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### Version History

Version	Date	Notes
1.0	June 2019	New CEN Policy
2.0	September 2019	WWCC Policy modification & adoption
2.1	April 2024	Policy changes and updates

## College Vision

In Christ, partnering with families in providing excellent academic and practical education, preparing students to act justly, love mercy and walk humbly before God.

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**Important related documents:**

See Safe & Supportive Environment 3 – Complaints

**Relevant Legislation:**

Corporations Act 2001 (Cth) (Part 9.4A.A.A)  
 Taxation Administration Act 1953 (Cth) (Part IVD)

**Other References:**

Safe & Supportive Environment 3 - Complaints  
 The Holy Bible, New International Version 1984, International Bible Society, Zondervan, Korea

## 1. INTRODUCTION

Protections for whistleblowers under the Corporations Act 2001 are effective from 1 July 2019; however, the disclosures may be about matters that occurred prior to that date.

The protections relate only to reports made in specific circumstances by 'eligible whistleblowers'. It is very important that people wishing to make a report understand the criteria, which attract the protections under the Act. There are set out in this document. Potential whistleblowers are advised to also seek independent legal advice.

Where the provision of the Act is met, a whistleblower cannot be subjected to any criminal, civil or administrative liability for making the disclosure, even if it constitutes a breach of contract.

Wagga Wagga Christian College expects a high level of compliance with the professional and ethical requirements upon all staff. Its continuing professional learning (CPL) processes aim to equip staff to understand their duties and responsibilities; and to support staff to carry out their duties with integrity.

The College seeks to be transparent and accountable in its activities. Therefore, it aims to foster a culture of compliance where staff are encouraged to report matters of non-compliance without fear of victimisation or other retribution. All staff and all volunteers are expected to report breaches of general law, College policy, Codes of Conduct or other generally recognised principles of ethics.

Personal staff grievances do not fall within this policy. The Staff Grievances policy sets out how staff may address personal matters.

Eligible whistleblowers, in reporting non-compliance under the provisions of this policy, i.e. that may cause harm to individuals, or financial or other loss to the College, or damage to its reputation, assist in maintaining the College's standards and in protecting its reputation.

ASIC considers a strong and effective whistleblower policy to be an important feature of open and transparent governance.

## 2. CHRISTIAN RATIONALE

The core business of the College, of educating children and young people in a safe and supportive environment, is conducted through relationships. Therefore, a high value is placed on maintaining and protecting relationships within the College community. Genuine Christian love for one another will direct people to resolve differences swiftly; and to protect others from harm as a result of their own actions or the actions of others.

The College's policies and procedures guide decisions and actions, which will promote and safeguard the College's vision and mission through sound practice. The staff employment agreement requires all staff to maintain compliance with the College's policy; and to exemplify godly living to students and other stakeholders.

The College recognises that we live in a fallen world; and that people make mistakes, or exercise wrong choices, which impacts others, sometimes seriously. The College's processes aim to assist management and individuals to address and rectify issues: also with the goal of humble restoration and support of the person who erred. *'Brothers and sisters, if someone is caught in a sin, you who live by the Spirit should restore that person gently. But watch yourselves, or you also may be tempted.'* Galatians 6:1 (NIV)

Christians are called to live in the light. Where current safeguards of compliance have failed, or have not identified wrongdoing within the College, the College recognises that whistleblowers are important in bringing such actions into the light. *'For you were once darkness, but now you are light in the Lord. Live as children of light (for the fruit of the light consists in all goodness, righteousness and truth) and find out what pleases the Lord. Have nothing to do with the fruitless deeds of darkness, but rather expose them. . . Be very careful, then, how you live – not as unwise but as wise, making the most of every opportunity, because the days are evil. Therefore, do not be foolish, but understand what the Lord's will is'*. Ephesians 5:8-11; 15-17 (NIV)

The whistleblower provisions support the College's commitment to honour God in every part of its governance and operations; and to work towards continual improvement the College shall investigate all reports of misconduct or wrongdoing and take necessary action. Where misconduct results in regulatory or legislative breaches, the College complies with the requirements of the law. *'Let everyone be subject to the governing authorities, for there is no authority except that which God has established'*. Romans 13:1 (NIV)

The College seeks the wellbeing and integrity of all its employees, stakeholders and students as people made in the image of God, and for His glory; and to supporting them in their faith and Christian walk. *'Do your best to present yourself to God as one approved, a worker who does not need to be ashamed and who correctly handles the word of truth'*. 2 Timothy 2:15 (NIV)

### 3. PURPOSE OF THIS DOCUMENT

This document sets out how a whistleblower can be protected from detriment if they make a report of wrongdoing by the College or a related body corporate of the College, or an employee or an officer of one of these entities.

