



CATHOLIC CAPITAL GRANTS (VICTORIA) LTD

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Whistleblower policy

Purpose

This Whistleblower Policy (Policy) is predicated on a commitment to build within Catholic Capital Grants (Victoria) Ltd culture that reflects best practice governance and ethical behaviour. In accordance with that commitment, this Policy provides a foundation for investigation and response where there are reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to Catholic Capital Grants (Victoria) Ltd.

The Policy provides protection to Whistleblowers by establishing a mechanism for concerns to be raised on a confidential basis without fear of reprisal.

Scope

The Policy applies to:

- Catholic Capital Grants (Victoria) Ltd
- Catholic Capital Grants (Victoria) Ltd Workers (as defined below)
- Suppliers and contractors (and their employees) to Catholic Capital Grants (Victoria) Ltd

Relatives and dependents of any of the persons mentioned above.

This policy forms part of the CCG (Vic) Ltd operations and procedures manual.

There are forms of alleged employee conduct committed against, with or in the presence of a child, such as relevant sexual offences, sexual misconduct, physical violence, behaviour that causes significant emotional or psychological harm and significant neglect that constitute 'reportable allegations'. The required management of these forms of conduct is dealt with under the Reportable Conduct Scheme. Other obligations may also be relevant, such as reporting of alleged criminal behaviour to police and mandatory reporting to DHHS.

Definitions

Detriment means:

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

Disclosure means information provided by a Whistleblower who has reasonable grounds to suspect misconduct, or an improper state of affairs or circumstances, in relation to the Catholic Capital Grants (Victoria) Ltd, not including disclosures about a personal work-related grievance.

Personal work-related grievance means a grievance about any matter in relation to a person's employment, or former employment, having personal implications, and the information does not have significant implications, beyond the personal implications, for Catholic Capital Grants (Victoria) Ltd.

Misconduct means conduct by a person or persons connected with Catholic Capital Grants (Victoria) Ltd, which the Whistleblower has reasonable grounds to suspect, is (among other things):

- dishonest;
- fraudulent;
- corrupt;
- negligent;
- illegal (including theft, drug sale/use, criminal damage etc);
- in breach of Commonwealth or state legislation or local authority by-laws;
- unethical (representing a breach of the Catholic Capital Grants (Victoria) Ltd code of conduct or generally);
- other serious improper conduct;
- an unsafe work practice;
- representative of gross mismanagement, serious and substantial waste and/or a repeated breach of administrative procedures; and
- other conduct which may cause financial or non-financial loss to Catholic Capital Grants (Victoria) Ltd or be otherwise detrimental to the interests of the Catholic Capital Grants (Victoria) Ltd.

Reasonable grounds to suspect means more than mere conjecture and would usually require some factual basis.

Senior Management means, as relevant, the Executive Director, the Director, the Manager and employees of Melbourne Archdiocese Catholic Schools Ltd (MACS) who have authority over the direction or management of Catholic Capital Grants (Victoria) Ltd.

Whistleblower means an officer, employee or a contractor performing work or providing goods for the Catholic Capital Grants (Victoria) Ltd, or an associate, relative or dependant of such an officer, employee or contractor, who makes a Disclosure.

Whistleblower Investigations Officer is the person who may be appointed, either internally or externally, by the Whistleblower Protection Officer to conduct an investigation into Disclosures.

Whistleblower Protection Officer is the member of Senior Management appointed at MACS to receive Disclosures and protect the interests of Whistleblowers in accordance with this Policy.

Workers means officers, associates, employees or contractors performing work for Catholic Capital Grants (Victoria) Ltd (including individuals, whether paid or unpaid, who supply goods or services to Catholic Capital Grants (Victoria) Ltd and their employees), and their relatives and dependants.

Policy

Reporting

Disclosures may be made, either verbally or in writing, to any member of Senior Management or the Whistleblower Protection Officer if preferred.

