



Whistleblower Policy

1 Context

This Policy is an important tool for ensuring Cabra Dominican College can identify wrongdoing that may not be uncovered unless there is a safe and secure way to disclose wrongdoing. This Policy therefore provides a framework to ensure people who raise concerns regarding a Disclosable Matter can do so safely, securely, and with confidence that they will be protected and supported.

Additionally, this Policy is intended to:

- support Cabra Dominican College's long-standing excellent reputation;
- reflect Cabra Dominican College's values, particularly "Veritas"; and
- meet Cabra Dominican College's legal and regulatory obligations as a company limited by guarantee.

For workplace grievances or other complaints or concerns which are not Disclosable Matters, please refer to the College's grievance policies.

2 Policy Statement

Cabra Dominican College is committed to encouraging the reporting of any instances of Disclosable Matters such as suspected unethical, illegal, fraudulent or undesirable conduct related to Cabra's functions as an educational institution and provides protections and measures so that people who make a report can do so confidentially and without fear of intimidation, disadvantage or reprisal.

3 Scope

This Policy applies and provides protections to Whistleblowers in accordance with the *Corporations Act 2001* (Cth) and the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth) (together, the **Whistleblower Laws**), who make a report about Disclosable Matters.

To avoid doubt, Whistleblowers means past and present:

- Directors and officers;
- executive leadership;
- staff;
- contractors (or employees of contractors);
- volunteers; or
- a spouse, relative, or dependent of the people referred to above.

Only Whistleblowers will qualify for protection under the Whistleblower Laws and this Policy.

A Whistleblower may raise their concerns anonymously in keeping with the Whistleblower Laws.

4 Definitions

Act means *the Corporations Act 2001 (Cth)*.

Cabra Dominican College means Cabra Dominican College Limited and “**Cabra**” and “the **College**” have corresponding definitions.

Detrimental Treatment has the meaning given in Clause 9.9.

Disclosable Matter has the meaning given in Clause 5.3.

Disclosure means providing a report or information to the entities set out in Clause 6 in keeping with this Policy.

Eligible Recipient has the meaning given in Clause 6.6.

Investigating Officer means the Principal or, where the Principal is the subject of a Disclosure, the Chair of the College Board of Directors or such delegate as they may appoint in keeping with this Policy.

Policy means this Whistleblower Policy.

Whistleblower means people who may make a report under the Whistleblower Laws, being those listed in Clause 3.

Whistleblower Protection Officer or **WPO** means the person designated as such under Clause 6.9.

5 Matters this Policy applies to

5.1 Disclosable Matters will qualify for legal protection under the Act. Disclosures that are not about a Disclosable Matters will not be protected under the Act and this Policy.

Disclosable Matters

5.2 A Whistleblower may make a report under this Policy if they have reasonable grounds to suspect that information indicates there has been a Disclosable Matter.

5.3 A Disclosable Matter means information concerning misconduct, or an improper state of affairs or circumstances, in relation to the College, such as conduct by the College or an officer or employee of the College that:

- (a) involves misconduct (including fraud, negligence, default, breach of trust and breach of duty);
- (b) involves an improper state of affairs or circumstances;
- (c) represents a danger to the public or the financial system;
- (d) that is improper conduct related to creation, or maintenance, of a child safe environment;
- (e) that indicates there are systemic issues with the child protection practices at the College;

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

(g) is otherwise prescribed by Whistleblower Laws.

- 5.4 However, this Policy does not apply to personal work related grievances that does not concern alleged or threatened Detrimental Treatment. Personal work-related grievance has the meaning given to it in the Act and are grievances that relate to the Whistleblower's current or former employment and may have implications for the Whistleblower personally but does not have significant implications for Cabra Dominican College and does not relate to any conduct, or alleged conduct, about a Disclosable Matter.
- 5.5 To avoid doubt, a personal work-related grievance may still qualify for protection under the law and other relevant policies and procedures of Cabra Dominican College. However, it is not covered by this Policy, and will not qualify for protection under Whistleblower Laws.

6 Making a Disclosure

How to make a Disclosure

- 6.1 Disclosures can be made in person, by telephone, in writing by post, or by email to the email address set out below at Clause 6.8. Disclosures can be made at any time, within business hours or outside of business hours. A person making a Disclosure must, however, be aware that depending to whom a Disclosure is made, Disclosures made during term break may not be received until school term resumes. Where a Disclosure is made during term break, the Investigating Officer will take steps to commence an investigation in keeping with Clause 10 as soon as practicable.
- 6.2 Disclosures can be made anonymously (in keeping with Clause 8) and confidentially (in keeping with Clause 9.1).

