



CATHOLIC
EDUCATION
WESTERN AUSTRALIA

Whistleblower Protection Framework

1. Introduction

Catholic Education Western Australia Limited (CEWA) is committed to fostering a culture that reflects transparency and integrity and promotes Catholic values and ethical behaviour. The Whistleblower Protection Framework is designed to uphold CEWA's shared values arising from the Catholic Social Teaching Principles of the dignity of the human person, the common good, subsidiarity, co-responsibility and participation.

This Framework has been developed in accordance with the requirements of the *Corporations Act 2001* (Cth) (the Act) and the *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth). This document is part of the CECWA Policy Structure and should be read in conjunction with all Policies and associated Executive Directives.

The purpose of the Whistleblower Protection Framework is to:

- Encourage the disclosure of wrongdoing
- Help deter wrongdoing and promote a more ethical culture, in line with CEWA's risk management and governance framework
- Provide a process for individuals to report disclosable matters in the knowledge that they may do so anonymously, and can act without disadvantage, intimidation or reprisal, and with appropriate protection
- Improve CEWA's whistleblowing culture and increase transparency in the process to handle disclosures of wrongdoing, and
- Meet CEWA's legal and regulatory obligations.

An individual must use the CECWA Policies and 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 this Whistleblower Protection Framework should be used.

2. Definitions and Roles

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 or intimidation 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 (or people) employed by or associated with CEWA.

Legal Protections for a whistleblower, under the *Corporations Act 2001* (Cth), include:

- identity protection (confidentiality)
- protection from detrimental acts or omissions
- compensation and remedies, and
- civil, criminal and administrative liability protection.



Personal Work-Related Grievance includes, but is not limited to one or more of the following:

- an interpersonal conflict between the whistleblower and another employee
- a decision relating to the engagement, transfer or promotion of the whistleblower
- a decision relating to the terms and conditions of engagement of the whistleblower, and/or
- a decision to suspend or terminate the engagement of the whistleblower, or otherwise to discipline the whistleblower.

An Eligible Recipient is one eligible under the *Corporations Act 2001* (Cth) and includes:

- Nominated Officers of CEWA as detailed in the Whistleblower Protection Framework
- the Alternative Officer, as appointed by CECWA, and
- any person authorised by CEWA to receive disclosures that may qualify for protection under this part.

Disclosable Matters that qualify for protection under the *Corporations Act 2001* (Cth) may or may not involve a contravention of a particular law, and may include but not be limited to:

- illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property
- 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
- issues that risk the stability of the CEWA financial system
- alert to an emergency situation
- 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 a person who qualifies for protection as a whistleblower under the *Corporations Act 2001* (Cth) and may be a current or former:

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

A discloser may also be referred to as a whistleblower in the Whistleblower Protection Framework.

Roles and Responsibilities:

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

Executive Director Responsible for the implementation of this Framework and appoints the Nominated Officers for CEWA.

Principals Responsible for the implementation of this Framework and the development of local school processes in accordance with the CECWA Policy, CEWA pillar statements, executive directives and processes.

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 discloser.
- Make decisions as part of the Nominated Officers Committee.

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

- whether an investigation is required, and appointment of investigator, and
- appointment of a WPO 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: (Nominated Officers, CECWA, CEWA Executive, CEWA Senior Leaders, Principals, Your Call, Regulators)

- Can be contacted directly by a whistleblower to receive a whistleblower report.
- When the whistleblower has provided consent to do so, the eligible recipient must then pass on the report information to a Nominated Officer.

3. Scope

The Whistleblower Protection Framework applies to eligible disclosers from the CEWA community. References within this Framework to CEWA include references to all CEWA schools, early years and learning centres, outside school hours care programs and offices.

Although there are legislative differences in how the employees of organisations captured under the Act must be protected, and how students and parents must be treated under state and federal legislation when reporting a wrongdoing, CEWA commits to treating all whistleblowers fairly and equitably.

Students from the CEWA school community and parents of students should use the following to raise concerns about wrongdoing:

