

Title	Whistleblower Policy		
Date of Endorsement	01/01/2020	Review Date	01/01/2022
Review Panel	This policy is to be reviewed by the Executive Director and the Board of Directors		
Scope	This policy applies to all Atwea employees, contractors, volunteers, suppliers and consultants.		

Guiding Principles

Atwea is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance. We recognise the value of transparency and accountability in its administrative and management practices, and supports the reporting of improper conduct.

Atwea College is committed to encouraging the reporting of any instances of suspected unethical, illegal, fraudulent or undesirable conduct involving Atwea's businesses and provides protections and measures so that people who make a report can do so confidentially and without fear of intimidation, disadvantage or reprisal.

Points to note about this policy:

- 1. Higher standard** – This Policy is designed to comply with Atwea's legal obligations. If anything in this Policy is inconsistent with any law imposed on Atwea, that legal obligation or the "higher standard" will prevail over this Policy.
- 2. Speak up and report it!** – We encourage employees of Atwea to report any concerns in line with our policies and procedures.
- 3. Our expectations of Employees** – Atwea expects employees to act honestly and ethically, and to make any report on reasonable grounds.
- 4. Confidentiality and consent** - Atwea will maintain confidentiality of all reports and protect the identity of reporters to the fullest extent possible. While we encourage Whistleblowers to identify yourself to the Executive Director, you may opt to report your concerns anonymously.

Our whistleblower policy is an important tool for helping Atwea College to identify wrongdoing that may not be uncovered unless there is a safe and secure way to disclose wrongdoing.

Atwea College is committed to the highest standards of integrity and conduct. If you are aware of possible wrongdoing we encourage you to disclose this information and will support you in doing so.

Definitions

Item	Definition
Employee	Refers to Atwea's employees, contractors, volunteers, suppliers and consultants

Purpose

This Policy aims to:

- a) encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
- b) provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation
- c) enable Atwea to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
- d) ensure that any Reportable Conduct is identified and dealt with appropriately
- e) ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
- f) help to ensure that Atwea maintains the highest standards of ethical behaviour and integrity.

Policy

1. Reportable Conduct

Who can make a report?

An Eligible Whistleblower is a person who is, or has been, any of the following:

- an officer or employee of Atwea College (this includes current and former employees who are permanent, part-time, fixed-term or temporary, interns, secondees, managers and directors);
- a person who supplies goods or services to Atwea College or an employee of a person who supplies goods or services to Atwea College (whether paid or unpaid) - this could include current and former volunteers, contractors, consultants, service providers and business partners;
- a person who is an associate of Atwea College - for example, a director or company secretary of Atwea College or a related body corporate of Atwea College; or
- a relative, dependent or dependent of the spouse of any person referred to in this definition of Eligible Whistleblower.

What is Reportable Conduct?

The section below sets out what is a Reportable Matter that will qualify for legal protection under the Corporations Act (or the Taxation Administration Act, where relevant). Disclosures that aren't about a Reportable Matter will not be protected under the Corporations Act or the Taxation Administration Act and this policy.

A disclosure will concern a Reportable Matter if an Eligible Whistleblower has reasonable grounds to suspect that the information being disclosed is about:

- misconduct (including fraud, negligence, default, breach of trust and breach of duty);
- an improper state of affairs or circumstances;
- behaviour that represents a danger to the public or the financial system;
- a breach of the Corporations Act; or
- a breach of the Taxation Administration Act or improper conduct in relation to the tax affairs.

A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:

- a) Atwea College; or
- b) A related body corporate of Atwea College

Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

What is *not* Reportable Conduct?

Personal work-related grievances that don't involve a detriment caused to you as a Protected Whistleblower (or a threat of detriment) aren't a Reportable Matter and aren't protected under the Corporations Act or Taxation Administration Act.

A personal work-related grievance is one that relates to your current or former employment that has implications for you personally but doesn't have significant implications for Atwea College.

An example of a work-related grievance that is not protected by law could include if you believe you have missed out on a promotion that you deserve or if you don't like the managerial style of your supervisor.