Who to make a Disclosure to

- 6.3 Cabra Dominican College encourages Whistleblowers to make their Disclosure to the Eligible Recipients internal to the College in the first instance, which will enable Cabra Dominican College to identify and address wrongdoing as early as possible.
- 6.4 Notwithstanding this clause, a Whistleblower does not have to make an internal Disclosure prior to making a Disclosure directly to regulatory bodies (in keeping with Clause 6.8).
- 6.5 Additionally, a Disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions of the Act or this Policy are protected.

Cabra Eligible Recipients

- 6.6 A Disclosure can be made using any of the channels listed under this Clause 6. An Eligible Recipient of Disclosable Matter, includes (but is not limited to) the following channels:

- (a) a Director of Cabra Dominican College;
- (b) the Principal of Cabra Dominican College;
- (c) the Business Director of Cabra Dominican College;
- (d) a Deputy Principal of Cabra Dominican College; or
- (e) an auditor of Cabra Dominican College.

- 6.7 To avoid doubt, each of the above people or groups of people, as well as the Whistleblower Protection Officer, can provide more information to the Whistleblower prior to the Whistleblower making a Disclosure.
- 6.8 An Eligible Recipient must promptly forward a report to the Whistleblower Protection Officer.

Whistleblower Protection Officer

- 6.9 The College has appointed the below person to act as Whistleblower Protection Officer. The Whistleblower Protection Officer is not involved in investigating reports of Disclosable Matters and is responsible for safeguarding the interests of Whistleblowers, thereby supporting the integrity of the reporting mechanisms set out in this Policy.

Name: Donna Juncken
Position: Human Resources Director
Telephone: (08) 8179 2404
Email: djuncken@cabra.catholic.edu.au

- 6.10 The College has authorised the WPO to:
- (a) receive reports of alleged Disclosable Matters and coordinate any necessary action by the College;
 - (b) seek legal advice as necessary to determine if the Disclosure amounts to a Disclosable Matter; and
 - (c) keep the Whistleblower updated on developments.

Other designated bodies that can receive Disclosures

- 6.11 Disclosures of a Disclosable Matter may also be protected when made to:
- (a) Australian Securities and Investment Commission (ASIC);
 - (b) Australian Prudential Regulation Authority (APRA);
 - (c) the Commissioner of Taxation; or
 - (d) another Commonwealth authority prescribed by law.

Public Interest Disclosures

- 6.12 A Disclosure can also be made to a journalist or parliamentarian in cases of public interest or emergency. Such Disclosures may be protected but only under very specific criteria

set out in s 1317AAD of the Act, including that the Disclosure must have, at least 90 days prior, been made to ASIC, APRA or a prescribed body. For more information on these Disclosures, please see the Australian Securities and Investments Commission's website.

- 6.13 Cabra strongly recommends that a Whistleblower obtain independent legal advice before making a Public Interest Disclosure to ensure that:
- (a) the Disclosure will attract protection under the relevant legislation and this Policy; and
 - (b) in making the Disclosure, the Whistleblower will not breach other laws, regulations, codes of conduct, or be otherwise subject to disciplinary action where such disclosure does not attract protection.

7 False Reports

A Whistleblower will still qualify for protection for a disclosure even if their disclosure turns out to be incorrect. However, a Whistleblower must have **reasonable grounds** to suspect that that the concerns being raised fall within the definition of a Disclosable Matter.

Persons who are found to have knowingly made a false report may be in breach of this Policy, and be subject to appropriate disciplinary action, including dismissal.

8 Anonymity when reporting

- 8.1 A Whistleblower may choose to remain anonymous when disclosing a Disclosable Matter, over the course of the investigation, and after the investigation is finalised. An anonymous Whistleblower can refuse to answer questions that they feel could reveal their identity, and in so doing, they are not taken to have withdrawn their Disclosure and Cabra Dominican College must still investigate the Disclosure, subject to Clause 10.
- 8.2 If a Whistleblower does not share their identity, Cabra Dominican College will assess the Disclosure in the same way as if the person had revealed their identity. However, Cabra Dominican College may not be able to undertake an investigation if it is not able to contact the Whistleblower (e.g. if a Disclosure is made anonymously and the Whistleblower has refused to provide, or has not provided, a means of contacting them). An anonymous Whistleblower should maintain ongoing two-way anonymous communication with Cabra, so that the Investigating Officer is able to ask follow-up questions or provide feedback.

9 Protections for Whistleblowers

Confidentiality

- 9.1 Disclosures from Whistleblowers will be treated confidentially and sensitively.

Protection of Identity

- 9.2 Once a report is received, the Eligible Recipient will make sure immediate steps are taken to protect the identity of the Whistleblower. These steps may include:
- (a) redacting personal information;
 - (b) using gender-neutral pronouns; and

(c) working with the Whistleblower to ensure that certain aspects of their Disclosure which could identify them are redacted.