Executive Directive – Student Safety, Wellbeing and Behaviour

Executive Directive – Dispute and Complaint Resolution

Executive Directive – Privacy

Executive Directive – Code of Conduct

4. Principles

- 4.1 CEWA does not tolerate wrongdoing by members of CECWA or CECWA Committees, CEWA employees, contractors, volunteers, officers or members of school-based advisory councils and committees.
- 4.2 CEWA upholds the Catholic Social Teaching principles alongside values of transparency and accountability in all management and governance practices.
- 4.3 CEWA supports the making of reports of disclosable matters by whistleblowers to any eligible recipient authorised to receive a whistleblower disclosure.
- 4.4 A whistleblower is entitled to legal protection under the *Corporations Act 2001* (Cth) and *Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019* (Cth).
- 4.5 A whistleblower has the right to make an anonymous disclosure, in confidence, securely and inside or outside of business hours.
- 4.6 A whistleblower must provide information that may assist any inquiry or investigation into the matter.
- 4.7 CEWA will ensure whistleblower protection from any actual or threatened detrimental conduct, including retaliatory action, victimisation, reprisal, discrimination, and harassment for making a disclosure of reportable conduct. Any retaliation will be considered to be misconduct.
- 4.8 CEWA will ensure fair treatment of employees who are mentioned in or the subject of disclosures that qualify for protection. All reasonable steps will be taken to support and protect persons who make such disclosures.
- 4.9 Whistleblower protection may also apply if a whistleblower report is made to a journalist or parliamentarian, where matters are in the public interest, or in an emergency situation. CEWA strongly encourages the use of existing processes, including this Framework, relevant executive directives and associated processes.



- 4.10 CEWA will fairly and objectively investigate each disclosure as soon as is practically possible. Such investigation will be conducted by either a Nominated Officer, the Alternative Officer or an external investigator, who is independent and suitably qualified to conduct such an investigation.
- 4.11 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.
- 4.12 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.
- 4.13 If the disclosure turns out to be incorrect, the whistleblower can still qualify for protection.
- 4.14 A whistleblower must be informed of the outcome of any investigation relating to their disclosure.

5. Procedures

5.1 Determining Disclosable Matters

Any wrongdoing covered by this Framework includes any disclosable matter or other conduct that:

- is dishonest, fraudulent or corrupt
- is illegal, such as theft, drug sale or use, violence, harassment or intimidation, criminal damage to property or other breaches of state or federal law
- is unethical, such as dishonesty, altering company records or data, or adopting questionable accounting practices
- is potentially damaging to CEWA or a CEWA person, such as unsafe work practices or substantial wasting of CEWA resources
- may cause financial loss to CEWA, damage its reputation or otherwise be detrimental to CEWA's interests

- poses a significant risk to public safety or the stability of, or confidence in, the financial system (whether or not it involves a breach of the law)
- involves engaging in or threatening to engage in detrimental conduct against a person who has made a report of wrongdoing, or is believed or suspected to have made, or be planning to make, a report of wrongdoing
- relates to potential wrongdoing or an improper state of affairs or circumstances related to CEWA's tax affairs, or
- involves any other kind of wrongdoing or an improper state of affairs or circumstances in relation to CEWA.

Disclosable Matters do not include:

- breaches of the Executive Directive – Code of Conduct that do not relate to the definition of disclosable matters or
- personal work-related grievances that are excluded from the whistleblower protections under the Act.

These matters may be raised in accordance with the CECWA Policy Structure, depending on the nature of the grievance.

5.2 Reporting Disclosable Matters

CEWA encourages all CEWA people to speak to their line manager, principal or director in the first instance. All reasonable attempts to resolve an issue informally and internally should first be tried, where appropriate. If, however, an individual does not feel safe or able to raise wrongdoing with their line manager, principal or director, they may make a disclosure using this Framework, where the issue concerns a disclosable matter:

- a) internally to our organisation
- b) to independent whistleblower service provider Your Call, or
- c) to external authorities and entities.

5.2.1 Internal disclosures

If a discloser would like to make a report internally under Australian whistleblower laws (and receive protection under those laws), they can make a confidential report of wrongdoing to any eligible recipient.



Alternatively, the discloser can contact one of CEWA's Nominated Officers, set out below:

ROLE	CONTACT DETAILS
Deputy Executive Director	Wayne.Bull@cewa.edu.au
Director – Leadership and Employee Services	Tony.Curry@cewa.edu.au
Team Leader – Strategy, Governance, Policy and Risk	Ainslie.Perrigo@cewa.edu.au

These reports can be made by telephone, email or in person.

5.2.2 Disclosures to external hotline – Your Call

If, for any reason, you do not feel safe or able to make a disclosure internally, you may do so to independent whistleblower service provider, Your Call.

Your Call is an independent and external service that is authorised to receive whistleblowing reports in relation to CEWA.

All reports received by Your Call are reported to the Nominated Officers Committee, or where the allegation pertains to a member of the CEWA Executive or one of the Nominated Officers, then to the Alternative Officer, in accordance with this Framework.

Your Call enables reports to be made anonymously and confidentially.

Your Call reporting options include:

- Website available 24/7: <https://www.yourcall.com.au/report>
You will be required to enter CEWA's unique identifier code: (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 www.relayservice.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 on 1300 790 228.

