CATHOLIC EDUCATION
WESTERN AUSTRALIA

Whistleblower Protection Framework

1. Objective

The purpose of the Whistleblower Protection Framework (WPF) is to detect corrupt, illegal or other undesirable conduct, and provide a process for individuals to report such conduct in the knowledge that they do so anonymously, without disadvantage, intimidation or reprisal and with appropriate protection.

The WPF and associated procedures have been developed in accordance with the requirements of the *Corporations Act 2001* (Cth) and the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth).

An individual must use the Catholic Education Commission of Western Australia Policies or Executive Directives to address an issue or concern, unless an individual wishes to report a disclosable matter anonymously and/or with appropriate protections in place, in which case the WPF should be used.

2. Source of Authority

Corporations Act 2001 (Cth)

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)

3. Scope

This framework applies to eligible whistleblowers from the Catholic Education Western Australia Limited (CEWA) community including schools, early years learning and care centres, outside school hours care programs and offices governed by CEWA.

The CEWA system also includes schools with other governing bodies, and disclosures regarding those schools must be made directly to their respective governing body:

- Edmund Rice Education Australia – accessible here
- John XXIII College Council Incorporated – accessible here
- Mazenod College – accessible here

CEWA commits to treating all whistleblowers fairly and equitably.

4. Definitions

Detrimental conduct is conduct that would personally disadvantage a whistleblower. Such action may include but not be limited to one or more of the following:

- termination of employment;
- reduction in the terms or conditions of employment;
- harassment, intimidation or bullying of a person;
- harm or injury to a person, including psychological harm;
- damage to a person's reputation;
- demotion; or
- unfair or unequal treatment in the workplace.

A CEWA Person (or People) is any person employed by or associated with CEWA.

Legal protections for a whistleblower under the *Corporations Act*, include:

- identity protection (confidentiality);
- protection from detriment;
- compensation and remedies; and
- civil, criminal and administrative liability protection.

Personal work-related grievances are reports of behaviour that have implications for the whistleblower personally but does not have significant implication for CEWA. Examples include:

- an interpersonal conflict between you the whistleblower and another employee; or
- a decision relating to your employment – such as a transfer, promotion, or disciplinary action.

A personal work-related grievance does not qualify for protection under whistleblower legislation or CEWA's WPF.

An ***eligible recipient*** is a person authorised to receive whistleblower disclosures under the legislation, including:

- nominated officers of CEWA as detailed in CEWA's WPF;
- the Chair of CECWA;
- the Chair of the CECWA Audit and Risk Committee; and
- any person authorised by CEWA to receive disclosures.

Reportable conduct is any past, present or potential future activity, behaviour or state of affairs considered to be:

- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property;
- serious breaches of CEWA's Code of Conduct;
- fraud, money laundering or misappropriation of funds;
- offering or accepting a bribe;
- financial irregularities;
- failure to comply with, or breach of, legal or regulatory requirements;
- issues that are reasonably considered a significant risk to public safety; or
- 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.

A discloser is an eligible whistleblower under the *Corporations Act 2001* (Cth) and may be a current or former:

- employee;
- officer;
- contractor;
- supplier or employee of a contractor or supplier;
- associate of CEWA; or
- a spouse or relative of any of the aforementioned.

5. Principles

5.1 CEWA does not tolerate improper conduct by members of CECWA, CECWA Committee participants, CEWA employees, contractors, volunteers, officers or members of school-based advisory councils and committees.

5.2 CEWA encourages the disclosure of reportable conduct to any recipient authorised to receive a disclosure.

5.3 A whistleblower is entitled to legal protection under the *Corporations Act 2001* (Cth) and *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth) for whistleblower-related disclosures.

5.4 A whistleblower has the right to make an anonymous disclosure at any time.

5.5 A whistleblower must have reasonable grounds for their concern. Disclosure that is motivated by malicious intent or dishonest behaviour may be considered a breach of the *Executive Directive – Code of Conduct* and subject to appropriate disciplinary action.

