



WHISTLEBLOWER POLICY

<p>College Statement</p>	<p><i>Brigidine College Indooroopilly is a Kildare Ministries Independent Catholic Girls Secondary College for students from Year 7 to Year 12. The College is committed to the Brigidine vision of transformation of society through faith and learning. It has a proven record of providing quality and affordable education for the empowerment of young women. The College strives, in the spirit of Brigid, to build a true community of students, parents and teachers, reflecting gospel values. The College motto, Fortiter et Suaviter (Strength and Gentleness) is lived daily in all interactions. There is an emphasis on the individual and the common good in all aspects of College life.</i></p>		
<p>Date Approved</p>	<p>28 November 2022</p>	<p>Policy Owner</p>	<p>College Board</p>
<p>Next Review Due</p>	<p>September 2025</p>	<p>Author</p>	<p>Risk and Compliance</p>
<p>Scope</p>	<p>An eligible whistleblower is an individual who is, or has been, any of the following in relation to the College:</p> <ul style="list-style-type: none"> • an officer or employee, board member, committee member, volunteer, contractor • a supplier of services or goods to the entity (whether paid or unpaid), including their employees • an associate of the entity • a relative, dependant or spouse of any of the above. 		
<p>References</p>	<ul style="list-style-type: none"> • Privacy Policy • Student Protection Processes and Guidelines • Grievance Policy • Complaints Policy – Parents/Carers, Students • Kildare Ministries • Corporations Act 2001 		
<p>Contact</p>	<p>office@brigidine.qld.edu.au</p>		

WHISTLEBLOWER POLICY



1. Introduction

This policy outlines the manner in which whistleblower disclosures will be managed by Brigidine College Indooroopilly in accordance with the requirements of the *Corporations Act 2001*.

2. Purpose

The purpose of this policy is to:

- a) ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.
- b) ensure disclosures are dealt with appropriately and on a timely basis.
- c) provide transparency around the College's framework for receiving, handling and investigating disclosures.
- d) encourage more disclosures of wrongdoing.
- e) help deter wrongdoing.

The rationale for the policy is to:

- a) support the College's values, code of conduct and/or ethics policy.
- b) support the College's long-term sustainability and reputation.
- c) meet the College's legal and regulatory obligations.
- d) align with best practice governance principles and standards.

3. Eligible whistleblowers

An eligible whistleblower is an individual who is, or has been, any of the following in relation to the College:

- a) an officer or employee, board member, committee member, volunteer, contractor.
- b) a supplier of services or goods to the entity (whether paid or unpaid), including their employees.
- c) an associate of the entity.
- d) a relative, dependant or spouse of any of the above.

A discloser qualifies for protection as a whistleblower under the *Corporations Act 2001* if they are an 'eligible whistleblower' in relation to BCI and:

- a) they have made a disclosure of information relating to a 'disclosable matter' directly to an 'eligible recipient' or to the Australian Securities and Investment Commission (ASIC), the Australian Prudential Regulation Authority (APRA) or another Commonwealth body prescribed by regulation.
- b) they have made a disclosure to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the *Corporations Act 2001*.
- c) they have made an 'emergency disclosure' or 'public interest disclosure'.

4. Matters covered by the policy

1. Disclosable matters involve information that the discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances¹, in relation to:
 - a) Brigidine College Indooroopilly;
 - b) a related body corporate of the College.
2. Disclosable matters also involve information about the College or related body corporate, if the discloser has reasonable grounds to suspect that the information indicates these entities (including their employees or officers) have engaged in conduct that:
 - a) constitutes an offence against, or a contravention of, a provision of any of the following:
 - i. The *Corporations Act 2001*
 - ii. the *Australian Securities and Investments Commission Act 2001*
 - iii. the *Banking Act 1959*
 - iv. the *Financial Sector (Collection of Data) Act 2001*
 - v. the *Insurance Act 1973*
 - vi. the *Life Insurance Act 1995*
 - vii. the *National Consumer Credit Protection Act 2009*
 - viii. the *Superannuation Industry (Supervision) Act 1993*
 - ix. an instrument made under any of the above Acts.

¹ The term 'misconduct' is defined in the Dictionary, s9 of the *Corporations Act 2001* to include 'fraud, negligence, default, breach of trust and breach of duty'. The phrase 'improper situation or circumstances' is not defined.

- b) constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more.
- c) represents a danger to the public or the financial system.
- d) is prescribed by regulation.