Protections under the Act apply ONLY when:

- An *'Eligible Whistleblower'* makes a *'Disclosure'* of wrongdoing by the College or a related body corporate of the College, an employee or officer of the College to an *'Eligible Recipient'*.

(See Definition for explanation of these terms).

All other matters are handled through:

- the Complaints Framework
- the Child Protection Framework
- WHS policies
- other College policies

This document sets out the policy of Wagga Wagga Christian College in meeting the provisions for the protection of whistleblowers.

It is not to be used for trivial, vexatious or knowingly false reports.

#### 4. DEFINITIONS

*See also Definitions in Safe & Supportive Environment Framework 3 Complaints 3-1 Complaint Management)*

*Note:* Whistleblower protections only apply when all the conditions prescribed by legislation are met. These are explained in this document.

**ATO** – Australian Tax Office

**ASIC** – Australian Securities and Investment Commission

**CPL** – Continued Professional Learning

**Detriment** – as a result of actual or suspected whistleblower disclosure (not some other reason): includes dismissal, disciplinary action, harassment, discrimination and disadvantage in employment; as well as discrimination or threats, physical and psychological harm; damage to property, reputation, business or financial position; or any other unfavourable treatment connected with making a report.

**Eligible Recipient** – disclosures can only be made to certain persons according to the Act.

**NESA** – New South Wales Education Standards Authority

**Regulated Entity** – includes public companies; Wagga Wagga Christian College is a Public Company (therefore a Regulated Entity).

**The College** – Wagga Wagga Christian College

**Vexatious Complainant** – unreasonably persistent; or because of the frequency or nature of the complaint, hinders consideration of their, or other people's complaints.

**Whistleblower** – a person with insider knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within the College.

**Whistleblower protections** – provisions under the Act which enable a whistleblower to come forward to report misconduct without fear of retribution or personal detriment. To qualify for protections, the whistleblower *must have reasonable grounds* to suspect the information they disclose is indicative of misconduct, an improper state of affairs or circumstances, or a breach of law.

**Eligible whistleblower** – protections only apply to:

- A current or former officer or employee of the College
- A current or former contractor or supplier to the College, and their employees
- A current or former volunteer at the College, and associates of the College.
- A relative or dependant of any of the above categories of persons;

AND who, whether anonymously or not, makes, attempts to make or wishes to make a qualifying disclosure. (See below)

**A qualifying 'Disclosure'** – (in the context of this policy) – wrongdoing by the College or related body corporate of the College, or an officer or employee of the College, such as an improper state of affairs or circumstances relating to:

- Breaches of particular legislation in corporate, financial and credit sections
- Breaches of Commonwealth legislation which may be punishable by imprisonment of 12 months or more
- Behaviour which represents danger to the public or to the financial system;

Such as:

- Corrupt conduct
- Fraud or theft
- Official misconduct
- Maladministration
- Harassment or unlawful discrimination
- Serious and substantial waste of public resources
- Practices endangering the health or safety of the staff, students, volunteers, or general public
- Practices endangering the environment

*NB:* This does not include a complaint or grievance where the complainant is personally treated poorly. (See Complaints 3-2 Staff Grievances)

## 5. POLICY

### 5.1 General

- a) The College is committed to a responsive and effective complaints management process; and to addressing issues as they arise.
- b) The College is committed to continual improvement of its services and systems; and therefore values the feedback of its stakeholders.
- c) The College seeks to promote a culture of compliance with the requirements of:
  - Legislation and regulators;
  - Professional and ethical standards; and
  - Christian witness and lifestyle,
- d) The College expects all staff members, volunteers and contractors who have reasonable grounds to suspect wrongdoing, or non-compliance, to report such matters to their immediate coordinator, or a member of the College executive, through the complaints processes.  
(See Complaints Framework and relevant procedures).