5.6 If a whistleblower was complicit in the wrongdoing, the whistleblower is not protected from the consequences of involvement. A person remains responsible for their own conduct and any liability is unaffected by their reporting of the wrongdoing.

5.7 If the disclosure turns out to be incorrect, the whistleblower can still qualify for protection.

6. Procedures

6.1 Disclosing Reportable Conduct

A disclosure should be made where there is a belief that CEWA or a CEWA person(s) have engaged in reportable conduct.

To make a protected disclosure an individual must know or have reasonable grounds to suspect reportable conduct.

In making the disclosure it is important to provide as much information as possible, such as:

- date;
- time;
- location;
- name of person(s) involved;
- possible witnesses to the events or actions; and
- evidence of the events or actions.

CEWA encourages all CEWA personnel to speak to their Line Manager, Principal or Director in the first instance. If however, you do not feel safe to do so, you may make a disclosure using this directive:

- internally to our organisation;
- to independent whistleblower service provider – Your Call; or
- to external authorities and entities.

6.1.1 Internal Disclosures

Internal disclosures can be made to a CEWA Nominated Officer and receive protection under those laws. Nominated Officers include:

- Julie Hornby,
  Deputy Executive Director
  Julie.Hornby@cewa.edu.au
- Dan Wood,
  Director School Improvement and Wellbeing
  Dan.Wood@cewa.edu.au
- Paul Andrew,
  Director People and Culture
  Paul.Andrew@cewa.edu.au
- Ainslie Perrigo,
  Chief Strategy and Governance Officer
  Ainslie.Perrigo@cewa.edu.au.

Disclosures can be made confidentially to any of the above recipients by telephone (08 9380 1800), email or in person.

Through the course of an internal disclosure, a Whistleblower may provide consent for the disclosure of their identity for the purpose of investigation and reporting, as option outlined in the Consent Form.

6.1.2 External Disclosures

Whistleblowers may prefer to make a disclosure to an external eligible officer and may do so via Your Call. Your Call is an independent service authorised to receive whistleblower disclosures in relation to CEWA.

Your Call enables disclosures to be made anonymously and confidentially.

All disclosures received by Your Call are reported to the relevant personnel, outlined in the Framework.

Your Call disclosure options include:

- Website: yourcall.com.au/CEWA.
- Telephone: 1300 790 228, available between 9am and 12am, recognised business days, AEST.
- If you are deaf, or have a hearing or speech impairment, you can contact Your Call online or through the National Relay Service. Simply choose your contact method at accesshub.gov.au and request Your Call's hotline: 1300 790 228.
- If you have difficulty speaking or understanding English, contact Your

Call through the Translating and Interpreting Service (TIS) 131 450 and ask for Your Call: 1300 790 228.

6.1.3 Alternate Nominated Officers

Should a disclosure pertain to a Nominated Officer, reports are directed by CEWA or Your Call to the CECWA Chair and CECWA Audit and Risk Committee Chair.

6.1.4 Disclosures to External Authorities and Entities

Reports may also be made under the Australian whistleblower laws to the following external eligible recipients:

- A lawyer, but not a lawyer employed by CEWA, for the purposes of obtaining legal advice or representation.
- The Australian Securities and Investment Commission (ASIC), the Australian Prudential Regulation Authority (APRA), the Commissioner of Taxation, or another Commonwealth body prescribed by regulation, as appropriate.
- Under certain circumstances, defined here, to a journalist or member of Commonwealth, state or territory parliaments for making an "emergency disclosure" or a "public interest disclosure".
- If the report relates to CEWA's tax affairs, a registered tax agent or BAS agent of CEWA.

6.2 Anonymous Disclosures

A whistleblower may remain anonymous should they wish. An anonymous disclosure of unacceptable conduct can be made to an eligible recipient and will be protected under Australian whistleblower laws.

Anonymous whistleblowers may refuse to answer questions they feel could reveal their identity at any time.

6.3 Protecting Confidentiality and Privacy

It is illegal for a person to disclose the identity of a whistleblower who has made a report of unacceptable conduct to an eligible recipient as set out in section 4.1, or to disclose information that is likely to lead to their identification.

