

## Whistleblower

### Section 1 – Background

Edmund Rice Education Australia Flexible Schools Ltd ('**EREA**FSL') is a Company Limited by Guarantee and is a registered not-for-profit with the Australian Charities and Not-for-Profit Commission ('**ACNC**').

EREA FSL administers a network of Catholic Schools across Australia (see [Schedule 1](#)) in the Edmund Rice Tradition. The charism of Blessed Edmund Rice expressed through the touchstones of Liberating Education, Gospel Spirituality, Inclusive Community and Justice and Solidarity, underpins our continued commitment to a safe and inclusive environment for all.

EREA FSL is committed to conducting its operations in an open and honest manner. It seeks to maintain the highest ethical standards in order to mitigate the regulatory, financial, legal and reputational risks of EREA FSL. It is committed to a culture of integrity and accountability and systems that support transparency in decision-making, good governance and ethical behaviour.

### Section 2 – Definitions and Interpretations

Where the following term(s) and acronym(s) are used within this policy they are intended to have the meaning(s) as outlined below:

#### 2.1 DEFINITIONS

Term	Definition
<b>Board</b>	means the EREA FSL Board.
<b>Board Committee</b>	means a Committee of the Board, which may include persons other than Board Directors.
<b>Board Directors</b>	means Directors of the Board.
<b>Contractor</b>	means someone engaged by EREA FSL to perform specific tasks. Contractors are not employees of EREA FSL.
<b>Decision Maker</b>	in relation to the management of disclosures, means an appropriate senior level Staff member who is nominated the role of decision maker. This may be an individual or a small group of individuals, who are independent of the whistleblower, or any person being the subject of the disclosure, and for who no other conflict exists. This would typically be the CEO, COO, CFO and/or Board Chair where no conflict exists, with alternates being other suitable senior Staff or Board Directors. Noting: EREA FSL may also choose to manage the disclosure externally.
<b>Detriment</b>	means the definition under the applicable legislation of the relative jurisdictions in which EREA FSL and each of its Schools operate but is given the general definition here as including any of the following: <ul style="list-style-type: none"> <li>• dismissal of an employee,</li> <li>• injury of an employee in their employment,</li> <li>• alteration of an employee's position or duties to their disadvantage,</li> <li>• discrimination between an employee and other employees of the same employer,</li> <li>• harassment or intimidation of a person,</li> <li>• harm or injury to a person, including psychological harm,</li> </ul>

	<ul style="list-style-type: none"> <li>• damage to a person's property,</li> <li>• damage to a person's reputation,</li> <li>• damage to a person's business or financial position,</li> <li>• any other damage to a person</li> </ul>
<b>Effective Date</b>	means the date of publication of the policy.
<b>Eligible Recipient</b>	means as an individual who can receive a disclosure.
<b>Eligible Whistleblower</b>	<p>means a person who qualifies for protection under this policy. A person is an Eligible Whistleblower in relation to EREAFSL, if they:</p> <ol style="list-style-type: none"> <li>1. are, or have been any of the following: <ul style="list-style-type: none"> <li>• a board or committee member,</li> <li>• an employee,</li> <li>• a person who supplies goods or services (paid or unpaid),</li> <li>• an employee of a person who supplies goods or services (paid or unpaid),</li> <li>• a person who is an associate of EREAFSL and/or one of its Schools, and</li> <li>• a relative or dependent (e.g., spouse or child) of any individual described above, and</li> </ul> </li> <li>2. the person has Reasonable Grounds to Suspect that a Disclosable Matter(s) has taken place, and</li> <li>3. they bring the Disclosable Matter(s) to the attention of EREAFSL under this policy by making that disclosure to an Eligible Recipient.</li> </ol>
<b>Emergency Disclosure</b>	The disclosure of information to a journalist or parliamentarian, where the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment.
<b>Head of Campus / Principal</b>	means the appointed authority of an EREAFSL School.
<b>Personal Work-Related Grievance</b>	<p>means issues or circumstances that relate to the discloser's current or former employment and have, or tend to have, implications for the disclosure personally, but do not:</p> <ul style="list-style-type: none"> <li>• have any other significant implications for EREAFSL and/or its Schools, or</li> <li>• relate to any conduct, or alleged conduct, about a Disclosable Matter.</li> </ul> <p>Examples of grievances that may be Personal Work-Related Grievances include:</p> <ul style="list-style-type: none"> <li>• an interpersonal conflict between the disclosure and another employee, and</li> <li>• decisions that do not involve a breach of workplace laws: <ul style="list-style-type: none"> <li>○ about the engagement, transfer, or promotion of the discloser,</li> <li>○ about the terms and conditions of engagement of the discloser, or</li> <li>○ to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.</li> </ul> </li> </ul> <p><b>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 <i>Corporations Act 2001</i>.</b></p> <p>EREAFSL encourages Personal Work-Related Grievances be reported and managed in accordance with the appropriate internal channels as outlined in the <i>Workplace Complaint Management Policy</i>.</p>
<b>Procedures</b>	refers to the <i>Whistleblower Guidelines and Procedures</i> .
<b>Public Interest Disclosure</b>	The disclosure of information to a journalist or a parliamentarian, where the discloser has reasonable grounds to believe that making a further disclosure of the information is in the public interest. The disclosure must meet a number of other criteria to qualify.
<b>Purpose</b>	means the purpose section of this Policy.
<b>Qualifying Disclosure</b>	means when an Eligible Whistleblower makes a disclosure to an Eligible Recipient, and the Eligible Whistleblower has Reasonable Grounds to Suspect that the information concerns a Disclosable Matter.
<b>Reasonable Grounds to Suspect</b>	based on the reasonableness of the reasons for the discloser's suspicion, having regard to all the circumstances when considered objectively.
<b>Regional Director</b>	means the appointed authority of EREAFSL Schools within the Region.

