

WHISTLEBLOWER POLICY

Mission Statement

In the spirit of John XXIII, Mary Ward and Ignatius Loyola, we seek to be people of competence, conscience and compassion who are committed to God and the service of others.

Rationale

John XXIII College (“the College”) is committed to fostering a culture that reflects transparency and integrity and promotes Catholic values and ethical behaviour. The College Whistleblower Policy and associated procedures are designed to uphold John XXIII College’s shared values arising from the Catholic Social Teaching Principles of the dignity of the human person, the common good, subsidiarity, co-responsibility and participation.

This policy and associated procedures have been developed in accordance with the requirements of the Corporations Act 2001 (Cth) (the Act) and the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth) and the CECWA Whistleblower Policy. This document should be read in conjunction with all other John XXIII College policies and processes.

The purpose of the College Whistleblower Policy is to:

- Encourage the disclosure of wrongdoing (see Disclosable Matters)
- Help deter wrongdoing and promote a more ethical culture, in line with the College’s risk management and governance framework
- Provide a process for individuals to report Disclosable Matters in the knowledge that they may do so anonymously, and can act without disadvantage, intimidation or reprisal, and with appropriate protection.
- Improve the College’s whistleblowing culture and increase transparency in the process to handle disclosures of wrongdoing, and
- Meet the College’s legal and regulatory obligations.

John XXIII College has extensive existing internal policies and procedures to address matters including:

- i. Child Protection
- ii. Health and Safety
- iii. Disputes and Complaints
- iv. Internal Grievances (including, but not limited to Code of Conduct, Harassment, Discrimination, Victimisation and Bullying).

The existing John XXIII College policies and procedures should always be used to address an issue or concern, unless an individual wishes to report a Disclosable Matter anonymously and/or with appropriate protections in place, in which case this Whistleblower Policy and the associated procedures should be used.

Definitions

Detrimental Conduct is conduct that would personally disadvantage a whistleblower. Such action may include but not be limited to one or more of the following:

- termination of employment
- reduction in the terms or conditions of employment
- harassment or intimidation of a person
- harm or injury to a person, including psychological harm
- damage to a person's reputation
- demotion, or
- unfair or unequal treatment in the workplace.

John XXIII College Person (or People) is any person (or people) employed by or associated with John XXIII College.

Legal Protections for a whistleblower, under the Corporations Act 2001 (Cth), include:

- identity protection (confidentiality)
- protection from detrimental acts or omissions
- compensation and remedies, and
- civil, criminal and administrative liability protection.

Personal Work-Related Grievance includes, but is not limited to one or more of the following:

- an interpersonal conflict between the whistleblower and another employee
- a decision relating to the engagement, transfer or promotion of the whistleblower
- a decision relating to the terms and conditions of engagement of the whistleblower
- a decision to suspend or terminate the engagement of the whistleblower, or otherwise to discipline the whistleblower.

An Eligible Recipient is one eligible under the Corporations Act 2001 (Cth) and includes:

- Nominated Officers of John XXIII College as detailed in the policy
- the Alternative Officer as appointed by CECWA, and
- any person authorised by John XXIII College to receive disclosures that may qualify for protection under this Part.

Disclosable Matters that qualify for protection under the Corporations Act 2001 (Cth) may or may not involve a contravention of a particular law, and may include but not be limited to:

- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property
- fraud, money laundering or misappropriation of funds
- offering or accepting a bribe
- financial irregularities
- failure to comply with, or breach of, legal or regulatory requirements
- issues that are reasonably considered a significant risk to public safety
- issues that risk the stability of the CEWA financial system
- alert to an emergency situation
- engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

A *Discloser* is a person who qualifies for protection as a whistleblower under the Corporations Act 2001 (Cth) and may be a current or former:

- employee
- officer
- contractor
- supplier or employee of a contractor or supplier
- associate of John XXIII College
- or a spouse or relative of any of the aforementioned.

A Discloser may also be referred to as a whistleblower in the John XXIII College Whistleblower Policy.