5.2.3 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, to a journalist or member of Commonwealth, state or territory parliaments in accordance with the requirements set out in the Act for making an “emergency disclosure” or a “public interest disclosure”, or
- If the report relates to CEWA's tax affairs, a registered tax agent or BAS agent of CEWA.

5.3 Reporting Disclosable Matters Anonymously

If the whistleblower wishes to remain anonymous, then he or she may do so. An anonymous report of wrongdoing can be made to an eligible recipient and will be protected under Australian whistleblower laws. A whistleblower who makes an anonymous report of wrongdoing may refuse to answer questions they feel could reveal their identity at any time.

5.4 Protecting Whistleblowers' Confidentiality and Privacy

It is illegal for a person to disclose the identity of a whistleblower who has made a report of wrongdoing to an eligible recipient, as set out in section 5.1 of this document, or to disclose information that is likely to lead to their



identification, outside of the above circumstances. Such unauthorised disclosure will be an offence under Australian law. It will also be regarded as a CEWA disciplinary matter and will be dealt with in accordance with CEWA's disciplinary procedures.

Accordingly, eligible recipients or any other person with knowledge of the report must not disclose the CEWA person's identity unless:

- The CEWA 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.
- 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 report of wrongdoing are stored securely and confidentially, in accordance with the Executive Directive – Privacy. Such records will be accessed only by CEWA staff and employees of the appointed independent external investigation service, who are authorised to access the information for the purposes of assessing or investigating the report.

A discloser who intends to make a report under this Framework 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 discloser believes there has been an unauthorised disclosure of their identity or information that is likely to lead to their identity being disclosed, 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 law, it should be noted that:

- The purpose of the collection of that information is to assist the hotline and CEWA to respond to issues raised by the whistleblower and to protect or enforce CEWA's legal rights or 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 in the situations described above.

CEWA only collects, uses or discloses personal information, including sensitive information, as allowed by law. Further details are available in the Executive Directive – Privacy.

5.5 Protecting Whistleblowers from Detrimental Conduct

CEWA is committed to protecting and respecting the rights of any CEWA person who reports wrongdoing in accordance with this Framework.

CEWA will not tolerate any actual or threatened (whether expressed or implied, whether or not there is any intention to carry out the threat and whether or not the discloser who receives the threat fears that the threat will be carried out) 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 wrongdoing, or against that person'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 report of wrongdoing. This commitment is supported by the Executive Directive – Employment.

Any such retaliatory action may be an offence under Australian law, will be treated as serious misconduct and will be dealt with in accordance with the CEWA Policy Structure.

Performance management of a whistleblower, where such action is in line with CEWA's performance management approach, is not detrimental conduct. If such actions are undertaken, CEWA will explain to the whistleblower the reason for the action.



CEWA will take all reasonable steps to protect a whistleblower from suffering detriment due to making a disclosure, including providing support services (counselling, EAP) and assessing the risk of detriment.

If a discloser 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).

5.6 Further Protection to Whistleblowers

In addition to the above, under Australian law, a discloser who has reasonable grounds for suspecting that wrongdoing has taken place, and who reports the matter to an eligible recipient, may be entitled to additional legal protections in certain circumstances, including:

- They may be protected from civil, criminal or administrative legal action for making the report;
- They may be protected from contractual or other remedies being sought against them on the basis of the report;
- The information they provide may not be admissible in evidence against them in legal proceedings (unless they have provided false information); and
- In some circumstances they may be entitled to compensation or another remedy through the courts if:
 - they suffer loss, damage or injury because of a report of wrongdoing, and
 - CEWA failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

Under Australian law, these protections may not apply to reports made to eligible recipients that concern a personal work-related grievance of the person making the report or breaches of the Executive Directive – Code of Conduct that do not fall into the definition of disclosable matters.

5.7 Investigating a Disclosure

Where it is appropriate and practicable to investigate a report, an appropriate investigator (or investigators) will be appointed by the Nominated Officers Committee to assess and

investigate the report. A person will only be asked to investigate a matter if they can do so in an impartial manner. In certain circumstances, CEWA may decide to appoint external investigators.

Where a report of suspected wrongdoing relates to a significant matter involving a member of the CEWA Executive or one of the Nominated Officers, the matter will be referred directly to the Alternative Officer when the whistleblower has provided consent.

The person (or external organisation) appointed to investigate the report will be required to follow the Executive Directive – Dispute and Complaint Resolution.

Reports may not be able to be investigated if CEWA is not able to contact the person who has made the report and insufficient information has been provided to warrant an investigation.

Whenever a report of suspected wrongdoing mentions or relates to any CEWA employees, CEWA is committed to treating those employees fairly, as appropriate in the circumstances.

