

Title	Whistleblower Policy
Description of policy	Sets out processes and protections for workers that disclose Improper Conduct by other CECG workers.
Required because	CECG supports a high level of integrity among all workers and protects workers from disadvantage if they disclose improper conduct in line with this policy. This policy meets the requirements of section 1317AI of the Corporations Act.
Description of changes	New document
Applies to	<input checked="" type="checkbox"/> Organisation-wide <input type="checkbox"/> Specific <input type="checkbox"/> Staff only <input type="checkbox"/> Students only <input checked="" type="checkbox"/> Staff and certain CECG associates
Status	<input checked="" type="checkbox"/> New <input type="checkbox"/> Major revision of existing document <input type="checkbox"/> Minor revision of existing document

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Responsible officer	Governance and Policy Advisor

1. Summary	3
2. Whistleblower Policy	3
3. Who can make a whistleblower report?.....	3
4. What can be disclosed?	3
Information that is considered a whistleblower disclosure	3
Information that is not considered a whistleblower disclosure	4
5. Who can whistleblowers disclose information to?.....	4
Internal eligible recipients	4
External eligible recipients.....	5
6. Public Interest Disclosure.....	5
7. How can disclosures be made.....	5
8. Confidentiality and Anonymity	5
9. Referral and Investigation Process	6
10. Whistleblower protections	7
11. Definitions.....	7
12. Related Documents and Legislation.....	8
13. Contact.....	8

1. Summary

- 1.1 Catholic Education Archdiocese of Canberra and Goulburn (CECG) is committed to the highest standards of behaviour for its workers and operations. To support this, CECG provides a safe and effective framework where workers can raise concerns about improper behaviour without fear of detrimental treatment.
- 1.2 This policy sets out:
 - Who can be a whistleblower under CECG policy
 - What kind of matters can be disclosed by a whistleblower
 - How whistleblowers can disclose concerns about improper conduct
 - How disclosures will be handled by CECG
 - The protections granted to CECG whistleblowers
- 1.3 All CECG workers must comply with this policy.

2. Whistleblower Policy

- 2.1 No person can be subject to detrimental action for a disclosure made:
 - By an eligible whistleblower
 - Of disclosable matters
 - To an eligible recipient
- 2.2 Any person may also report concerns or complaints regarding any issue under the [Complaints Policy](#), whether or not this Whistleblower Policy applies. The [Complaints Policy](#) provides separate processes and protections for any issue reported under that policy.

3. Who can make a whistleblower report?

- 3.1 The following people are eligible whistleblowers under this policy:
 - A CECG employee or officer
 - An individual who supplies goods or services to CECG
 - An employee of a supplier of goods or services to CECG
 - A spouse, dependent, or relative of the individuals listed above
 - A person who was previously any of the above (e.g. former employee)

4. What can be disclosed?

Information that is considered a whistleblower disclosure

- 4.1 A Disclosable Matter is any conduct in relation to CECG that an eligible whistleblower has reasonable grounds to suspect is:
 - misconduct or an improper state of affairs within CECG, or a related body corporate
 - an breach of the Corporations Act 2001 or other laws enforced by the Australian Securities and Investment Commission (ASIC) or Australian Prudential Regulation Authority (APRA)
 - an offence under Commonwealth law punishable by imprisonment for a period of 12 months or more, or

- conduct that represents a danger to the public, or to the financial system.
- 4.2 Examples include but are not limited to:
- Illegal conduct, such as theft, violence or threatened violence and criminal damage against property
 - Collusion, theft, fraud
 - Offering or accepting a bribe
 - Financial irregularities
 - Failure to comply with, or breach of, legal or regulatory requirements
 - 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
 - Modern slavery or human trafficking
 - Conduct indicative of systemic issues, dishonest or unethical behaviour or practices.
 - Concealment of any wrongdoing
 - A serious breach of any internal CECG policy
- 4.3 A disclosable matter must be disclosed to an eligible recipient to qualify for protection under this policy.
- 4.4 Disclosures also qualify for protection under this policy if they are made to a legal practitioner to obtain legal advice about this policy or relevant legislation, even if the legal practitioner concludes it is not a disclosable matter.