Examples of disclosable matters include:

- a) illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- b) fraud, money laundering or misappropriation of funds;
- c) offering or accepting a bribe;
- d) financial irregularities;
- e) failure to comply with, or breach of, legal or regulatory requirements;
- f) 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.

'Reasonable grounds' means that a reasonable person in the discloser's position would also suspect the information indicates misconduct or a breach of the law.

5. Personal Work-Related Grievances

Disclosures that relate solely to personal work-related grievances, and that do not relate to detriment or threat of detriment to the discloser, **do not qualify for protection** under the *Corporations Act 2001*.

1. Personal work-related grievances are those that relate to the discloser's current or former employment and have, or tend to have, implications for the discloser personally, but do not:
 - a) have any other significant implications for the entity (or another entity);
 - b) relate to any conduct, or alleged conduct, about a disclosable matter as set out above.
2. Examples of grievances that may be personal work-related grievances include:
 - a) an interpersonal conflict between the discloser and another employee;
 - b) decisions that do not involve a breach of workplace laws:
 - i. about the engagement, transfer or promotion of the discloser;
 - ii. about the terms and conditions of engagement of the discloser;
 - iii. to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

6. Other Disclosures/Complaints

- a) Disclosures relating to Student Protection may also be made using the College's Student Protection Processes and Guidelines.
- b) General Grievances by Parents/Carers/Students may be made utilising the Complaints Policy – Students/Parents/Guardians.
- c) Complaints regarding Board members may refer to the [Kildare Ministries Whistleblower Policy](#).

7. Eligible Recipients, Seeking Advice

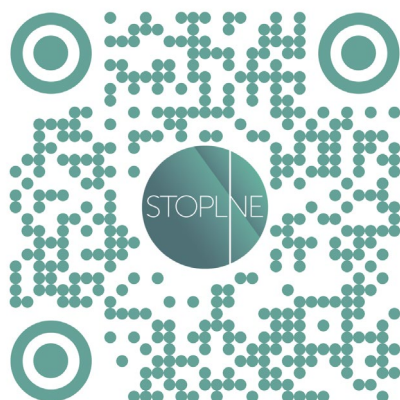
1. The following staff members are responsible for:

- a) acting as a contact point where employees can seek accurate and confidential advice or information about the operation of this policy;
- b) receiving disclosures from disclosers;
- c) protecting or safeguarding disclosers and ensuring the integrity of the reporting mechanism;
- d) investigating disclosures.

Eligible Receiver Name*	Position	Phone Number
Brendan Cahill	Principal	07 3002 0614 / 0414 794 052
Claudia Mathews	Business Manager	07 3002 0613
Robyn Killoran	Board Chair	0417 781 641

* All College Leadership Team members and Board members are trained to receive disclosures.

2. The College has partnered with Stopline to provide an external Whistleblower Hotline Service. Having an externally managed disclosure service enables individuals with concerns about inappropriate workplace behaviour, fraud, corruption and other issues to raise their concerns outside the College. To find out more visit <https://bci.stoplinereport.com>



Information and Reporting QR Code

3. Disclosures to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the *Corporations Act 2001*.
4. Disclosures of information relating to disclosable matters can be made to ASIC, APRA or another Commonwealth body prescribed by regulation and qualify for protection under the *Corporations Act 2001*. For example, see ASIC [Information Sheet 239 How ASIC handles whistleblower reports](#).
5. Other staff members eg Risk and Compliance/Human Resources, may offer information regarding this policy however, *are not eligible recipients*, and are not able to offer any advice and are not to receive any disclosures.

8. External Reporting Entities

If necessary, Whistleblowers may also report their concerns to:

- an auditor of Brigidine College;
- the Australian Taxation Commissioner or a registered tax agent or BAS agent (in the case of tax related matters only);
- the ASIC;
- the APRA;
- the Australian Federal Police; or
- a legal practitioner (where the disclosure is made for the purpose of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act).

An Eligible Whistleblower who makes a Protected Disclosure in circumstances in which each of the following criteria is satisfied:

- a) at least 90 days have passed since the Protected Disclosure was made;
- b) the Eligible Whistleblower does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the Protected Disclosure related;
- c) the Eligible Whistleblower has reasonable grounds to believe that making a further disclosure of the information would be in the public interest;
- d) after 90 days has passed, the Eligible Whistleblower gave written notice to the College that included sufficient information to identify the initial Protected Disclosure, and stated the Eligible Whistleblower's intention to make a public interest disclosure;
- e) the public interest disclosure is made to either a member of Parliament or a journalist (as defined in the Corporations Act); and
- f) the extent of the information disclosed in the public interest is no greater than necessary to inform the member of Parliament or the journalist of the Reportable Conduct as defined in this Policy, then the disclosure to the member of Parliament or the journalist will qualify as a Protected Disclosure (known as a public interest disclosure).