<b>Disclosable Matter</b>	<p>means a disclosure of information where the Eligible Whistleblower has Reasonable Grounds to Suspect that the information relating to EREAFSL and/or its Schools concerns:</p> <ul style="list-style-type: none"> <li>• misconduct,</li> <li>• an improper state of affairs or circumstances,</li> <li>• illegal activity (including conduct of officers and employees), meaning activity in breach of the <i>Corporations Act 2001</i> or specified financial services legislation, or an offence against any law of the Commonwealth punishable by imprisonment of 12 months or more, or</li> <li>• conduct (including conduct of officers and employees) that represents a danger to the public or financial system.</li> </ul> <p>This may include any conduct in relation to the operation of EREAFSL and/or its Schools that involves:</p> <ul style="list-style-type: none"> <li>• fraudulent activity,</li> <li>• negligence,</li> <li>• unlawful or corrupt use of EREAFSL funds,</li> <li>• breach of duty,</li> <li>• improper accounting or financial reporting practices,</li> <li>• systemic practices that pose a serious risk to the health and safety of any person on EREAFSL premises or during School activities.</li> </ul>
<b>School(s)</b>	<p>means the registered non-government Schools (including Registered Training Organisations ('RTO') and other educational facilities) located in and operating within Australia that are listed in <a href="#">Schedule 1</a>, and such other Schools, RTO or educational facilities as EREAFSL may establish in Australia or acquire, govern, and operate from time-to-time. This definition also applies to campuses of Schools and to a School operating across various sites.</p>
<b>Staff</b>	also known as employee(s), means current EREAFSL employees.
<b>Teacher</b>	means a person employed in a School who is qualified in that jurisdiction to practice as a Teacher of children and Young People of school age.
<b>Volunteer</b>	means a person associated with a School who does unpaid work for that School by agreement with the School.
<b>Whistleblower Investigation Officer</b>	means an appropriate senior staff member, who is independent of the whistleblower, or any person being the subject of the reported disclosure, that is appointed this additional role. Noting: EREAFSL may also choose to manage the disclosure externally. Refer to <a href="#">Roles and Responsibilities</a> for more information.
<b>Whistleblower Protection Officer</b>	means an appropriate member of the HR team, who is independent of the whistleblower, or any person being the subject of the reported disclosure, that is appointed to the additional role. Refer to <a href="#">Roles and Responsibilities</a> for more information.
<b>Young Person / Young People</b>	also known as students, means those who are currently enrolled at one of the EREAFSL Schools listed in <a href="#">Schedule 1</a> .
<b>Your Call</b>	means the appointed external whistleblower service for EREAFSL.

## Section 3 – Roles and Responsibilities

All members of the EREAFSL community play a part in implementing and upholding the principles of this policy. The details of those key responsibilities are outlined below:

Role	Responsibilities
<b>Board</b>	<ul style="list-style-type: none"> <li>• Approving this policy.</li> <li>• Ensuring this policy is implemented, reviewed, and updated, as required.</li> <li>• Reviewing the EREAFSL's and Schools' compliance with this policy.</li> <li>• Monitoring Complaints trends, methods of rectification and compliance with this policy (reports from the CEO).</li> </ul> <p>Specifically, the Board Chair:</p>

	<ul style="list-style-type: none"> <li>Will undertake the role of Decision Maker in the process of managing disclosures of a serious nature, or disclosures relating to the conduct of the CEO, or in incidents where there is a conflict that prevents the CEO from undertaking this role.</li> </ul>
<b>Chief Executive Officer ('CEO')</b>	<ul style="list-style-type: none"> <li>Overseeing the development of this policy and the Guidelines and Procedures supporting adherence with this policy.</li> <li>Ensuring this policy is implemented nationwide.</li> <li>Ensure that appropriate Staff training is implemented in relation to Complaints resolution.</li> <li>Reporting to the Board on compliance with this policy.</li> <li>Undertaking the role of Decision Maker (or delegating this responsibility to the COO and/or CFO) in the process of managing disclosures made against members of Staff, or in incidents where there is a conflict that prevents the COO / CFO from undertaking this role.</li> </ul>
<b>Regional Director</b>	<ul style="list-style-type: none"> <li>Overseeing the implementation this policy and associated guidelines and procedures within their assigned regions.</li> <li>Ensure regional staff, Area Principals, Principals and Heads of Campus are trained and empower to participate in complaint resolution as appropriate to their role and responsibility.</li> <li>Where relevant and where no conflict exists, participating in the Investigation or Decision Maker role for disclosures.</li> </ul>
<b>Area Principals / Principals</b>	<ul style="list-style-type: none"> <li>Ensuring the implementation this policy and associated guidelines and procedures within their assigned Schools.</li> <li>Where relevant and where no conflict exists, participating in the Investigation or Decision Maker role for disclosures.</li> </ul>
<b>Heads of Campus / Principals</b>	<ul style="list-style-type: none"> <li>Develop, implement, and publish processes in their School in accord with this policy and any regulatory requirements of state and territory authorities.</li> <li>Ensure School staff are trained and empower to participate in complaint resolution as appropriate to their role and responsibility.</li> <li>Where relevant and where no conflict exists, participating in the Investigation or Decision Maker role for disclosures.</li> </ul>
<b>Chief Operating Officer ('COO')</b>	<ul style="list-style-type: none"> <li>Management of development and implementation of this policy and the related procedures and guidelines.</li> </ul>
<b>Whistleblower Investigation Officer</b>	<ul style="list-style-type: none"> <li>In addition to their responsibilities generally as a staff member, an appropriate senior staff member who is independent of the whistleblower, or any person being the subject of the reported conduct, is appointed to manage the investigation processes related to the receipt of Disclosable Matters.</li> </ul>
<b>Whistleblower Protection Officer</b>	<ul style="list-style-type: none"> <li>In addition to their responsibilities generally as a staff member, a member of the HR Team may be assigned the role of Whistleblower Protection Officer, as needed, to support a whistleblower throughout the investigation process, where a disclosure is being managed internally</li> </ul>
<b>Staff</b>	<ul style="list-style-type: none"> <li>Adherence to and endorsement of this policy.</li> </ul>
<b>Young People / Young Person</b>	<ul style="list-style-type: none"> <li>Being aware of this policy and how it applies to them.</li> </ul>
<b>Parents / Carers</b>	<ul style="list-style-type: none"> <li>Being aware of this policy and how it applies to them and their Young Person.</li> </ul>