9.3 Information contained in a Whistleblower's Disclosure may be shared (without the Whistleblower's consent) if the information does not include the Whistleblower's identity and it is reasonably necessary for the purposes of an investigation of the issues raised in the Disclosure. In this circumstance Cabra will take all reasonably necessary steps to reduce the risk that the Whistleblower will be identified from the information. To the extent that an investigation can occur without identifying a Whistleblower, Cabra will ensure that this occurs.

Unlawful to identify Whistleblower and Disclosures

9.4 It is unlawful for a person to identify Whistleblowers or disclose information that is likely to lead to their identification, which they have obtained directly or indirectly because the Whistleblower has made a report that qualifies for protection under the Whistleblower Laws, unless the Whistleblower consents.

9.5 A Whistleblower's identity and position (or any other information which would be likely to identify them) will only be shared if:

- (a) they consent to the information being shared;
- (b) the Disclosure is to a recipient permitted by law such as the Commissioner of Taxation or Australian Federal Police; or
- (c) the Disclosure is otherwise allowed or required by law (for example, Disclosure by Cabra Dominican College to a legal practitioner for the purpose of obtaining legal advice relating to a matter arising under this policy).

9.6 Although Cabra will comply with the confidentiality requirements under the Act, Whistleblowers must be comfortable with some risk of information regarding their report being disclosed.

9.7 All files and records created during an investigation will be retained in secure files and any unauthorised release of information will be regarded as a breach of this Policy.

Breach of confidentiality

9.8 If a Whistleblower considers that there has been a breach of confidentiality, the Whistleblower may complain to another Eligible Recipient or a regulator such as ASIC, APRA or the Australian Taxation Office (**ATO**) for investigation.

Detrimental treatment

9.9 It is unlawful, and the College will not tolerate, for a person to engage in conduct that causes (or threatens) detriment to a Whistleblower in the belief or suspicion that a person has made, may make, proposes to make or could make a report of a Disclosable Matter and where that belief or suspicion is a reason for the conduct (**Detrimental Treatment**).

9.10 Detriment is defined in the Act and includes (but is not limited to) dismissal or alteration of the employee's position or duties to their disadvantage, harassment or intimidation,

harm, injury (including psychological harm), or damage to a person or a person's property, reputation, business or financial position, or discrimination.

- 9.11 To avoid doubt, Detrimental Treatment would not include administrative action that is reasonable for the purpose of protecting a Whistleblower from detriment (for example, a temporary reallocation of duties) or reasonably managing an employee's unsatisfactory conduct or work performance.
- 9.12 Any Detrimental Treatment will be treated as serious misconduct by the College and may result in disciplinary action (including termination of employment). To protect Whistleblowers from Detrimental Treatment, the Whistleblower Protection Officer will:
- (a) Make an assessment of the risk of detriment to a Whistleblower as soon as possible after receiving a Disclosure of a Disclosable Matter;
 - (b) Make sure that any involved Eligible Recipients, Investigating Officer, or members of the Executive Leadership Team are aware of their responsibilities to:
 - i. maintain the confidentiality of a Whistleblower (to the extent that it is appropriate to disclose their identity in keeping with this Policy and applicable laws); and
 - ii. address the risks of detriment and ensure fairness when managing the performance of, or taking other management action relating to, a Whistleblower;
 - (c) take practical action, as necessary, to protect a Whistleblower from the risk of detriment and intervene if detriment has already occurred; and
 - (d) ensure the Whistleblower is aware of support services (such as counselling services).
- 9.13 If a Whistleblower believes that they have been subject to Detrimental Treatment, they should inform the Whistleblower Protection Officer immediately and, if they consider necessary, seek independent legal advice or contact regulatory bodies such as ASIC, APRA or the ATO.

Civil, Criminal and Administrative Liability

- 9.14 Whistleblowers are protected under the Whistleblower Laws from certain civil, criminal or administrative liability (including disciplinary action) for making reports of Disclosable Matters.
- 9.15 However, notwithstanding these protections, a Whistleblower must be aware that a Disclosure does not provide immunity for any misconduct a Whistleblower has engaged in that is revealed by their Disclosure.

Compensation and other remedies

- 9.16 Whistleblowers who suffer Detrimental Treatment may be entitled to compensation from the person who caused the detriment if they suffer loss, damage or injury as a result of the Detrimental Treatment. In some circumstances, such as if Cabra Dominican College failed to take reasonable precautions and exercise due diligence to prevent the detriment, the College may also be required to compensate the Whistleblower.