The Act also provides additional protections in relation to Reportable Conduct concerning a substantial and imminent danger to the health or safety of one or more persons or to the natural environment (known as an emergency disclosure). An Eligible Whistleblower who believes this to be the case should notify the Eligible Recipient when making their Report.

The College recommends seeking independent advice before making a public interest disclosure or an emergency disclosure.

Any person making a report in accordance with this policy should be informed that:

- as far as lies in the College's power, the employee will not be disadvantaged or victimised for making such a report;
- if the Whistleblower wishes to make their report anonymously, their wish shall be honoured except insofar as it may be overridden by due process of law; and
- reporting such a breach does not necessarily absolve the Whistleblower from the consequences of any involvement on their own part in the misconduct complained of.

This policy outlines the manner in which whistleblower disclosures will be managed by Brigidine College Indooroopilly in accordance with the requirements of the *Corporations Act 2001*.

9. How to make a disclosure

1. A disclosure may be made anonymously and/or confidentially, securely and outside of business hours.
2. A disclosure may be made to individuals/organisations outlined in sections 7 and 8.
3. A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. A discloser can refuse to answer questions that they feel could reveal their identity during follow-up conversations.
4. A discloser may choose to adopt a pseudonym for the purposes of their disclosure, and not use their true name. This may be appropriate in circumstances where the discloser's identity is known to their supervisor, and staff member receiving the disclosure, but the discloser prefers not to disclose their identity to others.
5. If a disclosure comes from an email address from which the person's identity cannot be determined, and the discloser does not identify themselves in the email, it will be treated as an anonymous disclosure.

10. Legal protections for disclosures

1. A person cannot disclose the identity of a discloser or information that is likely to lead to the identification of the discloser (which they have obtained directly or indirectly because the discloser made a disclosure that qualifies for protection).

The exception to this is if a person discloses the identity of the discloser:

- a) to ASIC, APRA, or a member of the Australian Federal Police (within the meaning of the *Australian Federal Police Act 1979*); or
 - b) to a legal practitioner (for the purposes of obtaining legal advice or legal representation about the whistleblower provisions in the *Corporations Act 2001*); or
 - c) to a person or body prescribed by regulations; or
 - d) with the consent of the discloser.
2. A person can disclose the information contained in a disclosure without the discloser's consent if:
- a) the information does not include the discloser's identity; and
 - b) the entity has taken all reasonable steps to reduce the risk that the discloser will be identified from the information; and
 - c) it is reasonably necessary for investigating the issues raised in the disclosure.
3. It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser, outside the exceptions listed above. A discloser may lodge a complaint about a breach of confidentiality, including to ASIC and APRA.
4. To ensure confidentiality:
- a) all paper and electronic documents and other materials relating to disclosures are stored securely; and
 - b) all information relating to a disclosure can only be accessed by those directly involved in managing and investigating the disclosure; and
 - c) only a restricted number of people who are directly involved in handling and investigating a disclosure are made aware of a discloser's identity or information that is likely to lead to the identification of the discloser; and
 - d) communications and documents relating to the investigation of a disclosure are not sent to an email address or to a printer that can be accessed by other staff; and
 - e) each person who is involved in handling and investigating a disclosure is reminded that they should keep the identity of the discloser and the disclosure confidential and that an unauthorised disclosure of a discloser's identity may be a criminal offence.
5. Detriment to discloser or other person

A person cannot engage in conduct that actually causes detriment to a discloser (or another person), or threatens to cause detriment to a discloser or another person in relation to a disclosure, if:

- a) the person believes or suspects that the discloser (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for protection; and

b) the belief or suspicion is the reason, or part of the reason, for the conduct.

In addition, a person cannot make a threat to cause detriment to a discloser (or another person) in relation to a disclosure. A threat may be express or implied, or conditional or unconditional.