### 5.2 Whistleblower Policy

- a) The College shall maintain a Whistleblower Program to protect eligible whistleblowers who wish to make a qualifying disclosure.
- b) The College shall not bring any detrimental action against a person who makes a report under this policy.
- c) The College shall treat any retaliatory action or victimisation as reprisal for a report being made as serious misconduct by a staff member, which will result in disciplinary action, which may lead to dismissal.
- d) The College shall protect the identity of whistleblowers through access to files limited to authorised personnel only.
- e) Unauthorised disclosure of information relating to a report, the identity of the reporter, or from which the identity of a reporter may be inferred will be regarded as a serious breach which may lead to disciplinary action.
- f) The College offer support to persons making or named in a whistleblower report.
- g) The College shall make this policy available to stakeholders on its website, on the College's computer system, and upon request by stakeholders.

### 5.3 Staff Training

- a) Staff training, including induction of new staff, includes:
  - A clear understanding of professional behaviour expected by the College eg: Staff Code of Conduct.
  - Professionalism – competency, integrity, care, ethics, conscientiousness
  - Complaints handling procedures
- b) Staff shall be trained in complaints handling procedures, including the provision of the Whistleblower Policy.
- c) Staff identified as Eligible Recipients of disclosures shall be trained in the requirements and responsibilities of their position.

## 6. WHISTLEBLOWER PROGRAM

**Note:** *It is important for potential reporters to understand the conditions under which whistleblower protections apply. These are set out in this document and should be followed carefully.*

*Whistleblowers are advised to seek legal counsel about their personal circumstances and the protections applying to them: especially if they are considering making public interest or emergency disclosure.*

### 7.1 Purpose of the Whistleblower Program

The purpose of this program is to:

- a) Enable current or former staff, officers, volunteers and contractors to report non-compliance without fear of detriment.
- b) Enable the College to handle reports from whistleblowers in a way that will protect the identity of the whistleblower; and to provide for the secure storage of the information provided
- c) Establish protection of whistleblowers against reprisal by any person internal or external to the College.
- d) Help to ensure that the school maintains the highest standards of ethical behaviour and professional practice.

### 7.2 Who may make a Whistleblower Report

'Eligible Whistleblowers' under the corporations Act include the following persons only:

- A current officer, employee, volunteer or contractor (or their employees) working for Wagga Wagga Christian College
- A former officer, employee, volunteer or contractor (or their employees) working for Wagga Wagga Christian College
- Current or former directors or secretaries of a related body corporate to the College, if applicable
- The spouse, dependent or other relative of a current or former officer, employee, volunteer or contractor of the College

(Other persons should report any issues or concerns through the College's Complaints procedures. See website or inquire through the College).

### 7.3 What may be reported under the ‘Whistleblower Act’

*Note:* The whistleblower MUST have ‘reasonable grounds’ to suspect their disclosure concerns misconduct or an improper state of affairs or circumstances, where an officer, employee, volunteer, or contractor of the school has:

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

Examples may include:

- Corrupt conduct
- Fraud or theft
- Official misconduct
- Maladministration
- Harassment or unlawful discrimination
- Serious and substantial waste of public resources
- Practices endangering the health or safety of the staff, volunteers, or general public.
- Practices endangering the environment

*NB:* Whistleblower provisions do not include a complaint or grievance where the complainant is personally treated poorly. (See: Complaints Framework: Staff Grievances)

### 7.4 Who can receive a Whistleblower Report

Under the protections of the Act, ‘qualifying disclosures’ must be reported to an ‘Eligible Recipient’ only. For Wagga Wagga Christian College, ‘eligible recipients’ are (unless you believe this person to be implicated in the subject of your disclosure)

Eligible Recipients for Whistleblower Disclosures	Person or Agent Authorised by Wagga Wagga Christian College Board
Principal	
Heads of School	
Business Manager	
Board Chair	
An external person or agency nominated by the Board	<i>(none at this time for Wagga Wagga Christian College)</i>
The auditor of the College	Bush and Campbell Accountants, Wagga Wagga
Duly constituted legal authorities responsible for the enforcement of the law in the relevant area Corporations law	ASIC
Tax related disclosures	Australian Tax Office, a tax agent; or BAS agent

*Note:* The Australian Charities and Not-for-Profits Commission (ACNC) is NOT an eligible recipient and therefore whistleblower protections do not apply.