### 3.1 ACRONYMS

Acronym	Full Reference
ACNC	means the Australian Charities and Not-for-Profit Commission.
APRA	means the Australia Prudential Regulation Authority.
ASIC	means the Australian Securities and Investments Commission.
CEO	means the EREAFSL Chief Executive Officer.
CFO	means the EREAFSL Chief Financial Officer.
COO	means the EREAFSL Chief Operating Officer.
EREAFLS	means Edmund Rice Education Australia Flexible Schools Ltd.
RTO	means Registered Training Organisation/s.
SAC	means School Advisory Council/s.

## Section 4 – Policy Statement and Principles

### 4.1 EFFECT

This version of the policy replaces all previous versions, which are rescinded from the Effective Date of this policy.

### 4.2 POLICY STATEMENT

EREAFLS is committed to a culture of respect which promotes and maintains high standards of integrity, governance, and ethical behaviour within the organisation by people at all levels. EREAFSL encourages the reporting of wrongdoing through appropriate channels.

EREAFLS will not tolerate corrupt, illegal, or other undesirable conduct, nor condone detrimental acts against anyone who intends to disclose or has disclosed wrongdoing.

EREAFLS is committed to complying with the applicable legislation, standards and practices including those contained in the *Corporations Act 2001*, the *Australian Securities and Investments Commission ('ASIC') Regulatory Guidance 270*, and the *Taxation Administration Act 1953*.

All EREAFSL staff and associates have a responsibility to help detect, prevent, and report instances of suspicious activity and wrongdoing.

### 4.3 GOVERNING PRINCIPLES

EREAFLS is committed to best practice governance in accordance with legislative requirements for not-for-profit and charitable bodies. A whistleblower function is an important tool for assisting EREAFSL to identify wrongdoing that may not be uncovered unless there is a safe and secure means for disclosure. The whistleblower function within EREAFSL is underpinned by the following principles:

- encouraging disclosures of wrongdoing;
- deterring wrongdoing in accordance with EREAFSL's risk management and governance framework;
- ensuring individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- ensuring disclosures are dealt with appropriately and on a timely basis;
- providing transparency around EREAFSL's processes for receiving, handling, and investigating disclosures;
- supporting and upholding the EREAFSL Charter and Codes of Conduct; and
- meeting all legal and regulatory requirements and obligations.

## Section 5 – Purpose

The purpose of this Policy is to allow EREAFSL staff, Volunteers, board members and members of the EREAFSL community to report serious concerns about EREAFSL operations through appropriate and confidential channels without risk of retaliation, victimisation or harassment in any form.

The purpose of this policy is to encourage the reporting of corrupt, illegal, or otherwise undesirable conduct at EREAFSL and/or its Schools (as listed in [Schedule 1](#)).

This Policy is to ensure that EREAFSL operations are conducted ethically, with integrity and in compliance with its legal and regulatory obligations. This Policy seeks to achieve this by:

- (a) providing a supportive environment in which members of EREAFSL or its community feel comfortable to raise issues of legitimate concern;
- (b) encouraging individuals, including but not limited to Eligible Whistleblowers, to report improper conduct, when they reasonably believe it has occurred;
- (c) providing an understanding of what can be reported under this Policy;
- (d) outlining the process for making and investigating a whistleblower disclosure;
- (e) outlining how EREAFSL aims to manage whistleblower disclosures in a way that supports and protects the whistleblower, as well as ensures fairness for a person named in the disclosure; and
- (f) providing for a fair and independent investigation of alleged improper conduct.

The benefits of encouraging disclosures of wrongdoing and protecting those who make disclosures include:

- (a) effective compliance with EREAFSL's legal and regulatory obligations;
- (b) effective compliance with other policies and governance requirements;
- (c) efficient fiscal management through avoidance of waste and ensuring proper tendering and procurement practices are adopted and monitored;
- (d) promotion of a culture of integrity and accountability;
- (e) improved morale within the EREAFSL community; and
- (f) a healthier and safer working environment.

## Section 6 – Scope

This policy should be read in conjunction with the *Whistleblower Guidelines and Procedures*.

This policy is applicable to persons and disclosures that satisfy each of the following requirements:

### 6.1 WHO THIS POLICY APPLIES TO

The disclosure must be made by an **Eligible Whistleblower**. An Eligible Whistleblower is a person who is or was at the time of the Disclosable Matter any of the following in relation to EREAFSL and/or its Schools:

- a Board director or Board Committee member;
- an employee;
- a person who supplies goods or services (paid or unpaid);
- an employee of a person who supplies goods or services (paid or unpaid);
- a person who is an associate of EREAFSL and/or one its Schools; and
- a relative or dependent (e.g., spouse or child) of any individual described above.

Individuals who make disclosures that are eligible for whistleblower protections under the law, whether or not the disclosure is made in accordance with this Policy, are whistleblowers.