Examples of detrimental conduct include:

- a) dismissal of an employee;
 - b) injury of an employee in his or her employment;
 - c) alteration of an employee's position or duties to his or her disadvantage;
 - d) discrimination between an employee and other employees of the same employer;
 - e) harassment or intimidation of a person;
 - f) harm or injury to a person, including psychological harm;
 - g) damage to a person's property;
 - h) damage to a person's reputation;
 - i) damage to a person's business or financial position;
 - j) any other damage to a person.
6. A discloser (or any other employee or person) can seek compensation and other remedies through the courts if:
- a) they suffer loss, damage or injury because of a disclosure.
 - b) the entity failed to prevent a person from causing the detriment.
7. A discloser is protected from any of the following in relation to their disclosure:
- a) civil liability (e.g. any legal action against the discloser for breach of an employment contract, duty of confidentiality or another contractual obligation);
 - b) criminal liability (e.g. attempted prosecution of the discloser for unlawfully releasing information, or other use of the disclosure against the discloser in a prosecution (other than for making a false disclosure)
 - c) administrative liability (e.g. disciplinary action for making the disclosure).
8. The protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.
9. A discloser will not be protected for reporting a disclosure that they know to be false. A discloser must have reasonable grounds to suspect that the disclosure is true.

11. Support and practical protection for disclosures

The College will support disclosers and protect disclosers from detriment implementing:

- a) processes for assessing the risk of detriment against a discloser and other persons (e.g. other staff who might be suspected to have made a disclosure) as soon as possible after receiving a disclosure.
- b) support services (including counselling – refer to the College’s Employee Assistance Program).
- c) strategies to help a discloser minimise and manage stress, time or performance impacts, or other challenges resulting from the disclosure or its investigation.

12. Handling and investigating a disclosure

1. Each disclosure will be assessed to determine whether:
 - a) it falls within the College’s policy; and
 - b) an investigation is required.
2. Determination will need to be made as to:
 - a) the nature and scope of the investigation; and
 - b) the person(s) within and/or outside the College that should lead the investigation; and
 - c) the nature of any technical, financial or legal advice that may be required to support the investigation; and
 - d) the timeframe for the investigation.
3. It is acknowledged that an investigation may not be able to be undertaken if the discloser is not able to be contacted (e.g. if a disclosure is made anonymously and the discloser has refused or omitted to provide a means of contacting them).
4. Without the discloser’s consent, information that is contained in a disclosure cannot disclose as part of its investigation process—unless:
 - a) the information does not include the discloser’s identity; and
 - b) the entity removes information relating to the discloser’s identity or other information that is likely to lead to the identification of the discloser (e.g. the discloser’s name, position title and other identifying details); and
 - c) it is reasonably necessary for investigating the issues raised in the disclosure.
5. Each disclosure will be acknowledged within a reasonable period after the disclosure is received, if the discloser can be contacted (including through anonymous channels).
6. Disclosers will be provided with updates at various stages of the investigation. Disclosers may not be provided with information about the outcome of the investigation.

7. The findings from an investigation will be documented and communicated to those responsible for oversight of the policy.

13. Ensuring fair treatment of individuals mentioned in a disclosure

Employees who are mentioned in a disclosure that qualifies for protection, including those who are the subject of a disclosure, will receive fair treatment by the College ensuring that:

- a) disclosures are handled confidentially, when it is practical and appropriate in the circumstances; and
- b) each disclosure is assessed and may be the subject of an investigation; and
- c) the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported; and
- d) an employee who is the subject of a disclosure will be advised about:
 - I. the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness, and prior to any actions being taken—for example, if the disclosure is to be the subject of an investigation or if the disclosure is serious and needs to be referred to ASIC, APRA or the Federal Police; and
 - II. the outcome of the investigation (but they will not be provided with a copy of the investigation report).

14. Ensuring the policy is easily accessible

This policy shall be placed on the College website and intranet site, new workers shall be advised via their on-boarding process. All staff will be advised of the policy annually.

15. Feedback, monitoring and review of the policy

This policy will be reviewed periodically and as required. Feedback regarding the content of the Policy may be directed to: office@brigidine.qld.edu.au.

Revision History

Document Number	Date	Revision Description	Board Approval
Version 1	2 December 2019	Original Version	2 December 2019
Version 2	29 November 2021	Updates	29 November 2021
Version 3	28 November 2022	Kildare Ministries, Stopline updates	28 November 2022

Printed copies are uncontrolled.

Adapted from the QCEC Whistleblower Policy Template 22 November 2019 and www.asic.gov.au (5 November 2021).

END OF POLICY