

WHISTLEBLOWER PROTECTION POLICY

VERSION CONTROL

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1. Introduction

1.1 St Albert's College ('the College') is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

1.2 The College recognises the value of transparency and accountability in its governance, administrative and management practices and encourages a culture of reporting of illegal, unethical or otherwise improper conduct ('Disclosable Conduct') without fear of reprisal or detriment.

2. Purpose

2.1 The purpose of this Policy is to:

(a) encourage and facilitate reporting of Disclosable Conduct;

(b) provide a framework for the reporting of Disclosable Conduct and the manner in which it will be investigated; and

(c) provide a framework for the protection and support of individuals who report Disclosable Conduct.

3. Scope

3.1 This Policy applies to:

Employees	**Directors**	**Officers**	**Suppliers of Goods and Services** (including their employees)	**Volunteers**
✓	✓	✓	✓	✓

Within this Policy any of these persons are referred to as an 'Eligible Whistleblower'.

3.2 An Eligible Whistleblower also includes any associate, relative or dependant of any person referred to above, or any person who formerly fell within one of the categories specified above.

4. Disclosable Conduct

4.1 What is Disclosable Conduct?

4.1.1 Disclosable Conduct is any past, present or likely future misconduct or improper state of affairs in relation to the College or any related body corporate of the College, including but not limited to any conduct or state of affairs considered to be:

(a) dishonest or unethical;

(b) corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);

(c) fraudulent (including misappropriation of funds);

(d) illegal (including theft, the sale or use of illicit drugs, violence or threatened violence, or property damage);

(e) in breach of any policy of the College;

(f) improper conduct relating to accounting, internal controls or compliance of the College, or mismanagement of St Albert's College's resources;

(g) a danger to the health or safety of any person or to the environment;

(h) detrimental to the College's financial position or reputation;

(i) the concealment of any conduct or state of affairs referred to in sub-clauses (a) to (h); or

(j) the victimisation of any reporter of Disclosable Conduct.

4.1.2 Disclosable Conduct usually relates to the conduct of employees, directors or officers of the College, but may also relate to the actions of a third party such as a supplier of goods and services or volunteers.

4.2 What is *not* Disclosable Conduct?

4.2.1 This Policy does not apply to personal work-related grievances.

4.2.2 A personal work-related grievance is a grievance about any matter that has, or may tend to have, personal implications for the discloser but which does not have significant implications for the College.

4.2.3 Examples of personal work-related grievances include an interpersonal conflict between the discloser and another employee, a decision relating to the engagement, transfer or promotion of the discloser, a decision relating to the terms and conditions of engagement of the discloser and a decision to discipline or to suspend or terminate the engagement of a discloser. These matters would typically be dealt with under the following policies:

St Albert's College Work, Health and Safety Policy

St Albert's College Discrimination/Equal Opportunity Policy

St Albert's College Complaints Resolution Policy

4.2.4 However, a personal work-related grievance may be covered by this Policy where:

(a) it includes information about conduct that falls within this Policy (*i.e.* it is a mixed report);

(b) it involves a breach of employment or other laws punishable by imprisonment for a period of 12 months or more; or

(c) the discloser is threatened with detriment for making a disclosure.

4.3 Who can make a report?

4.3.1 Any Eligible Whistleblower may report Disclosable Conduct in connection with the College, and seek to avail themselves of protection against reprisal or detriment for having made the report (a 'Protected Report').

4.4 What information must accompany a Protected Report?

4.4.1 To make a Protected Report, an Eligible Whistleblower must know of or have reasonable grounds to suspect the Disclosable Conduct.

4.4.2 The Protected Report must contain sufficient information to form a reasonable basis for investigation, including any known details about the Disclosable Conduct such as the:

(a) date;

(b) time;

(c) location;

(d) name of person(s) involved;

(e) possible witnesses to the events; and

(f) evidence of the events (e.g. documents, emails).

4.4.3 The Protected Report must also include any steps the Eligible Whistleblower may have already taken to report the matter elsewhere or to resolve the concern.

4.5 Who can receive a Protected Report?

4.5.1 An Eligible Whistleblower may make a report to:

(a) any member of the College's board of directors;

(b) any of the CEO/Head of College of member of the College Executive Management;

(c) the College company secretary (who is also the College's Whistleblower Protection Officer);

(d) the College company auditor; or

(e) any other person authorised by the College from time to time.

4.5.2 This Policy will also extend protection to an Eligible Whistleblower who reports Disclosable Conduct to:

(a) the Australian Securities and Investments Commission (ASIC);

(b) the Australian Prudential Regulation Authority (APRA);

(c) to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to whistleblower protections;

(d) a journalist or member of a State or Commonwealth Parliament where that disclosure qualifies as a public interest disclosure or an emergency disclosure under Section 1317AAD of the Corporations Act 2001 ('the Act').

4.5.3 In this Policy the persons or authorities referred to in Clauses 4.5.1 and 4.5.2 are referred to as 'Eligible Recipients'.

5. Protection

5.1 How is protection afforded in relation to a report of Disclosable Conduct?

5.1.1 An Eligible Whistleblower qualifies for protection under this Policy and under the Act where he or she has reasonable grounds to suspect Disclosable Conduct and the report of the Disclosable Conduct is made to an Eligible Recipient.

5.1.2 The following protections will be afforded to an Eligible Whistleblower who qualifies for protection under this Policy:

(a) protection of identity (confidentiality);

(b) protection from reprisal or detrimental acts or omissions;

(c) compensation and remedies available under the Act; and

(d) immunity from civil and criminal liability.