Whistleblowers are eligible for protection under the *Corporations Act 2001* (Cth) (**Corporations Act**) if:

- (a) they make a disclosure of a Disclosable Matter to an Eligible Recipient or to ASIC, APRA or another prescribed Commonwealth body;
- (b) they make a disclosure to a legal practitioner for the purpose of obtaining legal advice or legal representation about the operation of the whistleblower provision in the Corporations Act; or
- (c) they make an Emergency Disclosure or a Public Interest Disclosure.

In addition, whistleblowers may be eligible for further protection as a whistleblower under the *Taxation Administration Act 1953* (Cth).

## 6.2 MATTERS THIS POLICY APPLIES TO

The disclosure must be about a **Disclosable Matter**.

A Disclosable Matter is misconduct or an improper state of affairs or circumstances that a whistleblower has Reasonable Grounds to Suspect in relation to EREAFSL and/or its Schools.

A Disclosable Matter does not necessarily involve unlawful conduct. Examples of a Disclosable Matter include:

- (a) dishonest, fraudulent or corrupt behaviour including theft or misappropriation of funds or property, receiving kickbacks or money, excessive gifts, bribery and colluding with others to cheat EREAFSL;
- (b) significant mismanagement or waste of EREAFSL funds or resources;
- (c) impropriety in financial reporting, internal control or other matters including but not limited to the administration of this policy;
- (d) illegal activity including illegal drug sale or use, violence or threatened violence against another person, sexual harassment and property damage;
- (e) serious harm to public health, safety or environment;
- (f) unethical behaviour such as discrimination, oppression, serious misconduct that may damage EREAFSL's reputation, actions causing substantial damage or threat to the environment, acts which breach EREAFSL's constitution;
- (g) abuse of authority;
- (h) breach of regulations or laws;
- (i) dangers the health or safety of employees or any other persons;
- (j) breach of EREAFSL policies, procedures or Code of Conduct;
- (k) impeding internal or external audit processes or investigations;
- (l) concealment of a Disclosable Matter;
- (m) conduct that represents a danger to the public or the financial system; or
- (n) any other conduct which may be detrimental to the interests of EREAFSL.

Whistleblowers qualify for protection as a whistleblower even if the conduct they have disclosed is determined not to be actual misconduct, provided the whistleblower has Reasonable Grounds to Suspect misconduct or an improper state of affairs or circumstances.

Disclosures that are not about Disclosable Matter do not qualify for protection under the Corporations Act.



### 6.3 REASONABLE GROUNDS TO SUSPECT

The Eligible Whistleblower must have **Reasonable Grounds to Suspect** misconduct or an improper state of affairs. Whether a discloser would have Reasonable Grounds to Suspect is based on the reasonableness of the reasons for the discloser's suspicion, having regard to all the circumstances when considered objectively.

If a disclosure is made without Reasonable Grounds to Suspect, the disclosure will not be a Qualifying Disclosure, and the discloser will not have the protections provided for under this policy and the *Corporations Act 2001*.

A whistleblower's disclosure should be factual rather than speculative and drawing conclusions. They should contain as much information as possible to allow for proper assessment of the nature, urgency and extent for investigative procedures. A discloser can still qualify for protection if their disclosure is made in good faith and turns out to be incorrect.

### 6.4 OUTSIDE POLICY SCOPE

The following concerns and complaints are outside the scope of this Policy:

- general complaints or concerns, related to how EREAFSL or its Schools has managed its operations, its services, including an action, inaction, or decision. Please refer to the [Complaint Handling Policy](#) for more information.
- child safeguarding and wellbeing concerns or risks of harm to children and young people will be managed under the [Safeguarding Policy](#).
- Personal Work-Related Grievances.

#### 6.4.1 Personal Work-Related Grievances

Generally, disclosures that concern Personal Work-Related Grievances do not qualify for protection.

A Personal Work-Related Grievance may still qualify for protection if:

- it includes information about a Disclosable Matter;
- it includes information about misconduct, or the information about misconduct includes, or is accompanied by a Personal Work-Related Grievance (mixed report);
- EREAFSL has breached employment or other laws punishable by imprisonment for a period of 12 months or more, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances;
- the discloser suffers from or is threatened with Detriment for making a disclosure, or
- the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the *Corporations Act 2001*.

For Personal Work-Related Grievances, employees can refer to the Workplace Complaints Policy.

### 6.5 FALSE OR MISLEADING DISCLOSURES

Any deliberate false, vexatious, or misleading reporting will be regarded very seriously, and may be subject to disciplinary action.

A discloser can still qualify for protection even if their disclosure turns out to be incorrect.

## Section 7 – Who Can Receive a Disclosure

A disclosure must be made to an **Eligible Recipient**.

EREAFL's preference is for disclosures to be directed to our nominated external whistleblower service provider 'Your Call', wherever possible, to further strengthen transparency and anonymity in the process.

#### 7.1 EXTERNAL WHISTLEBLOWER SERVICE PROVIDER, 'YOUR CALL'

EREAFL has appointed [Your Call](#) to provide our External Whistleblower Service for all its Schools and Entities.

[Your Call](#) provides the opportunity for a whistleblower to make a disclosure completely independently of EREAFSL and its Schools.



The role of Your Call is to:

- establish a secure and easily accessible mechanism(s) for individuals to make whistleblower disclosures (e.g., emails, phone calls and other means);
- receive whistleblower disclosures and gather the necessary information in order to securely and confidentially share with EREAFSL's nominated officers;
- respect and protect whistleblowers' anonymity (if anonymity is desired by the whistleblower);
- store all information and documents relevant to disclosures and investigations independently of EREAFSL's IT systems through the use of a secure (external) disclosure management system; and
- provide regular deidentified quantitative reports to the EREAFSL Board with respect to whistleblower disclosures.