Roles & Responsibilities	
Principals	Responsible for the implementation of this policy and the development of local school procedures in accordance with the CECWA Policy.
Chairperson of the John XXIII College Council	Responsible for the implementation of this policy. Can be contacted directly for internal disclosures.
Executive Director of CEWA	Appoints the Nominated Officers for CEWA Ltd.
Catholic Education Commission of Western Australia (CECWA)	The Board of Directors for CEWA Ltd. The CECWA approves this policy and ensures that appropriate procedures are in place to assist all to comply with it.
Nominated Officer	<ul style="list-style-type: none"> • Must be a senior CEWA Ltd manager appointed by the Executive Director. • Manage reports that have been made directly to CEWA Ltd and Your Call when consent has been provided by the Discloser. • Make decisions as part of the Nominated Officers Committee.
Nominated Officers Committee	<p>A quorum of two Nominated Officers is required to constitute the Committee to make the following decisions:</p> <ul style="list-style-type: none"> • whether an investigation is required, and appointment of a WIO and • appointment of a WPO to support and protect the whistleblower.
Whistleblower Protection Officer (WPO)	<ul style="list-style-type: none"> • Appointed by the Nominated Officers Committee to support, protect and advocate for the whistleblower. • The WPO may be one of the Nominated Officers or the role may be undertaken by an independent, external service.
Whistleblower Investigation Officer (WIO)	<ul style="list-style-type: none"> • Appointed by the Nominated Officers Committee. • The WIO may be one of the Nominated Officers or the investigation may be conducted by an independent, external service. • Must conduct a thorough and fair investigation following the CEWA Dispute and Complaint Resolution Policy
Eligible Recipients (Nominated Officers, CECWA, CEWA Executive, CEWA Senior Leaders, Principals, Your Call, Regulators)	<ul style="list-style-type: none"> • Can be contacted directly by a whistleblower to receive a whistleblower report. • When the whistleblower has provided consent to do so, the Eligible Recipient must then pass on the report information to a Nominated Officer

Principles

- John XXIII College does not tolerate wrongdoing by members of the College, College Committee Members, College employees, contractors, volunteers, officers or members of school-based boards and committees.
- John XXIII College upholds the Catholic Social Teaching Principles alongside values of transparency and accountability in all management and governance practices.
- John XXIII College supports the making of reports of Disclosable Matters by whistleblowers to any Eligible Recipient authorised to receive a whistleblower disclosure.
- A whistleblower is entitled to legal protection under the Corporations Act 2001 (Cth) and Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth).
- A whistleblower has the right to make an anonymous disclosure, in confidence, securely and inside or outside of business hours.
- A whistleblower must provide information that may assist any inquiry or investigation into the matter.
- John XXIII College will ensure whistleblower protection from any actual or threatened detrimental conduct including retaliatory action, victimisation, reprisal, discrimination or harassment for making a report of Disclosable Matter. Any retaliation will be considered to be misconduct.
- John XXIII College will ensure fair treatment of employees who are mentioned in or the subject of disclosures that qualify for protection. All reasonable steps will be taken to support and protect persons who make such disclosures.
- Whistleblower protection may also apply if a whistleblower report is made to a journalist or parliamentarian, where matters are in the public interest, or in an emergency situation. John XXIII College strongly encourages the use of existing processes and procedures, including this policy and all other relevant processes.
- John XXIII College will fairly and objectively investigate each disclosure as soon as is practically possible. Such investigation will be conducted by either a Nominated Officer, the Alternative Officer or an external investigator, who is independent and suitably qualified to conduct such an investigation.
- A whistleblower must have reasonable grounds for their concern. Disclosure that is motivated by malicious intent or dishonest behaviour may be considered a breach of the College Code of Conduct and subject to appropriate disciplinary action.
- If a whistleblower was complicit in the wrongdoing, the whistleblower is not protected from the consequences of involvement. A person remains responsible for their own conduct and any liability is unaffected by their reporting of the misconduct.
- If the disclosure turns out to be incorrect, the whistleblower can still qualify for protection.
- A whistleblower must be informed of the outcome of any investigation relating to their disclosure.