Subject to privacy and confidentiality requirements the whistleblower will be kept informed of:

- when the investigation process has begun
- relevant progress of the investigation, and
- the outcome of the investigation

to the extent that it is legally permissible and appropriate to do so.

5.8 Concluding the Investigation

5.8.1 At the end of the investigation, the investigator(s) will prepare an investigation report that includes all relevant findings of the investigation. The investigation findings will be reviewed independently of the investigator(s), to determine an appropriate response, which may include rectifying any wrongdoing and taking any action required to prevent any future occurrences of the same or similar conduct.

5.8.2 The identity of the CEWA person who reported the wrongdoing will be redacted from any written investigation reports, unless they have consented to the disclosure of their identity.



- 5.8.3 Where issues of discipline arise, the disciplinary process will also be in line with the Unsatisfactory Performance or Misconduct Process within the Executive Directive – Employment. Where allegations of wrongdoing made against a person cannot be substantiated, that person will be advised accordingly and will be entitled to continue in their role as if the allegations had not been made.
- 5.8.4 A person who has committed or been involved in wrongdoing will not be immune from disciplinary action merely because they have reported the wrongdoing in accordance with this Framework. However, the person's conduct in making the report is likely to be taken into account in determining what disciplinary action is appropriate.
- 5.8.5 Once the matter is finalised, a report will be made to the whistleblower. This report will explain the findings and actions taken to the fullest extent possible within commercial, legal and confidentiality constraints. Where the whistleblower chose to remain anonymous, alternative arrangements may be made for providing a verbal report of the outcome of the investigation to that person, where possible.
- 5.8.6 An eligible discloser may request a review of the investigation findings if the outcome is not to their satisfaction. The review will be conducted by an officer who is not involved in handling and investigating disclosures and the review findings will be appropriately shared with CECWA and the Audit and Risk Committee.
- 5.8.7 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.

5.9 Availability of this Framework

The Whistleblower Protection Framework is available on CEWA's intranet and external website. All diocesan Catholic schools must include a link to the Framework on their school website.

5.10 Training in this Framework

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

5.11 Questions about this Framework

If you need information and advice about making a disclosure or the support and protection available, you may discuss the matter in confidence with a Nominated Officer.

6. References

Executive Directive – Code of Conduct

Executive Directive – Dispute and Complaint Resolution

Executive Directive – Employment

Executive Directive – Privacy

Executive Directive – Student Safety, Wellbeing and Behaviour

[Corporations Act 2001 \(Cth\)](#)

[Treasury Laws Amendment \(Enhancing Whistleblower Protections\) Act 2019 \(Cth\)](#)

7. Related Documents

[ASIC Whistleblower Regulatory Guide 270](#)

8. Contact

Responsible Team Leader

[Ainslie Perrigo](#) – Team Leader, Strategy, Governance, Policy and Risk

Responsible Director

[Wayne Bull](#) – Deputy Executive Director

9. Review History

This Framework was developed in 2021.

10. Next Review

This Framework will be reviewed annually by the Catholic Education Commission of Western Australia.



Appendix A – Consent Template

Acknowledgement and consent to disclosure for investigation and reporting purposes

CONFIDENTIAL

1. I, _____ (name of person making a disclosure), have made a disclosure of information to the following person:

Name of person	
Position title or role	

2. I have reasonable grounds to suspect that the information concerns a disclosable matter/s.
3. I have received a copy of the Whistleblower Protection Framework.
4. I understand that information about my report that is unlikely to reveal my identity can be disclosed without my consent.
5. I understand that if my report is captured under whistleblower protections set out in the *Corporations Act 2001 (Part 9.4AAA-Protection for whistleblowers)*, my identity and information that is likely to lead to my identity cannot be disclosed, unless authorised by law in the following circumstances:
- (i) my consent has been given
 - (ii) the information is disclosed to a legal practitioner for the purpose of obtaining advice and representation in relation to whistleblower laws
 - (iii) the information is reasonably necessary for the purpose of investigation of the matter and all reasonable steps to reduce the risk that I will be identified have been taken, or
 - (iv) the information is disclosed to Australian Securities Investment Commission (ASIC), the Tax Commissioner (if a tax matter) or the Australian Federal Police (AFP).
6. I hereby give my consent to the disclosure of my identity, under conditions of confidentiality, and for the purpose of investigation and reporting as set out in the Whistleblower Protection Framework to the following persons or organisations:

Name of person or organisation	Position title or role
Wayne Bull	NO
Dr Tony Curry	NO
Ainslie Perrigo	NO
	WIO
	WPO (if appointed)
	CECWA
Dr Debra Sayce	CEWA Executive Officer
Your Call	External whistleblowing hotline

Signed by: _____

Name of discloser: _____

Signature of discloser: _____

Date: _____