## 7.2 EXTERNAL REGULATORY BODIES

While it is EREAFSL's preference for disclosures to be made internally or with Your Call, wherever appropriate, an Eligible Whistleblower may choose to raise a Disclosable Matter outside EREAFSL with:

- the Australian Securities and Investments Commission, or
- a Commonwealth authority prescribed in the *Corporations Regulations*.

## 7.3 PUBLIC INTEREST DISCLOSURES

An Eligible Whistleblower can disclose to a member of Parliament or a journalist only if the information has been previously disclosed to ASIC, Australia Prudential Regulation Authority ('APRA'), or a prescribed Commonwealth authority, and:

- at least 90 days has passed since the Eligible Whistleblower made the first disclosure to ASIC, APRA, or a prescribed Commonwealth authority;
- the Eligible Whistleblower does not have reasonable grounds to believe action is being, or has been taken to address the information in the disclosure;
- the Eligible Whistleblower has reasonable grounds to believe that making a Public Interest Disclosure would be in the public interest;
- after 90 days has passed, the Eligible Whistleblower must give the body to which the Qualifying Disclosure was originally made, a written notification that:
  - includes sufficient information to identify the Qualifying Disclosure; and
  - states that the Eligible Whistleblower intends to make a Public Interest Disclosure; and
- the extent of the information disclosed in the Public Interest Disclosure is no greater than to inform the journalist or member of Parliament of the misconduct or improper state of affairs or circumstances, or the other conduct falling within the scope of the Whistleblower Protection Scheme.

## 7.4 EMERGENCY DISCLOSURES

There is an additional category of disclosures called 'Emergency Disclosures' that qualify for protection. These can be made to journalists and members of Parliament but only if the discloser complies with the following strict requirements:

- the discloser must have first made a Qualifying Disclosure to ASIC or a prescribed Commonwealth authority;
- the discloser has reasonable grounds to believe that information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
- the discloser gave notice to the body to which the Qualifying Disclosure was made that states:
  - that they intend to make an Emergency Disclosure; and
  - includes sufficient information to identify the Qualifying Disclosure; and
- the extent of the information disclosed in the Emergency Disclosure is no greater than is necessary to inform the journalist or member of Parliament of the substantial and imminent danger.

An Eligible Whistleblower should contact an independent legal adviser before making a Public Interest Disclosure or an Emergency Disclosure.

## Section 8 – How to make a Disclosure

Disclosures may be made anonymously or by using a pseudonym and must be made to an Eligible Recipient to qualify for protection. Whistleblowers can decline to answer questions that they believe may reveal their identity during any follow-up questions. Whistleblowers can make a disclosure in the below ways.

### 8.1 ELIGIBLE RECIPIENTS

Whistleblowers can make a disclosure to an Eligible Recipient. Please note, if the reportable conduct is regarding the Eligible Recipient listed below, the whistleblower can choose an alternative channel as appropriate.

Disclosures may also be made internally to the individuals who occupy any of the following roles in relation to EREAFSL and/or its Schools:

- an EREAFSL Board member or Company Secretary;
- the CEO;
- a Regional Director;
- an Area Principal;
- a Head of Campus/ Principal;
- the Chief Operating Officer ('COO');
- the Chief Financial Officer ('CFO');
- an auditor, or member of an audit team conducting an audit on EREAFSL; and/or
- for tax matters, a registered tax agent or business activity agent who provides tax agent services or BAS services to EREAFSL.

Disclosures may also qualify for protection if they are made to a legal practitioner to obtain advice about the operation of the whistleblower provisions.

The Eligible Recipient is responsible for assigning the Whistleblower Investigation Officer (WIO) and the Whistleblower Protection Officer (WPO) to manage reports, as well as provide reporting to the Board.

### 8.2 EXTERNAL REPORTING

If a whistleblower does not feel comfortable making a disclosure internally, they can make a confidential disclosure to EREAFSL's external provider, 'Your Call'.

Your Call is contracted to receive and manage disclosures from whistleblowers. They will do so impartially and confidentially.

The Your Call reporting options include:

- (a) Telephone Hotline 1800 316 519
- (b) Hours: 9am to 12 am, business days, AEST
- (c) Online: 24/7, <https://www.yourcall.com.au/report>

### 8.3 OTHER OPTIONS

Whistleblowers are also entitled to protection if they make a report to the following:

- (a) to an officer or senior manager of EREAFSL or a related body corporate;
- (b) to an auditor or member of an audit team conducting an audit of EREAFSL or a related body corporate;
- (c) to an actuary of the EREAFSL or a related body corporate;
- (d) to a legal practitioner for the purposes of obtaining legal advice;
- (e) to a Prescribed Authority;
- (f) that qualifies as a Public Interest Disclosure; or
- (g) that qualifies as an Emergency Disclosure.

It is important for whistleblowers to understand the criteria for making a Public Interest Disclosure or Emergency Disclosure before such a disclosure is made.

## Section 9 – Legal Protections for Disclosers

If requested, the identity of a whistleblower and information likely to lead to the identification of the whistleblower (which was obtained directly or indirectly because the whistleblower made a disclosure in accordance with this Policy) will be kept strictly confidential unless:

- (a) the whistleblower consents to the Disclosure;
- (b) the disclosure is made to ASIC, ACNC, a member of the Police Service in any jurisdiction, to a legal practitioner, or to a person or body prescribed by regulations or as required or permitted by law.

EREAFLSL may disclose information contained in a disclosure without the consent of a whistleblower if:

- (a) the information does not include the whistleblower's identity;
- (b) EREAFLSL has taken all reasonable steps to reduce the risk that the whistleblower will be identified from the information; and
- (c) it is reasonably necessary to investigate the issues mentioned in the disclosure.