Procedures

Determining Disclosable Matters

Any wrongdoing covered by this policy includes any Disclosable Matter or other conduct which:

- is dishonest, fraudulent or corrupt
- is illegal, such as theft, drug sale or use, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal law
- is unethical, such as dishonestly altering company records or data, or adopting questionable accounting practices

- is potentially damaging to John XXIII College or a College person, such as unsafe work practices or substantial wasting of College resources
- may cause financial loss to John XXIII College, damage its reputation or otherwise be detrimental to the College's interests
- poses a significant risk to public safety or the stability of, or confidence in, the financial system (whether or not it involves a breach of the law)
- involves engaging in or threatening to engage in detrimental conduct against a person who has made a report of wrongdoing, or is believed or suspected to have made, or be planning to make, a report of wrongdoing;
- relates to potential wrongdoing or an improper state of affairs or circumstances related to the College's tax affairs, or
- involves any other kind of wrongdoing or an improper state of affairs or circumstances in relation to the College.

Disclosable Matters do not include:

- breaches of the College's Code of Conduct that do not relate to the definition of Disclosable Matters or
- personal Work-Related Grievances that are excluded from the whistleblower protections under the Act.

These matters may be raised and reported in accordance with other College policies and procedures, depending on the nature of the grievance.

Reporting Disclosable Matters

John XXIII College encourages all College people to speak to their Principal in the first instance. All reasonable attempts to resolve an issue informally and internally should first be tried, where appropriate. If, however, an individual does not feel safe or able to raise wrongdoing with their Principal, they may make a disclosure using this policy, where the issue concerns a Disclosable Matter:

- internally to the Chairperson of the John XXIII College Council
- to the Chairperson of the CECWA Audit and Risk Committee
- to a Nominated Officer at CEWA, as set out in this policy
- to independent whistleblower service provider – Your Call, or
- to external authorities and entities.

Internal Disclosures

If a Discloser would like to make a report internally under Australian whistleblower laws (and receive protection under those laws), they can make a confidential report of wrongdoing to any Eligible Recipient above. Alternatively, the Discloser can contact one of CEWA's Nominated Officers, set out below:

Role	Contact Details
Chairperson of the John XXIII College Council	
Deputy Executive Director	Wayne.bull@cewa.edu.au
Director – Leadership and Employee Services	Tony.curry@cewa.edu.au
Manager – Strategy, Governance, Policy and Risk	Ainslie.perrigo@cewa.edu.au

These reports can be made by telephone, email or in person.

Disclosures to External Hotline – Your Call

If, for any reason, you do not feel safe or able to make a disclosure internally, you may do so to independent whistleblower service provider, Your Call.

Your Call is an independent and external service that is authorised to receive whistleblowing reports in relation to John XXIII College or CEWA Ltd. All reports received by Your Call are reported to the Nominated Officers Committee, or where the allegation pertains to a Commissioner, the Executive Director, a member of the Executive Team or any of the Nominated Officers, then to the Alternative Officer, in accordance with this policy.

Your Call enables reports to be made anonymously and confidentially. Your Call reporting options include:

- Website available 24/7: <https://www.yourcall.com.au/report> You will be required to enter CEWA Ltd's unique identifier code: (CEWA)
- Telephone: 1300 790 228, available between 9am and 12am, recognised business days, AEST
- If you are deaf, or have a hearing or speech impairment, you can contact Your Call online or through the National Relay Service. Simply choose your contact method at www.relayservice.gov.au and request Your Call's hotline 1300 790 228
- If you have difficulty speaking or understanding English, contact Your Call through the Translating and Interpreting Service (TIS) 131 450 and ask for Your Call on 1300 790 228.

Disclosures to external authorities and entities

Reports may also be made under the Australian whistleblower laws to the following external Eligible Recipients:

- A lawyer, but not a lawyer employed by John XXIII College, for the purposes of obtaining legal advice or representation
- The Australian Securities and Investment Commission (ASIC), the Australian Prudential Regulation Authority (APRA), the Commissioner of Taxation, or another Commonwealth body prescribed by regulation, as appropriate
- Under certain circumstances, to a journalist or member of Commonwealth, state or territory parliaments in accordance with the requirements set out in the Act for making an "emergency disclosure" or a "public interest disclosure"
- If the report relates to John XXIII College's tax affairs, a registered tax agent or BAS agent of the College

Reporting Disclosable Matters Anonymously

If the whistleblower wishes to remain anonymous, then he or she may do so. An anonymous report of wrongdoing can be made to an Eligible Recipient and will be protected under Australian whistleblower laws.

