



Policy Number COM008

WHISTLEBLOWER PROTECTION POLICY

Rationale

1. Ormond College, including the Wade Institute, is committed to adhering to its statutory obligations, its rules and values. We are committed to providing those involved with our organisation a safe environment to raise breaches of internal rules or policy, or Disclosable Conduct relating to the organisation, employees or members.
2. In cases where people feel they need to be protected in relation to raising a matter, this Policy outlines the protections that will apply.

Policy Goal

3. The purpose of this Policy is to:
 - 3.1 Provide an understanding of what can be reported under this Policy;
 - 3.2 Demonstrate the importance Ormond College and the Wade Institute (the College) places on ensuring a safe and supportive environment where our people feel confident to raise breaches of internal rules or Disclosable Conduct relating to the organisation, its officers, employees or members;
 - 3.3 Assist to create a culture within the College that encourages our people to speak up and raise breaches of internal rules or policy, or Disclosable Conduct relating to the Organisation, its officers, employees or members;
 - 3.4 Explain the processes for reporting breaches of internal rules or policy, or Disclosable Conduct, including what happens when a person makes a report; and to
 - 3.5 Outline how an individual will be protected if they make a report.

Part I: Scope of the Policy – Conduct

4. The scope of this Policy relates to conduct which:
 - 4.1 Breaches of the organisation's internal rules and policies; and/or
 - 4.2 Is a Disclosable Matter, as defined in the Corporations Act, that may be reported to ASIC, APRA or another Commonwealth body prescribed by regulation and qualify for protection under the Corporations Act, which amounts to a suspected contravention of the law.

Part 2: Out of Scope – Complaints and grievances

5. From time to time an individual may have a Complaint in relation to service levels, policy decisions, or an employment-related grievance with another person within the organisation, which is not Disclosable Conduct or a breach of the College's rules or policies.
6. If an individual has a Complaint about a service issue or policy decision or wishes to raise a grievance issue they should speak to their manager, Executive Staff member, relevant committee or Human Resources Manager.

Part 3: Policy Guidelines

7. The following people can make a disclosure within the College:
 - 7.1 an employee or former employee of the College
 - 7.2 a member or former member (Council member) of the College
 - 7.3 an officer or former officer of the College
 - 7.4 a person who is (or was) a supplier to, or has (or had) a transaction with, the College;
 - 7.5 a person who is (or was) a supplier to, or has (or had) a transaction with, an officer or employee of the College
 - 7.6 an employee (or former employee) of a supplier or person who had such a transaction; or
 - 7.7 a lawyer on behalf of a discloser in one of the above categories

Part 4: Defining Disclosable Matters

8. 1317AA(4) of the Corporations Act defines Disclosable Matters as follows:

Disclosure of information if the discloser has reasonable grounds to suspect that the information concerns misconduct, or an improper state of affairs or circumstances, in relation to:

(a) the regulated entity; or

(b) if the regulated entity is a body corporate--a related body corporate of the regulated entity

has engaged in conduct that:

(c) constitutes an offence against, or a contravention of, a provision of any of the following:

(i) this Act;

(ii) the ASIC Act;

(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 an Act referred to in any of subparagraphs (i) to (viii);
or

(d) constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or

(e) represents a danger to the public or the financial system; or

(f) is prescribed by the regulations for the purposes of this paragraph.

9. Although Disclosable Conduct can be reported to external agencies, in many cases, if it is dealt with promptly and effectively, the organisation will be capable of dealing with the matter internally to reach an appropriate resolution.

What is (and is not) 'Disclosable Conduct'

10. Not everything that can be complained about amounts to Disclosable Conduct.

11. As defined above, Disclosable Conduct must be a suspected breach of the Corporations Act, one of the other Acts listed, or a criminal offence.

12. Examples of matters which **would** be Disclosable Conduct include:

- 12.1 A breach of an officer's duties to the organisation in relation to financial management;
- 12.2 providing false or misleading information in a document;
- 12.3 misuse of the organisation's resources;
- 12.4 unauthorised payments being made;
- 12.5 coercion to exercise or not exercise a workplace right;
- 12.6 failing to lodge required documents.