Apart from the circumstances set out above, it is illegal to identify a whistleblower or disclose information that is likely to lead to the identification of a whistleblower.

EREAFLSL maintains secure record-keeping and information sharing procedures for the purpose of this Policy to protect the identity of whistleblowers, including having processes in place to:

- (a) store documents relating to disclosures securely;
- (b) limit access to information relating to a disclosure to those directly involved in managing and investigating it; and
- (c) limit the number of people involved in handling and investigating a disclosure who are made aware of a whistleblower's identity or information likely to lead to their identification.

Whistleblowers can complain about a breach of confidentiality in connection with a disclosure by contacting the WPO or a regulator such as ASIC or ACNC.

### 9.1 CIVIL, CRIMINAL AND ADMINISTRATIVE LIABILITY PROTECTION

Eligible Whistleblowers who make disclosures in good faith are protected from any civil liability, criminal liability, administrative liability (including disciplinary action) for making a Qualifying Disclosure in accordance with this policy and the *Corporations Act 2001*, and no contractual or other remedy may be enforced or exercised, against the Eligible Whistleblower on the basis of a Qualifying Disclosure.

However, the protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

### 9.2 DETRIMENTS AND THREATS OF DETRIMENT

Eligible Whistleblowers are protected from victimisation or suffering any Detriment by reason of the Qualifying Disclosure. Please refer to [Section 4.1 Definitions](#) for more information relating to Detriment.

It is unlawful for a person to engage in conduct against another person that causes, or will cause Detriment, where the person believes or suspects that the other person or a third party made, may have made, proposes to make or could make a Qualifying Disclosure.

Threats (whether express, implied, conditional, or unconditional) to cause Detriment to a whistleblower are also unlawful.

An Eligible Whistleblower may seek compensation and other remedies through the courts if they suffer loss, damage or injury because of a disclosure or EREAFLSL fail to take reasonable precautions and exercise due diligence to prevent detrimental conduct.

## Section 10 – Support and Practical Protection for Disclosers

EREAFLS is committed to providing a supportive environment for any person making a whistleblower disclosure and will use its best endeavours to ensure that no individual making a whistleblower disclosure, is personally disadvantaged by having made a disclosure in good faith. This includes protection from dismissal, demotion or any form of reprisal including retaliation, harassment or victimisation.

Where a whistleblower makes a disclosure, EREAFLS will, as far as reasonably take all steps to reduce the risk that the discloser will be identified. The information received from a whistleblower will be held in the strictest confidence and will only be disclosed if:

- (a) the whistleblower has consented in writing to the disclosure;
- (b) it is required by law; or
- (c) it is required by a legal practitioner for the purpose of obtaining legal advice or representation.

EREAFLS is committed to providing a supporting environment for any person making a whistleblower disclosure. It can be expected that:

- (a) any request for anonymity is respected and if the whistleblower's identity is revealed it will, as far as reasonably possible, remain confidential and only be disclosed on a "as needed basis";
- (b) the details of the disclosure will remain confidential to the extent that is practical in the circumstances and will only be released on a "as needed basis" during the investigation phase, or as required by law;
- (c) the whistleblower will be protected from retaliation, harassment or victimisation; and
- (d) should retaliation occur, it will be treated as serious misconduct and the perpetrator will be subject to disciplinary action.

### 10.1 CONFIDENTIALITY

EREAFLS is committed to ensuring the confidentiality of Eligible Whistleblowers, however, there may be some circumstances where we may ask Eligible Whistleblowers to consent to the disclosure of their identity, or information that may lead to their identification as outlined in section 8.

Breach of these confidentiality protections regarding the discloser's identity and information likely to lead to the identification of the discloser is a criminal offence and may be the subject of criminal, civil and disciplinary proceedings.

## Section 11 - Handling and Investigating a Disclosure

### 11.1 WHISTLEBLOWER PROTECTION OFFICER

The WPO is responsible for protecting whistleblowers from detrimental conduct as a result of making a disclosure. The WPO will only be advised of the nature and content of the Disclosure if the whistleblower consents.

The WPO can protect the whistleblower by:

- (a) explaining the framework EREAFLS has in place to ensure the confidentiality of their identity;
- (b) assessing the risk of detrimental conduct being taken;
- (c) reviewing claims that whistleblowers have been subject to detrimental conduct;
- (d) reviewing claims that disclosures have not been addressed in accordance with this Policy;
- (e) offering counselling through the Employee Assistance Program;
- (f) offering the whistleblower a leave of absence during the investigation, as appropriate;
- (g) allowing the whistleblower to work from other premises, as appropriate;
- (h) relocating the whistleblower to a different department/School within EREAFLS, as appropriate; and/or
- (i) making such other action as the WPO considers appropriate.

The ability of the WPO to protect the whistleblower may be limited where the whistleblower has chosen to remain anonymous, the whistleblower cannot be contacted or where the whistleblower is not an employee of EREAFSL.

## 11.2 WHAT HAPPENS AFTER A DISCLOSURE IS MADE

All disclosures will be reviewed, investigated when appropriate and/or resolved without further action in accordance with this policy. The WIO and the WPO will be advised of all disclosures.

The whistleblower may be informed of the progress and outcome of the investigation, where legally permissible to do so. The information provided may be limited due to confidentiality.

## 11.3 INVESTIGATING A DISCLOSABLE MATTER | WHISTLEBLOWER DISCLOSURE

Investigations of a Disclosable Matter will be conducted by the WIO (or such other investigating officer) in a manner that is confidential, fair and objective. Initial investigations will consist of determining whether the disclosure is in the scope of this Policy. The investigation process will vary depending on the nature of the improper conduct and the amount of information provided.