5.2 How will the College ensure confidentiality?

5.2.1 An Eligible Whistleblower may choose to remain anonymous when making a report, over the course of the investigation and after the investigation is finalised.

5.2.2 Where an Eligible Whistleblower chooses to disclose his or her identity, the College will treat such information and the report and disclosure, as well as all information acquired in the process of investigating the report and disclosure, with the strictest confidence and to the fullest extent possible. All such information will be stored securely and access will be limited to authorised personnel.

5.2.3 Subject to compliance with legal requirements, the identity of an Eligible Whistleblower or any information that is likely to lead to his or her identification shall only be disclosed with his or her prior consent or otherwise in the circumstances referred to below.

5.2.4 In limited circumstances, the College may need to disclose an Eligible Whistleblower's identity without their consent to the following third parties:

(a) the College's legal practitioner for the purpose of obtaining legal advice;

(b) ASIC, APRA or the Australian Federal Police (AFP);

(c) the disclosure is authorised under the Act.

5.3 Protection from detrimental acts or omissions

5.3.1 The College will not tolerate any detrimental conduct perpetrated on an Eligible Whistleblower. Detrimental conduct includes but is not limited to:

(a) dismissal;

(b) harm or injury, including psychological harm;

(c) alteration of position or duties to that person's disadvantage;

(d) harassment or intimidation; and

(e) damage or threats to property, reputation, business or financial position.

5.3.2 This protection will apply even when it is subsequently determined that a report was mistakenly made or not substantiated. It will also apply to individuals conducting, assisting or participating in an investigation.

5.3.3 If a person is found to have perpetrated detrimental conduct because of a report that will be grounds for disciplinary action, up to and including dismissal. It may also be subject to criminal or civil penalties.

5.3.4 An Eligible Whistleblower who believes he or she has experienced detrimental conduct as a result of making a report should promptly report that conduct to a person referred to in Clause 4.5 or to an external body under the Act. That report will be treated as a report of Disclosable Conduct in accordance with this Policy.

5.4 False reports

5.4.1 The making of a knowingly false report of Disclosable Conduct will be grounds for disciplinary action, up to and including dismissal.

6. Handling and investigating a report

6.1 How are reports investigated?

6.1.1 Where a report is made to an Eligible Recipient, the Eligible Recipient shall refer that report to the Whistleblower Protection Officer ('the WPO') who will, within five (5) business days of receipt, assess the disclosure to:

(a) determine:

i. whether the conduct reported is Disclosable Conduct; and if so

ii. whether it is of sufficient gravity to warrant investigation, and if so;

(b) refer it to the Whistleblower Investigation Team ('the WIT') for investigation.

6.1.2 In undertaking such assessment, the WPO may seek such further information as he or she shall consider appropriate.

6.1.3 If the WPO determines not to refer the report to the WIT for investigation, the WPO must promptly notify the Eligible Whistleblower of that determination, but need not give reasons.

6.1.4 The WIT shall comprise the CEO/Head of College, the Chairman of the Board and one Board director, appointed at the discretion of the Chairman of the Board. In the event that the Protected Report concerns any of those persons, the investigation shall be referred to an external investigator.

6.1.5 In investigating a report the WIT (or an external investigator, as the case may be) must:

(a) consider the report on its own merits;

(b) determine the appropriate process for the investigation. This may involve delegating the investigation to any one or more of the WIT, or referring the investigation to an external investigator;

(c) conduct the investigation fairly, objectively and in a timely manner;

(d) obtain such further information as it shall consider appropriate to properly investigate the report, including from the Eligible Whistleblower if that person's identity is known;

(e) provide any person named in the report with an opportunity to be heard in relation to the conduct complained of;

(f) keep the Eligible Whistleblower, if that person's identity is known, informed of the progress and outcome of the investigation.

6.2 Outcome of an investigation

6.2.1 At the conclusion of the investigation, a report will be prepared outlining:

(a) the finding of all relevant facts;

(b) the determination as to whether the conduct the subject of the Protected Report took place; and

(c) the action to be taken, which may include disciplinary action up to and including dismissal or reference of the Disclosable Conduct to the appropriate legal or regulatory authorities.

6.2.2 Where an Eligible Whistleblower considers that:

(a) an investigation of a report was not conducted fairly; or

(b) a determination was based on insufficient or inappropriate evidence; or

(c) any action to be taken was inappropriate;

the Eligible Whistleblower may appeal by notice in writing to the People and Culture Committee of the College Board within five (5) business days of receipt of notice of the determination of the WIT. Any action determined by the WIT to be taken in respect of the determination shall be suspended until the appeal is determined.

6.2.3 Previously unconsidered material may be presented only with the consent of the People and Culture Committee.

6.2.4 After the appeal the People and Culture Committee shall advise the Eligible Whistleblower in writing of the outcome of the appeal, but need not give reasons. Such appeal outcome shall not preclude the Eligible Whistleblower from making any further disclosures to any authority as may be permitted under the Act.

7. Communication and Reporting

7.1 Communication

7.1.1 The CEO/Head of College will be responsible to ensure the communication of this Policy both internally and externally to those persons within the scope of the Policy.

7.2 Reporting to Board of Directors

7.2.1 The CEO/Head of College will be responsible to report all reports of Disclosable Conduct as they arise to the Chair of the College's Board of Directors.

7.3 Training

7.3.1 The College shall provide all Eligible Recipients and all College staff with training in relation to whistleblower protection under this Policy.