13. However, matters that (on their own) would usually not be Disclosable Conduct include:

- 13.1 complaints about the level of service received from the organisation or a particular official;
- 13.2 a difference of opinion about a policy adopted by the organisation;
- 13.3 not being elected as a workplace representative;
- 13.4 employment disputes with the person's employer (where the employer is not the registered organisation);
- 13.5 disagreeing with the decision of the organisation to donate to a particular cause.

Part 5: Reporting Disclosable Conduct

14. Every person in the College has a role and responsibility in ensuring the College is run ethically and in accordance with internal rules and policies. Where matters related to breaches of internal rules or policies or Disclosable Conduct are identified they should be raised as soon as possible. In instances where a person has concerns about making a report, reports can be made anonymously.
15. Whistleblower disclosures must be investigated.

Who can report a matter?

Officers, employees, members, suppliers

16. As outlined in paragraph 16 of this policy, all officers, employees, members and suppliers are an essential part of reporting matters to the College. It is not acceptable to 'walk past' or 'turn a blind eye' to reportable Matters.

Making a Disclosure

17. If a person becomes aware of a matter they should raise it as soon as practical with the people responsible for handling matters, outlined below. Raising a matter early allows it to be addressed in the right way by an appropriate person. An individual should not attempt to conduct any investigation personally before raising the matter as this could interfere with any future actions or, in rare cases, could put their safety at risk.
18. If a person has fears for their wellbeing, safety, or fear of reprisal as a result of raising their matter, they should mention these at the time they report the matter. The individual will be noted by the College as a Discloser, and afforded the protections outlined under this Policy, and where eligible legislative disclosure requirements are met, protected under the provisions of the Corporations Act.
19. When reporting a matter of a breach of internal rules, policy or Disclosable Conduct under this Policy, the person should provide as much information as possible. Information such as dates, times, location, individuals involved, other witnesses, physical evidence (e.g. documents, images) and any other general information may be helpful to assist the College to determine how to take appropriate action.

Who should a matter be reported to?

20. A matter can be reported to any of the following:

20.1 The Discloser's Manager or Executive Staff member

- 20.1.1 Sometimes, a suspicion of wrongdoing may arise from a misunderstanding and is not in fact wrongdoing. Accordingly, the discloser is encouraged to check with their designated official/manager or Executive Staff member to seek an immediate response as internal channels of reporting are favoured. The discloser may also wish to contact the Master.

20.1.2 Remember, in some instances, communication is restrained by confidentiality requirements or other legitimate reasons. However, where an individual believes the response to their matter raised is not appropriate, then alternative reporting mechanisms are available.

20.2 Human Resources

20.2.1 If an individual does not wish to raise the matter with their designated manager or Executive staff member, they should consider raising the matter with the relevant committee or the Human Resources (HR) manager so they can assist them in relation to the matter. Again, there are alternate reporting mechanisms available.

20.3 College Council

20.3.1 If the discloser does not feel safe, or it is not practical to raise the matter with their manager or responsible official, or the relevant committee or Human Resources manager, they may consider raising the matter with the College Council via the Chair of Council so they can provide the assistance needed in relation to the matter. Contact details for the Chair of Council can be obtained from the Master's Executive Assistant.

Part 6: What happens when a person reports Disclosable Conduct to the College?

21. Any information provided by the individual to the College may be used by the College in assessment of an investigation or other appropriate action. Examples of actions could include:
 - 21.1 a satisfactory explanation can be provided in relation to the matter
 - 21.2 the matter is resolved by speaking to one or more parties
 - 21.3 the matter is recorded and monitored going forward
 - 21.4 a decision is made to investigate (internally or via independent, external investigators);
 - 21.5 the matter is referred to another agency; or
 - 21.6 a combination of the above.
22. Where practicable, the discloser will be contacted and advised of what action will be undertaken.
23. If the College determines that the matter should be investigated, the investigation may be conducted by an external investigator appointed by the College. All investigations will be conducted in a manner that is procedurally fair, confidential, conducted without bias and in a timely manner.
24. At the end of an investigation, the discloser may be informed of the outcome of the investigation by the College. The College may in certain circumstances, whether required by law or in its discretion, inform the relevant authority of any contents of the investigation.