EREAFL is committed to dealing with reports promptly, efficiently and confidentially. All reports, other than those that are not disclosable or found to be vexatious in nature, will be investigated by a whistleblower investigator.

A whistleblower investigator will be appointed by the Board and may change from time to time. The Investigator will be independent from the whistleblower, or persons who are the subject of the report.

Whistleblowers reporting improper conduct should not attempt to investigate the matter independently, as doing so may compromise the integrity of the investigation.

If the disclosure is within the scope of this Policy a formal investigation will be commenced.

The investigations process will vary depending on the nature of the Disclosable Matter and the amount of information provided by the whistleblower. EREAFSL's investigation process may be limited in certain aspects, for example, where EREAFSL is unable to contact the whistleblower for more information.

- (a) If a disclosure relates to a person, that person:
- (b) will be treated in a manner that is fair and objective;
- (c) will be advised about the subject matter of the disclosure if require by the principles of natural justice and procedural fairness;
- (d) where appropriate, may be advised before the matter is escalated to a formal investigation or a referral to ASIC, ACNC or the Police Service in any jurisdiction;
- (e) will be given the opportunity to respond to any claims made in the disclosure before making an adverse finding; and
- (f) may be advised of the outcome of the investigation.

Findings from an investigation will be documented and reported to the Board.

Once an investigation has concluded, the Board will take steps to notify the whistleblower that the matter has been finalised. The Board may use their discretion in notifying the whistleblower of the outcome of the investigation. Note that anonymous whistleblowers should not expect to be notified of the completion of the investigation and/or the outcome.

The results of any investigation may be recorded in writing in a formal internal report that will be confidential and the property of EREAFSL.

Whistleblower investigators will have reasonable access to independent specialist advice if required and will as far as reasonably possible, follow best practice in investigations including ensuring that all reports of actual or suspected improper conduct will be investigated in a way that adheres to the principles of objectivity, procedural fairness, confidentiality and natural justice. This includes providing fair treatment to people who have been mentioned in a report of actual or suspected improper conduct. EREAFSL will provide such person, a reasonable opportunity to respond.

## Section 12 – Compliance and Accountability

### 12.1 IMPLEMENTATION

It is the responsibility of each School and office to ensure that their Staff, Volunteers and Contractors, and where relevant, Young People and their parents/carers, are trained in accordance with this policy. This policy will be made available on EREAFSL websites and to staff through the EREAFSL Policy platform.

On occasion where this policy undergoes major / key changes and updates, the National Risk and Compliance team will communicate those changes with the relevant School level managers who will then be responsible for disseminating that information to their Staff, and where relevant, Young People and their parents/carers. Where major policy change makes it necessary, policy training modules will be developed by the National Risk and Compliance team and will be made available to all relevant Staff via the CompliLearn portal.

### 12.2 BREACH OF THIS POLICY

Individuals who breach this policy may be subject to disciplinary action, including and up to termination of their employment.

Individuals who become aware of an actual or suspected breach of this policy are obliged to report it.

### 12.3 RECORD KEEPING

All records pertaining to this policy will be managed and maintained in accordance with the *Records Management Policy* and the related Retention, Archival, and Disposal schedule.

The National Risk and Compliance team will keep records, in accordance with the *Records Management Policy*, of all policy review processes, including records and notes from policy audits, feedback and consultation processes, and any subsequent changes.

## Section 13 – Associated Information

This policy aligns with, and is supported and complimented by, the following Commonwealth and State/Territory legislation, standards, regulations, EREAFSL policies and procedures, and other supporting forms and documentation:

Related Legislation, Policies and Procedures	
Relevant Legislation, Legislative Instruments, Standards and Regulations	<b>Commonwealth</b> <ul style="list-style-type: none"><li>• <i>Australian Education Act 2012 and Regulations 2013</i></li><li>• <i>Australian Securities and Investments Commission Act 2001</i></li><li>• <a href="#"><i>ASIC Whistleblower Instrument</i></a></li><li>• <i>Corporations Act and Regulations 2001</i></li><li>• <i>National Vocational Education and Training Regulator Act 2011</i></li><li>• <i>Privacy Act 1988, Regulations 2013, and the Australian Privacy Principles</i></li><li>• <i>Privacy Amendment (Notifiable Data Breaches) Act 2017</i></li><li>• <i>Privacy Amendment (Enhancing Privacy Protection) Act 2012</i></li><li>• <i>Student Identifiers Act 2014</i></li><li>• <i>Tax Administration Act 1953</i></li></ul>
	<b>Queensland</b> <ul style="list-style-type: none"><li>• <i>Education (Accreditation of Non-State Schools) Act and Regulation 2017</i></li><li>• <i>Education (General Provisions) Act 2006</i></li><li>• <i>Information Privacy Act and Regulations 2009</i></li><li>• <i>Information Privacy Principles</i></li></ul>
	<b>Northern Territory</b> <ul style="list-style-type: none"><li>• <i>Education Act and Regulations 2015</i></li><li>• <i>Information Act 2002 and Regulations 2003</i></li><li>• <i>Information Privacy Principles</i></li></ul>

