in a gender-neutral context
- the eligible whistleblower will be contacted to help identify certain aspects of the disclosure that could inadvertently identify them
- the eligible whistleblower may adopt a pseudonym, which may be appropriate where the eligible whistleblower's identity is known to the Disclosure Officer, but they do not want to disclose their identity to others and
- appropriately trained and qualified individuals will handle disclosures.

Complaints regarding breaches of confidentiality can be lodged with the College Privacy Officer or an external regulator such as ASIC or APRA for investigation.

### **10.2 Protection from detrimental action**

The College is committed to protecting eligible whistleblowers from detriment (including eligible whistleblowers who make an anonymous disclosure). Civil and criminal sanctions apply to breaches of the Whistleblower Protection Scheme. Taking, inciting, or threatening detrimental action against an eligible whistleblower due to a disclosure or cooperation with an investigation is an offence.



Specific examples of 'detriment' include dismissing a Worker, altering a Worker's position or duties to their disadvantage, harassing or intimidating a person, and harming or injuring a person (including psychologically).

The College will take reasonably practicable steps to protect an eligible whistleblower from detriment. This includes, but is not limited to, taking steps to ensure eligible recipients within the College are aware of their obligations to maintain confidentiality (section 10), providing support services (see section 12), and taking steps to address any allegation of detrimental action (which may include investigation).

Any concern of an eligible whistleblower regarding potential unfavourable treatment should be promptly reported to any Disclosure Officer or a regulatory body such as ASIC or APRA for investigation. If the matter concerns the Whistleblower Protection Officer, it should be brought to the attention of Mary Aikenhead Education's secure external service provider, Stoptime (refer 8.2).

Courts have broad scope to make orders against anyone found treating an eligible whistleblower detrimentally, including orders for compensation against individual Workers. Allegations of detrimental conduct are to be reported to the Whistleblower Protection Officer and may be addressed under the relevant College policy or *CLC Staff Code of Conduct* as misconduct.

## **Whistleblower Procedures**

### **11. Handling and investigating a protected disclosure**

Disclosures will be acknowledged by the College upon receipt, assuming the 'eligible whistleblower' can be contacted. A Disclosure Officer or Whistleblower Protection Officer will consider any disclosure made on reasonable grounds. When considering a disclosure and making a referral to the Whistleblower Protection Officer, a Disclosure Officer will focus on the substance of the disclosure rather than what they consider is the motive for disclosing.

Disclosure Officers will forward the report to the Whistleblower Protection Officer (where relevant) who will:

- determine, or confirm, if the disclosure falls within the Whistleblower Protection Scheme and
- determine if an investigation is required (and if so, how that investigation should be carried out).

#### **11.1 Investigation**

The objective of an investigation is to determine if there is sufficient evidence to substantiate the matters disclosed and to ensure the eligible whistleblower is protected. If an investigation is required, the Whistleblower Protection Officer will determine:

- the nature and scope of the investigation
- who will conduct the investigation (including whether an external investigation is appropriate).

If an internal investigation is appropriate, the Whistleblower Protection Officer may appoint an internal investigation officer to conduct the investigation, depending on the nature of the disclosure

- any advice (technical, legal or financial) required to support the investigation and
- the anticipated timeframe of the investigation.

An external authority will determine the requirement for and oversee any investigation in relation to disclosures concerning the Whistleblower Protection Officer. Where practicable, the eligible whistleblower will be kept informed of the steps taken or to be taken (or if no action is to be taken, the reason for this), and provided with appropriate updates, including about the expected timeline (e.g. typically 30-90 days depending on complexity) progress and outcome of the investigation.

An external authority will ensure confidentiality is not compromised when providing regular updates. The extent of the information provided, or whether it will be provided at all, will be subject to applicable confidentiality considerations, legal obligations and any other factors considered relevant in the situation.



The method for documenting and reporting the findings of an investigation will depend on the nature of the disclosure but may include a summary report of the findings. Any reporting of findings will have regard to applicable confidentiality requirements. There may be circumstances where it may not be appropriate to provide details of the outcome to the eligible whistleblower.

### 11.2 Fair treatment

If the disclosure mentions or relates to a Worker of the College other than the eligible whistleblower, the College will take steps to ensure that those individuals are treated fairly. Typically, this would include giving those persons an opportunity to respond to the subject matter of the disclosure having regard to principles of procedural fairness. In addition, action would only be taken against such a person if there is cogent evidence of wrongdoing.