A whistleblower who makes an anonymous report of wrongdoing may refuse to answer questions they feel could reveal their identity at any time.

Protecting Whistleblowers' Confidentiality and Privacy

It is illegal for a person to disclose the identity of a whistleblower who has made a report of wrongdoing to an Eligible Recipient, as set out in the *Determining Disclosable Matters* section of this document, or to disclose information that is likely to lead to their identification, outside of the above circumstances. Such unauthorised disclosure will be an offence under Australian law. It will also be regarded as a disciplinary matter and will be dealt with in accordance with the College's disciplinary procedures.

Accordingly, Eligible Recipients or any other person with knowledge of the report must not disclose the College person's identity unless:

- The College person making the report consents to the disclosure.
- The disclosure is required by law.
- The disclosure is made to ASIC, APRA, the Commissioner of Taxation (if the report relates to the College's tax affairs) or the Australian Federal Police.
- It is disclosed to a lawyer for the purpose of receiving advice in relation to legal obligations of protection and confidentiality.

John XXIII College will take all reasonable steps to protect a whistleblower's identity and will ensure that any records relating to a report of wrongdoing are stored securely and confidentially, in accordance with the College's Privacy Policy and the CECWA Management of Confidential Information Policy. Such records will be accessed only by John XXIII College staff and employees of the appointed independent external investigation service, who are authorised to access the information for the purposes of assessing or investigating the report.

A Discloser who intends to make a report under this policy may make a request for special protection measures if their identity is likely to be readily inferred from the nature of the information in the report.

If a Discloser believes there has been an unauthorised disclosure of their identity or information that is likely to lead to their identity being disclosed, they should report this to Your Call or a Nominated Officer. Reports of unauthorised disclosure may also be made to ASIC, APRA or the Commissioner of Taxation (if the original report related to the College's tax matters for investigation).

To the extent that any of the information recorded by the College, or Your Call on the College's behalf, constitutes personal information about the caller under applicable privacy law, it should be noted that:

- The purpose of the collection of that information is to assist Your Call and John XXIII College to respond to issues raised by the whistleblower and to protect or enforce the College's legal rights or interests or to defend any claims
- Personal information may be used for the primary purpose for which it was collected or for any related secondary purpose that could reasonably be expected
- Personal information may be disclosed or described under section 7.1.

The College only collects, uses or discloses personal information, including sensitive information, as allowed by law. Further details are available in the College's Privacy Policy.

Protecting Whistleblowers from Detrimental Conduct

John XXIII College is committed to protecting and respecting the rights of any College person who reports wrongdoing in accordance with this policy.

John XXIII College will not tolerate any actual or threatened (whether expressed or implied, whether or not there is any intention to carry out the threat and whether or not the Discloser who receives the threat fears that the threat will be carried out), reprisals (including dismissal or demotion), discrimination, bias, harassment, intimidation, victimisation or any other injury or damage to any person suspected of making a report of wrongdoing, or against that person's colleagues, employer (if a contractor), relatives, or any other person where the reason for the detrimental conduct relates to the suspicion that a person has made, may make, or could make a report of wrongdoing. This commitment is supported by the College's Harassment, Unlawful Discrimination, Victimisation and Bullying (Staff) Policy.

Any such retaliatory action may be an offence under Australian law, will be treated as serious misconduct and will be dealt with in accordance with John XXIII College policies.

Performance management of a whistleblower, where such action is in line with the College's performance management approach, is not detrimental conduct. If such actions are undertaken, the College will explain to the whistleblower the reason for the action.

John XXIII College will take all reasonable steps to protect a whistleblower from suffering detriment due to making a disclosure, including providing support services (counselling, EAP) and assessing the risk of detriment. If a Discloser believes that they have been subject to detrimental conduct they should report this to Your Call or a Nominated Officer. Reports of detrimental conduct may also be made to ASIC, APRA, or the Commissioner of Taxation (if the original report related to CEWA Ltd's tax affairs).