A Whistleblower will also qualify for protection in relation to Disclosures made to:

- ASIC, APRA or another prescribed Commonwealth body
- A legal practitioner for the purpose of obtaining legal advice or legal representation about the provisions of the Whistleblower legislation
- A member of Federal or State Parliaments
- A journalist.

Anonymous reporting and confidentiality

Disclosures may be made anonymously and still be protected. Catholic Capital Grants (Victoria) Ltd will treat all reports, as well as all confidential information acquired in the course of investigating a report, with the strictest confidence, unless legally required to do otherwise.

Anonymous reporting may limit Catholic Capital Grants (Victoria) Ltd ability to investigate the matters reported. Subject to compliance with legal requirements Catholic Capital Grants (Victoria) Ltd will only disclose the identity of the person who made the report, or any other information that is likely to lead to the identification of that person, with their prior consent or otherwise in the limited circumstances listed below.

In limited circumstances, Catholic Capital Grants (Victoria) Ltd may be compelled to disclose the identity of the person making the report without their consent to certain third parties, including:

- Lawyers representing Catholic Capital Grants (Victoria) Ltd;
- The Australian Securities and Investments Commission;
- The Australian Charities and Not-for-profits Commission;
- The Australian Federal Police / State Police;
- The Commonwealth Ombudsman (where we are engaged under a relevant Federal Government contract);
- The Inspector-General of Intelligence and Security (where we are engaged under a relevant Federal Government Contract); and
- Any third party where the investigating authority, public authority, officer or public official is of the opinion that disclosure of your identity is necessary to investigate the matter effectively, or it is otherwise in the public interest to do so (where we are engaged under a relevant Federal or State Government contract).

Protection from detrimental conduct

Catholic Capital Grants (Victoria) Ltd encourages all persons covered by this Policy to report Misconduct or an improper state of affairs or circumstances, in relation to the Catholic Capital Grants (Victoria) Ltd, and is committed to protecting and supporting those persons who do so.

The protections provided to a Whistleblower under this Policy apply to the disclosure of information where the Whistleblower has reasonable grounds to suspect misconduct or an improper state of affairs or circumstances in relation to the Catholic Capital Grants (Victoria) Ltd and do not apply in circumstances where a person discloses information that they know to be untrue.

Information that is disclosed regarding matters that do not relate to misconduct or an improper state of affairs or circumstances in relation to the Catholic Capital Grants (Victoria) Ltd do not qualify for protection under legislation.

A Whistleblower under this Policy will not be subjected to any Detriment or threat of Detriment for making a Disclosure and will be covered by all of the protections provided under Commonwealth legislation providing for Whistleblower protections. Any alleged Detriment should be reported to the Whistleblower Protection Officer, and may be dealt with under the Catholic Capital Grants (Victoria) Ltd disciplinary policy. A court may make orders including orders for compensation where a Whistleblower is subjected to detriment for making a Disclosure.

Catholic Capital Grants (Victoria) Ltd will maintain the confidentiality of a Whistleblower and any information that would be likely to lead to the identification of the Whistleblower, subject to law and any authorisation by the Whistleblower allowing for identification in the context of an investigation of a Disclosure.

A person who is considering making a Disclosure may contact the Whistleblower Protection Officer to obtain additional information before making a Disclosure.

(Note: There are also specific protections provided in the tax whistleblower regime under the Taxation Administration Act).

Investigation

All Disclosures that qualify for protection will be subject to thorough investigation.

The Whistleblower Protection Officer will investigate the Disclosure, or may elect to appoint a Whistleblower Investigations Officer to investigate. This will be a decision of the Whistleblower Protection Officer and will depend on the nature and extent of the allegation(s) contained in the Disclosure.

The Whistleblower will be kept informed of the progress and outcome of the investigation by the Whistleblower Protection Officer, subject to privacy considerations of individuals involved in the investigation.

All reports and investigation procedures will be dealt with promptly.