### 12. Support

Eligible whistleblowers can rely on the safeguards outlined in this Policy when making disclosures that qualify for protection under the Whistleblower Protection Scheme. The College is committed to transparency and to building an environment in which people feel safe to raise legitimate issues relating to College operations.

In addition to supports outlined in this Policy, College staff and their families have access to the Employee Assistance Program (EAP), offering professional and confidential assistance.

### 13. Roles and reporting responsibilities

<b>Role</b>	<b>Responsibility</b>	<b>Reporting Requirement</b>
Disclosure Officers	Provide advice to individuals about making a disclosure Receive eligible whistleblower disclosures Refer disclosures to the Whistleblower Protection Officer for possible investigation	Update the eligible whistleblower throughout the investigation, in consultation with the Whistleblower Protection Officer Notify eligible whistleblower of outcome following investigation in certain circumstances, depending on to whom the disclosure in question has been made
Whistleblower Protection Officer	Provide advice to individuals about making a disclosure Receive whistleblower disclosures from an eligible whistleblower or Disclosure Officer Instigate or authorise investigations	Regular reporting to the Board Chair including findings of an investigation Update the eligible whistleblower throughout the investigation and notify of outcome following investigation
External authority	Receive eligible whistleblower disclosures that relate to the Whistleblower Protection Officer Refer disclosures to the Whistleblower Protection Officer for possible investigation Instigate or authorise any investigation concerning the Whistleblower Protection Officer Receive complaints about a breach of confidentiality during the handling of a disclosure	Update the eligible whistleblower throughout the investigation Notify eligible whistleblower of outcome following investigation

### 13.1 Training

The College will ensure that this Policy forms part of the induction process for new Workers, and the ongoing training for all Workers.



Disclosure Officers and other eligible recipients will receive specialist training in processes and procedures for receiving and handling disclosures, including training in relation to confidentiality and the prohibitions against detrimental conduct.

### **13.2 Monitoring and reporting**

The College has implemented robust processes to assess the effectiveness of this policy and guarantee compliance with legal obligations. While prioritising confidentiality, there are established mechanisms for escalating matters to the Board. The College is committed to upholding the integrity of the Whistleblower Policy and fulfilling its legal responsibilities.

### **13.3 Ensuring the policy is accessible**

The Whistleblower Policy is accessible to all people connected with the College and the public via the College website <https://clc.vic.edu.au/our-school/policies/>

## **Who to Contact**

Whistleblower Protection Officer contact details:

Principal  
Catholic Ladies' College  
19 Diamond Street  
Eltham VIC 3095  
(03) 9439 4077  
[principal@clc.vic.edu.au](mailto:principal@clc.vic.edu.au)

Board Chair  
[boardchair@clc.vic.edu.au](mailto:boardchair@clc.vic.edu.au)

External Authority  
Mary Aikenhead Education – Stopline  
Mary Aikenhead Ministries, c/o Stopline  
PO Box 403  
Diamond Creek VIC 3089  
<https://maryaikenheadeducation.stoplinereport.com/>  
1300 304 550  
[maryaikenheadeducation@stopline.com.au](mailto:maryaikenheadeducation@stopline.com.au)

## **Related Legislation and Documents**

*Public Interest Disclosures Act 2012 (Vic)*  
*Corporations Act 2001 (Cth)*  
*Australian Securities and Investments Commission (ASIC) Act 2001 (Cth)*  
*Financial Sector (Collection of Data) Act 2001 (Cth)*  
*Superannuation Industry (Supervision) Act 1993 (Cth)*  
*Taxation Administration Act 1953 (Cth)*  
*Reportable Conduct Scheme – Child Wellbeing & Safety Act 2005 (Vic)*  
CLC Privacy Policy  
CLC Complaints Handling Policy  
CLC Staff Code of Conduct  
CLC Conflicts of Interest Policy  
CLC Reportable Conduct Policy  
CLC Mandatory Reporting Policy



## Review Schedule

<b>Stage</b>	<b>Date</b>	<b>Ratified</b>	<b>Ratified by</b>
Initiated	June 2019	July 2019	Executive
Review 1	March 2020	March 2020	Executive
Review 2	January 2026	February 2026	Board
Review 3			
Review 4			