Further Protection to Whistleblowers

In addition to the above, under Australian law a Discloser who has reasonable grounds for suspecting that wrongdoing has taken place, and who reports the matter to an Eligible Recipient, may be entitled to additional legal protections in certain circumstances, including:

- They may be protected from civil, criminal or administrative legal action for making the report.
- They may be protected from contractual or other remedies being sought against them on the basis of the report.
- The information they provide may not be admissible in evidence against them in legal proceedings (unless they have provided false information).
- In some circumstances they may be entitled to compensation or another remedy through the courts if:
 - They suffer loss, damage or injury because of a report of wrongdoing, and
 - The College failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

Under Australian law, these protections may not apply to reports made to Eligible Recipients that concern a Personal Work-Related grievance of the person making the report or breaches of the College Code of Conduct that do not fall into the definition of Disclosable Matters.

Investigating a Disclosure

Where it is appropriate and practicable to investigate a report, an appropriate investigator (or investigators) will be appointed by the Nominated Officers Committee to assess and investigate the report. A person will only be asked to investigate a matter if they can do so in an impartial manner. In certain circumstances, the College may decide to appoint external investigators.

Where a report of suspected wrongdoing relates to a significant matter involving a Commissioner, Executive Director, a member of the Executive Team or one of the Nominated Officers, the matter will be referred directly to the Alternative Officer when the whistleblower has provided consent.

The person (or external organisation) appointed to investigate the report will be required to follow the College's Dispute and Complaint Resolution Policy. Reports may not be able to be investigated if the College is not able to contact the person who has made the report and insufficient information has not been provided to warrant an investigation.

Whenever a report of suspected wrongdoing mentions or relates to any John XXIII College employees, the College is committed to treating those employees fairly, as appropriate in the circumstances.

Subject to privacy and confidentiality requirements, the whistleblower will be kept informed of:

- when the investigation process has begun
- relevant progress of the investigation, and
- the outcome of the investigation to the extent that it is legally permissible and appropriate to do so.

Concluding the Investigation

At the end of the investigation, the investigator(s) will prepare an investigation report which includes all relevant findings of the investigation. The investigation findings will be reviewed independently of the investigator(s), to determine an appropriate response, which may include rectifying any wrongdoing and taking any action required to prevent any future occurrences of the same or similar conduct.

The identity of the College person who reported the wrongdoing will be redacted from any written investigation reports unless they have consented to the disclosure of their identity.

Where issues of discipline arise, the disciplinary process will also be in line with the College's Unsatisfactory Performance or Misconduct Policy. Where allegations of wrongdoing made against a person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.

A person who has committed or been involved in wrongdoing will not be immune from disciplinary action merely because they have reported the wrongdoing in accordance with this policy. However, the person's conduct in making the report is likely to be taken into account in determining what disciplinary action is appropriate.

Once the matter is finalised, a report will be made to the whistleblower. This report will explain the findings and actions taken to the fullest extent possible within commercial, legal and confidentiality constraints. Where the whistleblower chose to remain anonymous, alternative arrangements may be made for providing a verbal report of the outcome of the investigation to that person, where possible.

An eligible Discloser may request a review of the investigation findings if the outcome is not to their satisfaction. The review will be conducted by an officer who is not involved in handling and investigating disclosures and the review findings will be shared with the College Principal and the Chairperson of the John XXIII College Council.

The College is not obliged to reopen an investigation if it finds that the investigation was conducted properly, or new information is either not available or would not change the findings of the investigation.

Availability of this Policy

The College's Whistleblower Policy is available on the College intranet and external website. All Catholic schools must include a link to this policy on their school website.

Training in this Policy

Eligible Recipients, potential investigators and all relevant College personnel will receive regular training in relation to their rights and obligations under this policy and under applicable whistleblower laws.

Questions about this Policy

If you need information and advice about making a disclosure or the support and protection available, you may discuss the matter in confidence with a Nominated Officer.

References

John XXIII College Code of Conduct
John XXIII College Dealing with Bullying, Harassment, Aggression and Violence (Students) Policy
John XXIII College Dispute and Complaint Resolution Policy
John XXIII College Harassment, Unlawful Discrimination, Victimization and Bullying (Staff) Policy
John XXIII College Privacy Policy
CECWA Management of Confidential Information Policy
CECWA Unsatisfactory Performance or Misconduct Policy
Corporations Act 2001 (Cth)
Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)

Related Documents

ASIC Whistleblower Regulations 270