Unauthorised disclosures of identity are an offence under Australian law, will be regarded as a CEWA disciplinary matter and managed in accordance with CEWA's disciplinary procedures.

Accordingly, nominated officers or any other person with knowledge of the report must not disclose the whistleblower's identity unless:

- the person making the report consents to the disclosure;
- the disclosure is required by law;
- the disclosure is made to ASIC, APRA, the Commissioner of Taxation (if the report relates to CEWA's tax affairs) or the Australian Federal Police; or
- it is disclosed to a lawyer for the purpose of receiving advice in relation to legal obligations of protection and confidentiality.

CEWA will take all reasonable steps to protect a whistleblower's identity and will ensure that any records relating to a disclosure of unacceptable conduct are stored securely and confidentially, in accordance with the *CEWA Statutory Privacy Policy* and *Executive Directive – Information Stewardship*. Only authorised staff will be permitted to access the recorded information for the purposes of assessing or investigating the disclosure.

A whistleblower who intends to make a report under this WPF may make a request for special protection measures if their identity is likely to be readily inferred from the nature of the information in the report.

If a whistleblower believes there has been an unauthorised disclosure of their identity they should report this to Your Call or a Nominated Officer. Reports of unauthorised disclosure may also be made to ASIC, APRA or the Commissioner of Taxation (if the original report related to CEWA's tax matters for investigation).

To the extent that any of the information recorded by CEWA, or Your Call on CEWA's behalf, constitutes "personal information" about the caller under applicable privacy laws, it should be noted that:

- The purpose of the collection of that information is to assist Your Call and CEWA to respond to issues raised by the whistleblower and to protect or enforce CEWA's legal rights, interests or to defend any claims.
- Personal information may be used for the primary purpose for which it was collected or for any related secondary purpose that could reasonably be expected.
- Personal information may be disclosed or described under section 5.6.

6.4 Protection from Detrimental Conduct

CEWA is committed to protecting the rights of any person who discloses unacceptable conduct in accordance with this WPF.

CEWA will not tolerate any reprisals (including dismissal or demotion), discrimination, bias, harassment, intimidation, victimisation or any other injury or damage to any person suspected of making a report of unacceptable conduct.

CEWA will not tolerate adverse action against a whistleblower's colleagues, employer (if a contractor), relatives, or any other person where the reason for the detrimental conduct relates to the suspicion that a person has made, may make, or could make a disclosure of unacceptable conduct.

Any such retaliatory action may be an offence under Australian law and will be treated as serious misconduct and will be dealt with in accordance with Policies and Executive Directives.

If a whistleblower believes that they have been subject to detrimental conduct they should report this to Your Call or a Nominated Officer. Reports of detrimental conduct may also be made to ASIC, APRA, or the Commissioner of Taxation (if the original report related to CEWA's tax affairs).

6.5 Further Protections for Whistleblowers

Under Australian law, a whistleblower who has reasonable grounds for suspecting that unacceptable conduct has taken place, and who discloses the matter to an eligible recipient, may be entitled to additional legal protections in certain circumstances, including:

- protection from civil, criminal or administrative legal action for making the disclosure; and
- protection from contractual or other remedies being sought against them on the basis of the disclosure.

The information provided may not be admissible as evidence against them in legal proceedings, unless they have knowingly provided false information.

In some circumstances the whistleblower may be entitled a remedy through the courts if:

- they suffer loss, damage or injury because of a report of unacceptable conduct, and
- CEWA failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

These protections are not applicable for reports concerning personal work-related grievances or breaches of conduct, that do not fall into the definition of unacceptable conduct for the purposes of this WPF.

6.6 Investigating a Disclosure

Where it is practicable to investigate a disclosure, an appropriate reviewer will be appointed by the Nominated Officers Committee. A person will only be asked to investigate a matter if they can do so in an impartial manner. In certain circumstances, an external investigator may be appointed.