	<b>New South Wales</b> <ul style="list-style-type: none"> <li>• <i>Education Act 1990</i></li> <li>• <i>Education Standards Authority Act 2013</i></li> <li>• <i>Privacy and Personal Information Protection Act 1998 and Regulation 2019</i></li> <li>• <i>Information Protection Principles</i></li> <li>• <i>Privacy Code of Practice 2003</i></li> <li>• <i>Health Records and Information Privacy Act 2002 and Regulation 2022</i></li> <li>• <i>Health Privacy Principles</i></li> </ul>
	<b>Tasmania</b> <ul style="list-style-type: none"> <li>• <i>Education Act 2016 and Regulations 2017</i></li> <li>• <i>Personal Information Protection Act 2004</i></li> <li>• <i>Personal Information Protection Principles</i></li> </ul>
	<b>South Australia</b> <ul style="list-style-type: none"> <li>• <i>Education and Children's Services Act 2019 and Regulations 2020</i></li> </ul>
	<b>Western Australia</b> <ul style="list-style-type: none"> <li>• <i>Registration Standards for Non-Government Schools</i></li> <li>• <i>School Education Act 1999 and Regulations 2000</i></li> </ul>
<b>Relevant EREAFSL Policies and Procedures</b>	<ul style="list-style-type: none"> <li>• <a href="#"><i>Code of Conduct for Staff</i></a></li> <li>• <i>Code of Conduct for YP</i></li> <li>• <a href="#"><i>Complaint Handling Policy</i></a></li> <li>• <i>Privacy Policy</i></li> <li>• <i>Records Management Policy</i></li> <li>• <i>Risk Management Policy</i></li> <li>• <a href="#"><i>Safeguarding Policy</i></a></li> <li>• <i>Whistleblower Guidelines and Procedures</i></li> <li>• <i>Workplace Complaint Management Policy</i></li> </ul>
<b>Other Relevant Reference Documents, Websites and Forms</b>	<ul style="list-style-type: none"> <li>• <a href="#"><i>Your Call – make a report</i></a></li> <li>• <a href="#"><i>ASIC Whistleblower Protections</i></a></li> <li>• <a href="#"><i>Fair Work Commission – Whistleblowing Information</i></a></li> </ul>

## Section 14 – Review

This policy will be reviewed **annually**, and amendments and updates made as required. Reviews may occur more regularly where a legislative or regulatory change requires it. Any related procedures, guidelines, or forms are also reviewed at least **annually**, or more regularly as required by change to legislation.

The National Risk and Compliance team is responsible for ensuring that the **annual** review of this policy is undertaken, which includes applying any relevant legislative and/or regulatory changes, thorough consultation with relevant stakeholders, and having the policy reviewed and approved by the EREAFSL CEO and Board.

## Section 15 – Further Assistance

Policy queries should be directed to the National of Risk and Compliance team.



## Section 16 – Document Version Control

Whistleblower Policy	
Status	APPROVED
Version	Version 1.0
Policy Code	RC.012
Category	Governance
Sub-Category	Risk and Compliance
Effective Date	<b>14 July 2025</b>
Review Date	<b>14 July 2026</b>
Approval Authority	Chief Executive Officer ('CEO')
Governing Authority	EREAFLS Board
Approval Date	<b>14 July 2025</b>
Policy Owner	Chief Operating Officer
Policy Owner Delegate	Chief Operating Officer

## Schedule 1 – Schools\* under the administration of Edmund Rice Education Australia Flexible Schools Ltd.

School	Site Address
Albert Park Flexible School	1 Hale Street, Brisbane QLD 4000
Bowen Flexible School	48 George Street, Bowen QLD 4805
Burdekin Education Program	Ayr Racecourse – Cunningham Street, Ayr QLD 4807
Deception Bay Flexible School	17 Silver Street, Deception Bay QLD 4508
Edmund Rice Flexi School (Davoren Park)	8 Skewes Street, Davoren Park SA 5113
Edmund Rice Flexi School (Elizabeth)	Bldg G21 Elizabeth TAFE – Woodford Road, Elizabeth SA 5112
FAME	4 Orche Place, Christie Downs SA 5164
Flexi RTO	Unit 18, 56 Lavarack Avenue, Eagle Farm QLD 4009
Geraldton Flexible School	27 Bayly Street, Geraldton WA 6530
Gympie Flexible School	2 Bowen Lane, Gympie QLD 4570
Hemmant Flexible School	56 Hemmant-Tingalpa Road, Hemmant QLD 4174
Inala Flexible School	67 Poinsettia Street, Inala QLD 4077
Ipswich Flexible School	1 Queen Victoria Parade, Ipswich QLD 4305
Mount Isa Flexible School	74 Abel Smith Parade, Sunset Mount Isa QLD 4825
Noosa Flexible School	2 Girraween Court, Sunshine Beach QLD 4567
Pambula Beach Flexible School	149 Pambula Beach Road, Pambula NSW 2549
Rockhampton Flexible School	210 Upper Dawson Road, Rockhampton QLD 4700
St Edmund's College	60 Burns Road, Wahroonga NSW 2076
St Francis Flexible School	22 Ashbourne Grove, West Moonah TAS 7009
St Gabriel's School	190 Old Northern Road, Castle Hill NSW 2154
St Joseph's Catholic Flexible School	5 Bloomfield Street, Alice Springs NT 0870
St Laurence Flexible Learning Centre	137 Broadmeadow Road, Broadmeadow NSW 2292
St Mary's Flexible School	63 Forrester Road, St Marys NSW 2760
Southport Flexible School	2 Nakina Street, Southport QLD 4215
The Centre Education Programme	108 Mudgee Street, Kingston QLD 4114
Townsville Flexible School	22 Ingham Road, West End QLD 4810
Wollongong Flexible School	Corner Princes Highway and Towradgi Road, Towradgi NSW 2518

\* 'Schools' means the registered non-government schools (including Registered Training Organisations ('RTO') and other educational facilities) located in and operating within Australia that are listed in the above Schedule, and such other schools, RTO or educational facilities as EREAFSL may establish in Australia or may acquire, govern, and operate from time-to-time. This definition also applies to campuses of Schools and to a School operating across various sites.