Information that is not considered a whistleblower disclosure

- 4.5 Conduct that falls outside the categories above is not a Disclosable Matter under the Whistleblower Policy. Examples may include complaints about:
- Interpersonal conflict or employment disputes ([1317AADA\(2\) of the Corporations Act](#) provides additional guidance on the meaning of these)
 - One-off or occasional, as opposed to systemic, instances where the complainant believes a person did not follow CECG policy or process
 - a policy or process the complainant considers inadequate or discriminatory (but does not amount to misconduct or an improper state of affairs)
- 4.6 Any issue of concern can be raised in good faith with your line manager or under the CECG Complaints Policy.

5. Who can whistleblowers disclose information to?

- 5.1 A whistleblower can make a disclosure to internal or external eligible recipients.

Internal eligible recipients

- 5.2 Internal eligible recipients are:
- the Chair and Directors of the Catholic Archdiocese of Canberra and Goulburn Education Ltd Board
 - The Executive Director
 - CECG General Counsel, or

- A Service Area Leader in the Catholic Education Office

External eligible recipients

5.3 External eligible recipients are:

- A current auditor of CECG, including an auditor engaged by CECG or one appointed by external agencies
- ASIC or APRA
- A legal practitioner – for the purposes of obtaining advice about this policy or the application of relevant laws
- For Public Interest Disclosures only - A member of a Commonwealth or State Parliament or Territory legislature, or a journalist.

6. Public Interest Disclosure

6.1 A Public Interest Disclosure may be made to Parliamentarians, legislative members, or journalists and qualifies for protection under this policy if:

- the whistleblower has previously made a disclosure of the information and it qualifies for protection under this policy; and
- at least 90 days have passed since the previous disclosure was made; and
- the discloser does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the previous disclosure related; and
- the discloser has reasonable grounds to believe that making a further disclosure of the information would be in the public interest; and
- after at least 90 days have passed since the previous disclosure was made, the discloser gave written notice to the eligible recipient to which the previous disclosure was made that:
 - includes sufficient information to identify the previous disclosure; and
 - states that the discloser intends to make a public interest disclosure; and
- the extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the Parliamentarian, legislative member, or journalist of the misconduct or other disclosable matter reported.

7. How can disclosures be made

7.1 Disclosures can be made to any eligible recipient in person, by telephone, or in writing.

- Eligible external recipients may have additional processes set by those organisations.

8. Confidentiality and Anonymity

8.1 Under CECG policy, whistleblower disclosures may be made anonymously or by an individual that identifies themselves as part of the disclosure. External eligible recipients may require identity as part of disclosures. Investigating a whistleblower disclosure may at times involve information that allows the whistleblower to be identified.

8.2 CECG will take all reasonable steps to avoid disclosing the identity of a whistleblower and to keep confidential any information that could lead to a whistleblower being identified. The identity of a whistleblower may be disclosed if:

- The whistleblower has consented in writing to being identified, or
 - It is necessary to disclose the identity to:
 - ASIC, APRA or the Australian Federal Police for the purpose of assisting them with their duties, or
 - a legal representative to obtain legal advice or representation.
- 8.3 A whistleblower’s identity cannot be disclosed to facilitate a CECG investigation but information that may allow them to be identified can be disclosed to an investigator in circumstances where this is a necessary part of the investigation.
- 8.4 While all disclosures are treated seriously, anonymous disclosures are more difficult to investigate and respond to. For example:
- additional information may be required to respond to and investigate the disclosure, or
 - contact information of some kind may be needed to inform the whistleblower of action taken (an important step before considering Public Interest Disclosures)

9. Referral and Investigation Process

9.1 When an internal or external eligible recipient receives a disclosure that may qualify as a whistleblower disclosure, the referral and investigation process is:

Step	Stage of Process	Actor and Action
One	Referral	Eligible internal recipients will refer all disclosures to General Counsel for assessment. Eligible external recipients may conduct a triage and assessment process of all disclosures they receive. Eligible external recipients will either refer all disclosures to CECG General Counsel, or refer all disclosures that pass their triage and assessment process.
Two	Assessment	CECG General Counsel will assess the disclosure to determine whether it is a whistleblower disclosure under this policy, and whether formal investigation is required. Complaints that are not considered whistleblower disclosures will be taken seriously and dealt with under CECG’s Complaints Policy .
Three	Investigation	For whistleblower disclosures that require formal investigation, General Counsel will appoint a competent, impartial internal or external investigator.
Four	Report	At the conclusion of the investigation, the investigator will provide CECG General Counsel with a report summarising how the investigation was conducted; evidence collected; findings in relation to the allegation in the disclosure; and recommended action.
Five	Appropriate action	CECG General Counsel will take appropriate action, in consultation with the Chair of the Board and Executive Director: <ul style="list-style-type: none"> • Implementing the investigator’s recommendations • Requesting further investigation • Recommending disciplinary action • Notifying regulatory or law enforcement bodies

- Ensuring the whistleblower is informed of the outcome of the investigation, if they are contactable by the internal or external eligible recipient.

9.2 CECG General Counsel will ensure that all investigations are conducted:

- promptly
- fairly and objectively
- in strict confidence, including taking all reasonable steps to protect the identity of the whistleblower
- to provide procedural fairness, and
- with sufficient resources.

9.3 Procedural fairness includes ensuring:

- the process and decision-maker are free from bias
- decisions are based on evidence supported by the facts
- any person named that may be adversely affected by a decision is granted an opportunity to respond before any decisions are made, and
- ensuring that employees who are mentioned in disclosures, or to whom such disclosures relate, receive fair treatment and any protections applicable under the Corporations Act (per paragraph 1317A1(5)(e) of the [Corporations Act](#)).

10. Whistleblower protections

10.1 CECG will take all reasonable steps to keep the identity of a whistleblower confidential.

10.2 Whistleblowers must not be subject to any detrimental action and CECG will take all reasonable steps to protect whistleblowers from any detrimental action.

10.3 A whistleblower has immunity from any civil, criminal or administrative legal action (including disciplinary action) as a result of making the disclosure and no contractual or other remedies may be enforced against the whistleblower for making the disclosure.

10.4 Any person who causes or threatens detrimental action against a whistleblower, or another person, in response to a disclosure or suspicion that a disclosure has been made may be guilty of an offence. They may be liable to civil or criminal penalties, or disciplinary action including termination of employment.

11. Definitions

11.1 **Detrimental action** means any damage or adverse action taken against a whistleblower, including:

- dismissal
- injury of an employee in their employment
- alteration of an employee's position or duties to their disadvantage
- discrimination between an employee and other employees of the same employer
- harassment or intimidation of a person
- harm or injury to a person, including psychological harm
- damage to a person's property

- damage to a person's reputation
 - damage to a person's business or financial position,
 - civil, criminal or administrative legal action.
- 11.2 **Improper State of Affairs:** unlawful conduct, or conduct that is not unlawful but may indicate a systemic issue that a relevant regulator should know about to properly perform its functions. It may also relate to unethical business behaviour and practices that may cause consumer harm.
- 11.3 **Misconduct:** fraud, negligence, default, breach of trust and breach of duty.
- 11.4 **Worker:** All people carrying out work for Catholic Education CG including employees (permanent, casual, and temporary), preservice teachers, contractors and sub-contractors, volunteers, apprentices, work experience students, or a minister, priest, or other religious leader or member of a religious organisation.

12. Related Documents and Legislation

- 12.1 Related CECG Documents:
- [Complaints Policy](#)
- 12.2 Related legislation or Standards
- [Corporations Act 2001](#)
 - [Fair Work Act 2009](#)

13. Contact

- 13.1 For support or further questions relating to this policy, contact governance@cg.catholic.edu.au