Where a disclosure relates to suspected unacceptable conduct by a member of the Executive Team or Nominated Officer, the matter will be referred directly to the Chair of CECWA and the CECWA Audit and Risk Committee, where the whistleblower has provided consent.

Where a disclosure related to suspected unacceptable conduct by the Chair of CECWA, matters should be referred directly to Your Call.

The person appointed to investigate the disclosure will be required to follow the *Executive Directive – Dispute and Complaint Resolution*. If insufficient information has been provided it may not be possible to investigate the disclosure made.

Subject to privacy and confidentiality requirements the whistleblower will be kept informed of the expected timeframe for the disclosure's investigation, including

- when the investigation process has begun;
- progress of the investigation, where relevant; and
- the outcome of the investigation, to the extent that it is legally permissible and appropriate to do so.

6.7 Concluding the Investigation

At the end of the investigation, the reviewer(s) will prepare a report documenting relevant findings of the investigation. The findings will be assessed to determine an appropriate response including: rectifying unacceptable conduct and taking action to prevent future occurrences of the same or similar conduct.

The identity of the whistleblower will be redacted from any written reports unless they have consented to the disclosure of their identity.

Where issues of discipline arise, the disciplinary process will be in line with CEWA's *Unsatisfactory Performance or Misconduct Process*. Where allegations of unacceptable conduct cannot be substantiated, the impacted person/s will be advised accordingly and entitled to continue in their role as if the allegations had not been made.

A whistleblower may request a review of the investigation findings if they are not satisfied with the outcome. The review will be conducted by an officer who is not involved in handling and investigating disclosures and the review findings will be shared with the Chair of CECWA for action.

CECWA is not obliged to reopen an investigation if it finds that the investigation was conducted properly, or new information is either not available or would not change the findings of the investigation.

6.8 Training

Eligible recipients, potential investigators and all relevant CEWA personnel will receive training in relation to their rights and obligations under this WPF and under applicable whistleblower laws.

7. Roles and Responsibilities

Catholic Education Commission of Western Australia (CECWA): The Board of Directors for CEWA. CECWA approves this framework and ensures that appropriate procedures are in place to assist all to comply with it.

Nominated Officers:

- Must be a senior CEWA manager appointed by the Executive Director.
- Manage reports that have been made directly to CEWA and Your Call when consent has been provided by the Whistleblower.
- Make decisions as part of the Nominated Officers Committee.

Nominated Officers Committee: A quorum of two Nominated Officers are required to constitute the Committee to make the following decisions:

- whether an investigation is required, and appointment of investigator; and
- appointment of a Whistleblower Protection Officer to support and protect the whistleblower.

Whistleblower Protection Officer (WPO): Appointed by the Nominated Officers Committee to support, protect and advocate for the whistleblower. The WPO may be one of the Nominated Officers or the role may be undertaken by an independent, external service.

Whistleblower Investigation Officer (WIO):

- Appointed by the Nominated Officers Committee.
- The WIO may be one of the Nominated Officers or the investigation may be conducted by an independent, external service.

- Must conduct a thorough and fair investigation following the *Executive Directive – Dispute and Complaint Resolution*.

Eligible Recipients:

- Includes Nominated Officers, CECWA, CEWA Executive, CEWA Senior Leaders, Principals, Your Call and Regulators.
- Can be contacted directly by a whistleblower to receive a whistleblower disclosure.
- When the whistleblower has provided consent to do so, must then pass on the disclosure information to a Nominated Officer.

8. Review

The WPF will be reviewed once every three years, or earlier as required by legislative or regulatory changes.

9 Review History

Version	Approved by	Date of approval	Notes
1	CECWA	May 2020	Initial review
2	CECWA	December 2022	Administrative review
3	CECWA	April 2024	Administrative review
4	CECWA	February 2025	Administrative review
5	CECWA	June 2025	Administrative review

10 References

CEWA Executive Directives:

- *Code of Conduct*
- *Dispute and Complaint Resolution*
- *Information Stewardship*
- Employment

CEWA Statutory Privacy Policy

Corporations Act 2001 (Cth)

Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)

ASIC Whistleblower Regulatory Guide 270