### 7.5 How to make a Whistleblower Report



- a) Reports may ONLY be made, or directed to an 'Eligible Recipient'
- b) Reports may be made in person, by phone or in writing. The person to whom you disclose can help you to make a written statement.
- c) Reports can be made anonymously if preferred. The written report should be sent in a sealed envelope marked 'Confidential', and addressed to the Principal, or to the Business Manager.
- d) Reports to ASIC or the ATO can be made through their online forms.
- e) The Report should contain as much detail as possible of:
  - The alleged breach – what happened.
  - The person, or persons, responsible for the breach
  - Information for believing that a breach has occurred and has been committed by the person named.
  - The nature and whereabouts of any further evidence to substantiate the allegations, if known.

## 7.6 Reporting Anonymously

Disclosures may be made anonymously. Reporters should be aware that:

- Maintenance of anonymity may reduce the likelihood that the alleged breach can be substantiated in subsequent investigation.
- Where anonymity has been requested the whistleblower is also required to maintain confidentiality regarding the issue; and to refrain from discussing the matter with any unauthorised persons.
- Anonymity may be overridden by legal processes, if required.

## 7.7 Emergency and public interest disclosures

Eligible whistleblowers are also protected when making an emergency, or public interest disclosure, if:

- a) They have previously made a report consistent with this policy
- b) At least 90 days has passed since they made that report; AND they have no reasonable ground to believe that action has been taken to address the concern.
- c) Further information has come to light
- d) They reasonably believe that:
  - i. The information concerns either a substantial and imminent danger to the health and safety of people or the 'natural environment'; or
  - ii. It would be in the 'public interest to do so'.
- e) They have given written notice to the recipient of the report of their intention to make a public interest or emergency disclosure; and
- f) The public interest or emergency disclosure is made to a Member of Parliament or to a journalist.

## 7.8 Protections for Whistleblowers under the law

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

- The whistleblower is entitled to protections commencing from when they report their concerns to an eligible recipient.
- They are provided with immunity from civil, criminal, or administrative liability for protected disclosures; and
- No contractual or other rights or remedies may be enforced against them because of the report.

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

It is important for whistleblowers to understand that failure to meet all the criteria may leave them open to being sued or sacked.

*Note:* Whistleblower protections DO NOT APPLY to reports solely about a personal workplace grievance.

- a) Protections under the Act relate to: 'Eligible' whistleblowers reporting 'Qualifying Disclosures' relating to a 'Regulated Entity' or a 'Related Party' to the 'Regulated Entity' and made to an 'Eligible Recipient'.
- b) Protections apply to certain public interest or emergency disclosures if a whistleblower goes public with concerns.
- c) It is an offence for another person to reveal the identity of the whistleblower, or information likely to lead to their identification, without their consent.
- d) It is an offence for another person to victimise the whistleblower for his or her disclosure.
- e) Whistleblowers have access to compensation and remedies if they suffer detriment.
- f) Whistleblowers will not be liable for the costs of legal proceedings for compensation or any other remedy, unless the whistleblower sues vexatiously or without reasonable cause.

## 7.9 Protections in the College

- a) The College shall maintain the confidentiality of the identity of the whistleblower.
- b) The whistleblower's identity shall only be revealed:
  - With consent of the whistleblower
  - Subject to legal requirements – eg: reported to ASIC, or the Australian Federal Police;
  - If the concern is raised with a lawyer for the purpose of legal advice or representation.
- c) Information provided to the College shall be kept confidential. Records shall be securely filed; with access limited to authorised persons only.
- d) The College shall not take disciplinary action, or engage any other employment-related disadvantage, toward a whistleblower for the act of making such a report, where the requirements of the Act are met.
- e) The College shall provide additional support for the person where necessary.
- f) Any eligible whistleblower who believes they have been subject to detrimental treatment as a result of making a report under this policy should inform the person to whom they made the disclosure, or the Principal or the Board Chair, immediately.

- g) The College shall take disciplinary measures against another person who reveals the identity of the whistleblower, or who victimises them for the disclosure. These actions are also offences under the Act.

### 7.10 Offences Under the Act

Significant penalties apply for corporations and/ or individuals for contraventions of whistleblowers 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 College's lawyer, without the whistleblower's consent.
- b) Victimise, threaten or cause 'detriment' (see definitions) to a whistleblower because of their disclosure; or because of an assumed disclosure.
- c) Fail to prevent an employee from victimising, 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.