Investigation report

The person conducting the investigation, whether that be the Whistleblower Protection Officer or a Whistleblower Investigations Officer, will prepare an investigation report. The investigation report will provide a summary of the facts of the Disclosure and of the investigation. It will also provide recommendations as to findings of whether any allegation is substantiated or unsubstantiated and may also provide recommendations on actions, if any, that may be taken accordingly.

Decision-making

The investigation report will be provided by the Whistleblower Protection Officer to the relevant decision-maker at Catholic Capital Grants (Victoria) Ltd who will make a final decision in relation to the recommended findings and actions to be taken, if any. In circumstances where the investigation is conducted by a Whistleblower Investigations Officer, the investigation report will also be provided to the Whistleblower Protection Officer.

The Whistleblower Protection Officer will inform the Whistleblower of the outcome of any investigation and retain a coordinating role in monitoring the implementation of any decided actions.

Procedural fairness

The principles of procedural fairness will apply to the conduct of investigations regarding Disclosures. The person against whom any relevant allegations are made will be informed accordingly and will be provided an opportunity to respond. Any decision regarding outcomes of an investigation will be made by an unbiased decision-maker.

Whistleblowers can rely on the protection afforded by this Policy and the relevant legislation, providing that the person making any Disclosure has reasonable grounds to suspect misconduct. If a Whistleblower has any concerns regarding any Detriment as a result of a report made under this Policy, they should immediately contact the Whistleblower Protection Officer.

How the policy is to be made available to employees

This Policy is to be made available to all officers, employees and contractors at Catholic Capital Grants (Victoria) Ltd by way of the intranet and policy resource documents. The Policy will be the subject of induction and subsequent in-service training.

Examples of disclosures

Inappropriate electronic material

An employee brings to work a personal DVD containing image files of adults that are sexually explicit. They download the images to their work computer and then decide to circulate some of the images to colleagues. A colleague who receives the images uses the provisions of the Whistleblower Protection Policy to report the matter confidentially, as the actions are in breach of acceptable ICT Usage policies.

Suspicious behaviour involving school funds

An employee is relieving a colleague who is on annual leave and is asked by a parent why they have not received a receipt for the last cash payment they made to the school. The replacement employee advises that they will follow up the parent's inquiry. The replacement employee is suspicious that fraudulent misconduct may be occurring. They decide to report the matter confidentially and in line with the Whistleblower Protection Policy.

Responsibilities

Person making a report

Should report any past, present or likely future activity or behaviour which is defined as misconduct, or an improper state of affairs or circumstances, in relation to Catholic Capital Grants (Victoria) Ltd as defined in this Policy.

Recipient of report

Any person who receives a report for the purposes of this Policy must maintain the confidentiality of the person making the report and notify the Integrity Line by phone or email.

Investigator

As directed by Whistleblower Protection Officer, this role is responsible for:

- Investigating reports received from whistleblowers
- Updating Whistleblower Protection Officer with their investigation results in a timely manner
- Maintaining confidentiality when handling reports when practical and appropriate in the circumstances, and be objective, fair and independent throughout the investigation process.
- Conducting a sufficient and proper inquiry into the content of a Whistleblower report.

Whistleblower Protection Officer

This role is responsible for:

- Providing mentoring and other support to persons making a report.
- Providing protection to persons making a report according to this Policy.
- Keeping persons making a report informed of the progress and outcomes of the inquiry/ investigation subject to considerations of privacy of the alleged perpetrators of misconduct.
- Regularly reviewing and reporting to Catholic Capital Grants (Victoria) Ltd reports to determine whether and what type of organisational action is required to address any underlying trends or patterns.

Who to contact

Whistleblower Protection Officer contact details:

Kate Roberts

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Policy introduced

13 May 2021

Policy to be reviewed

June 2022

Relevant Legislation

Commonwealth

Corporations Act 2001

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

Corporations Amendments (Proprietary Company Thresholds) Regulations 2019