Part 7: How the Discloser is protected

25. Ormond College is committed to ensuring that if an individual raises a matter under this Policy they are provided support and protection from reprisal or personal or financial disadvantage because of making that report.

25.1 Confidentiality

If a breach of internal rules or policies is reported, or a concern relating to Disclosable Conduct to the College under this Policy, the discloser will have their details, and the information they provide, treated in strictest confidence. The College will only share their details on a need to know basis with those within the organisation who have a role to play in looking into the matter. In addition, there may be certain times under applicable law where the organisation is required to share their details as part of its legal obligations.

25.2 Protection

The discloser will be protected under the Corporations Act when they raise a matter relating to Disclosable Conduct within the College, just the same as they would have been if they had raised the Disclosable Conduct with an external authority. This extended protection is another reason raising matters within the College in the first instance is usually the quickest and most effective option.

25.3 Protection under the Corporations Act

The Corporations Act provides certain protections to a person who makes a disclosure that qualifies for protection, including:

25.3.1 protection of information provided by whistleblowers

25.3.2 protections for whistleblowers against legal action

25.3.3 protections for whistleblowers from detriment

25.4 To qualify as a protected disclosure, the disclosure must:

25.4.1 be made by a discloser listed in Part 3 of this Policy;

25.4.2 be about suspected Disclosable Conduct (as defined in Part 1 of this Policy, i.e. a suspected contravention of relevant Commonwealth laws);

25.4.3 be capable of being reported to an authorised recipient in a relevant government agency.

26. Importantly, the Corporations Act protects an eligible disclosure even if it is reported internally to the registered organisation. If an individual raises Disclosable Conduct within the College, they will be afforded the same protection from reprisal as if they had reported the eligible disclosure to an authorised recipient in an external agency.

Part 8: Anonymity

27. Anonymous reports of wrongdoing are accepted under this Policy and are protected under the Corporations Act. Anonymous reports may have significant limitations that inhibit a proper and appropriate inquiry or investigation. These limitations may include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation.

Part 9: False Reporting

28. While Ormond College does not wish to discourage the reporting of matters of genuine concern, anyone making a report must ensure that their reporting complies with this policy. Making false or vexatious disclosures undermines the effectiveness of this policy. A false report under this policy (including where the report has been made maliciously, vexatiously or without basis) may itself constitute misconduct. Ormond College may use disciplinary action against the person making a false or vexatious report.

Part 10: Failure to comply with this Policy

29. Any breach of this Policy may result in disciplinary action, including dismissal from the Organisation.

Part 11: Reporting Disclosable Conduct to an external agency

30. If a person's matter relates to Disclosable Conduct and it is not practical to report the matter within the Organisation in the first instance, they can report Disclosable Conduct to the relevant external agency. In such instances they must make the disclosure to one of the following:

- 30.1 a person authorised by the company or organisation to receive whistleblower disclosures
- 30.2 ASIC
- 30.3 the Australian Prudential Regulation Authority (APRA), or
- 30.4 a lawyer

While the disclosure must be made to one of these people or organisations, concerns may be made anonymously.

31. Any of these people are able to receive a disclosure from a whistleblower and using it will trigger the whistleblower process. A whistleblower is also able to give the information to their lawyer and have their lawyer contact one of the people in the above list with the information.
32. A person does not need to use the word 'whistleblower' to be protected however using it may help the agency receiving the information quickly to recognise the importance of the disclosure. The person also has no obligation to give the agency

their name or contact details, however this can have implications as to whether a disclosure is able to be properly investigated.

33. This policy will be made available to all staff via the College's intranet (The Grail) and will be posted on its external website.