- 9.17 The Act allows other remedies for Detrimental Treatment, even where the Whistleblower has not suffered loss, damage, or injury.

10 When to investigate

When to investigate

- 10.1 Once a report of a Disclosable Matter has been received from a Whistleblower, the Whistleblower Protection Officer will determine whether the Disclosure amounts to a Disclosable Matter and whether a formal, in-depth investigation is required. The Whistleblower Protection Officer is authorised to seek legal advice in accordance with any approved delegation limits.
- 10.2 If the Whistleblower Protection Officer determines that the information disclosed does not amount to a Disclosable Matter because it:
- (a) is baseless or unfounded; or
 - (b) does not fall within the definition of a Disclosable Matter;
- then:
- (c) the Whistleblower will be, if practicable, informed of that decision and no investigation will commence; and
 - (d) the Whistleblower Protection Officer must notify the Principal and the Board that a Disclosure was made and determined not to be a Disclosable Matter and must attend the next Board meeting if required by the Board.
- 10.3 If the Whistleblower Protection Officer determines that the Disclosure amounts to a Disclosable Matter, they must promptly forward the report to the Investigating Officer to allow an investigation to commence as soon as practicable. At the same time, the Whistleblower Protection Officer must also advise the Board of Directors that an investigation is to commence, or, where a Disclosure relates to a Director or number of Directors, the Chair of the College Board of Directors. Such advice must be provided in keeping with the confidentiality obligations set out at Clause 9.

Investigation Procedure

- 10.4 If an investigation is warranted, Cabra will take all reasonable steps to ensure it will:
- (a) follow a fair process;
 - (b) be conducted in as timely a manner as the circumstances allow; and
 - (c) be independent of the person(s) about whom an allegation has been made.
- 10.5 The Investigating Officer may appoint a delegate to conduct an investigation on their behalf, provided the delegate is not involved in or implicated by the Whistleblower's disclosure. For the avoidance of doubt, such a delegation is not considered a breach of confidentiality of the Whistleblower having regard to Clause 9.1.
- 10.6 Investigations will be conducted promptly and fairly with due regard for the nature of the allegation and the rights of the people involved in the investigation.

Informing the person mentioned in a report of a Disclosable Matter

- 10.7 Cabra Dominican College recognises the importance of balancing the rights of the Whistleblower and the rights of people mentioned in a Disclosure in ensuring fairness. Individuals mentioned in a report of an alleged Disclosable Matter must also be supported during any investigation process.
- 10.8 Provided there are no restrictions or other reasonable bases for doing so, people mentioned in a Disclosure may be informed of the allegation and, where it is determined that a Disclosure amounts to a Disclosable Matter, will have an opportunity to respond to any allegation.
- 10.9 The Investigating Officer will decide whether the person named in the Disclosure should be informed that a suspicion was raised and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named, to enable workplace harmony to continue unfettered and to protect the Whistleblower where the Disclosure has been made in good faith.
- 10.10 Cabra Dominican College will take steps to ensure fair treatment of any person who mentioned in a report of a Disclosable Matter, as well as the Whistleblower.

Outcomes

- 10.11 Following the investigation, findings will be made about the Disclosable Matter. These findings will be communicated (subject to any conflicts of interest) to the Principal, the Chair of the College Board, the WPO, and any person the subject of the alleged Disclosable Matter and may be communicated to the Whistleblower and any other person concerned or mentioned in Disclosure, as determined by the Investigating Officer.

11 Communications with the Whistleblower

- 11.1 Cabra Dominican College will ensure that, provided they can be contacted, the Whistleblower will be periodically updated regarding the status of the investigation and kept informed of the outcomes of the investigation of their Disclosure. Cabra Dominican College may require that a Whistleblower give a written undertaking to maintain confidentiality prior to receiving outcomes of investigations of their Disclosure.
- 11.2 Such communications will be subject to the considerations of:
- (a) privacy of those against whom allegations are made; and
 - (b) considerations of confidentiality affecting Cabra Dominican College.

12 Further policy details

Policy Availability

- 12.1 This policy is made available on the Cabra Dominican College website and via Cabra's Teams channel. This is in keeping with the requirement of s 1317AI(5)(f) of the Act.

Related Policies

- 12.2 This policy should be read in conjunction with Cabra Dominican College's other relevant policies including:

(a) Purchasing Policy; and

(b) Grievance Policies.

Related Documents and References

- Cabra Dominican College Student Code of Conduct
- Cabra Dominican College Staff Code of Conduct

13 Revision Record

Document Title	Whistleblower Policy							
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	1.1		May 2021		Formatting updates			
	1.2		September 2021		Updated distribution data			
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	1.4		September 2025		Major review			