### 7.11 Response to a Disclosure

- a) The Principal, or another 'Eligible Recipient' of that report, shall examine the information to assess if it meets the requirements of a qualifying disclosure under the Act.
- b) The College should seek appropriate legal advice, including notification to the College's insurer.
- c) The determination may be that:
  - i. The concern is unquestionably 'trivial or fanciful'; and they may dismiss the allegation and notify the person making the allegation of their decision.
  - ii. The matter is neither 'trivial nor fanciful' and the Principal ensures that the allegation is investigated, a finding is made and the person making the allegation is informed of the finding.
  - iii. The matter is neither 'trivial nor fanciful'; and the Principal refers it to an external agency or regulator for investigation.
  - iv. The concern does not fit into the matters covered by the 'Whistleblowers Act'; but may be dealt with under the College's complaints procedures.
- d) The Principal (or Board chair, if the matter involves the Principal), shall be responsible for ensuring that an investigation is established and adequately resourced – whether an external or internal investigation.

### 7.12 Internal Investigation

See *also*: the investigation Procedure

- a) Notes about investigations:
  - i. Principles of procedural fairness (natural justice) will be observed in any investigation.
  - ii. The identity of the person making the report shall remain confidential.

- iii. The person or persons conducting the investigation, as far as possible, shall be independent and unbiased.
- iv. The absence of supporting evidence will be considered in deciding whether to investigate the matter. Absence of evidence is not an absolute bar to investigation, depending on the matter of concern.
- v. Persons named in a subject of a report shall be treated fairly throughout the investigation.

b) Investigation Process

If an internal investigation is to be conducted by the College:

- i. Terms of reference for the investigation will be set to clarify key issues to be investigated.
- ii. An investigation plan will be developed to ensure all relevant questions are addressed (in proportion to the seriousness of the allegation); and sufficient resources allocated.
- iii. The investigation shall be conducted as quickly and thoroughly as possible.
- iv. Strict confidence will be maintained during the investigative process.
- v. Any person implicated in the subject matter of the report shall be given an opportunity to respond to any allegations against them (but do not have to respond).
- vi. All information obtained will be properly secured to prevent unauthorised access.
- vii. All relevant witnesses will be interviewed; and documents examined.
- viii. Contemporaneous notes of all discussions, phone calls and interviews will be made.
- ix. Interviews may be taped if appropriate; and with the full consent of all parties.

c) Findings of an Investigation

A report will be prepared when an investigation is complete.

This report will include:

- i. The allegations
- ii. The statement of all relevant findings of fact, plus evidence relied upon in conclusions
- iii. Conclusions reached as a result of the investigation (including damage caused/impact on the organisation or other affected parties) and their bias
- iv. All supporting material annexed
- v. Recommendations based on those conclusions to address any wrongdoing identified and any other matters arising during the investigation.

d) Following an Investigation

- i. The report will provided to the person making the allegation (with, if necessary, any applicable confidentiality stipulations).
- ii. The report shall be provided to the Board, which may make further recommendations.
- iii. Regulators shall be notified as necessary.
- iv. The College shall take such actions/to rectify the situation as soon as possible.
- v. Disciplinary action may be taken in respect of other staff implicated in the matter reported.
- vi. Review the effectiveness of policy and procedures.

- vii. A register shall be maintained of Whistleblower Disclosures, which shall include appropriate action taken in a reasonable timeframe.
- viii. If the allegations are determined to be not substantiated, documents relating to the investigation will be securely stored; and the outcome logged in the Register.

**7. EVIDENCE OF COMPLIANCE**

POL REF	EVIDENCE of COMPLIANCE
6.3	Staff training – PD week; new staff Induction programs
	Eligible Recipients – requirements & responsibilities
7.2; 7.3; 7.4	Assurance that the disclosure meets requirements for protections under the Act
7.5	Report or evidence of disclosure
7.6; 7.7; 7.8; 7.9	Arrangements to ensure protections
	Additional support arranged for whistleblower/ others involved in disclosure
	Legal/ other advice sought by College
	Notifications/ reports to Board/ ASIC etc
7.12	Investigation Plan
	Witness statements
	Evidence/ records supporting or refuting disclosure
	Confidential file notes and files
	Report from Investigation
	Actions recommended + pursued
	Correspondence/ findings of investigation to whistleblower
	Final report to regulators, as required
	Feedback from regulators/ response
	Confidential files; Register of Whistleblower reports (secure server site)