However, a work-related grievance may still qualify for protection under the law if (for example):

- it is a mixed report that includes information about a Reportable Matter (as well as a work-related grievance);
- Atwea College has broken employment or other laws which are punishable by imprisonment for 12 months or more or acted in a way that is a threat to public safety;
- the disclosure relates to information that suggests misconduct that goes further than the whistleblower's personal circumstances; or
- the whistleblower suffers from or is threatened with detriment for making a disclosure.

What information do I need to make a report?

To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:

- a) date;
- b) time;
- c) location;
- d) name of person(s) involved;
- e) possible witnesses to the events; and
- f) evidence of the events (e.g. documents, emails).

In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

How can I make a report?

A protected disclosure of a Reportable Matter can be made using any of the channels below (each is an Eligible Recipient of Reportable Matter):

- an Executive Director of Atwea College;
Rowan Cox
Atwea College Executive Director
(02) 4925 4217
ceo@atwea.edu.au
- an external auditor of Atwea College;
Martin Matthews
PKF Australia
0414 470 180
mmatthews@pkf.com.au
- Director of Atwea College
Chris Seysener
Chairperson (Board of Directors)
0423 296 035
Chris.Seysener@hvccc.com.au

Postal complaints are accepted but not preferred. For more information please visit <https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>

Disclosures of a Reportable Matter may also be protected when made to:

- ASIC;
- APRA;
- the Commissioner of Taxation; or
- another Commonwealth authority prescribed by law.

Atwea will also protect individuals who have made a report in connection with Atwea:

- a) To the Australian Securities and Investments Commission (**ASIC**) or the Australian Prudential Regulation Authority (**APRA**) or another Commonwealth regulatory body prescribed in legislation;
- b) To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistleblower protections; or
- c) That qualifies as an emergency or public interest disclosure under the Corporations Act 2001(Cth). It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

While we encourage you to identify yourself to the Executive Director, you may opt to report your concerns anonymously such as by adopting a pseudonym.

2. Protection

How will I be protected if I speak up about Reportable Conduct?

If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, Atwea will support and protect you and anyone else assisting in the investigation.

Atwea will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:

- a) retaliation, dismissal, suspension, demotion, or termination of your role;
- b) bullying, harassment, threats or intimidation;
- c) discrimination, subject to current or future bias, or derogatory treatment;
- d) harm or injury;
- e) damage or threats to your property, business, financial position or reputation; or
- f) revealing your identity as a Whistleblower without your consent or contrary to law;
- g) threatening to carry out any of the above actions.

This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds. This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.

Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.

If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately Executive Director, Board of Directors, or an external body under this Policy. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.

Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.

You may also be entitled to the following legal protections for making a report:

- a) protection from civil, criminal or administrative legal action;
- b) protection from having to give evidence in legal proceedings; and/or
- c) compensation or other legal remedy.

How will Atwea ensure confidentiality?

A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. Atwea will do all it can to protect confidentiality.

However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. Atwea will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures.

You may choose to report your concerns anonymously. However, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:

- a) you consent in writing to the disclosure;
- b) the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
- c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
- d) the disclosure is authorised under the *Corporations Act 2001* (Cth); and/or
- e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.

We encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.

It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. Atwea may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

False reports or disclosures

Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report/disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal. The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

3. Handling and investigating a disclosure

Upon receiving a Protected Disclosure, within 5 days, Atwea will endeavour to assess the disclosure to determine whether:

- a) It qualifies for protection; and
- b) A formal, in-depth investigation is required.

Atwea will endeavour provide the discloser with regular updates. We may not be able to investigate a disclosure if it is unable to contact the discloser. We will handle and investigate Protected Disclosures in accordance with the Whistleblowing Procedure below.

This policy & procedure is not intended to override any industrial instrument, contract, award or legislation.

Authorised Officer Position	Chairperson	Authorised Officer Name	Christopher Seysener
Signature		Date	01/01/2020