

Introduction

This Whistleblower Policy is underpinned by a strong commitment across Melbourne Archdiocese Catholic Schools Ltd (MACS), MACS schools and MACSEYE services that reflects sound governance and promotion of honest and ethical behaviour. An effective whistleblowing process

Coming forward can be difficult so it is important that people to whom this policy applies feel supported to speak up when they see wrongdoing and that they are confident that MACS has arrangements in place for handling disclosures with confidentiality. This includes having confidence that people authorised by MACS to receive disclosures understand their obligations and will ensure they are handled appropriately.

Policy

MACS will protect and support those who come forward in good faith to report a suspected improper situation based on a reasonable belief. MACS will maintain confidentiality by determining an appropriate time and place for the disclosure to be made and by treating with confidentiality any information that would be likely to lead to the identification of the whistleblower, subject to law, and any authorisation by the whistleblower allowing identification in the context of an investigation of a disclosure.

Additionally, MACS will protect anyone who makes a disclosure in good faith from any form of detrimental act or omission because of a disclosure. MACS will also ensure that there are consequences for anyone who treats a whistleblower detrimentally in accordance with relevant policies or codes of conduct.

Any allegation of detrimental treatment should be reported to the Whistleblower Protection Officer and may be dealt with under the relevant MACS policy.

Types of misconduct that may be a qualifying disclosure

The following types of misconduct may be a qualifying disclosure:

- suspicious behaviour involving payroll
- work practices that are unsafe
- deliberate, inaccurate reporting of student enrolment numbers in a government census
- inappropriate electronic material or use of computers to circulate inappropriate material
- suspicious behaviour involving school/services funds.

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/service 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/service. The

How do I make a disclosure?

A disclosure can be made either verbally or in writing, noting that disclosures can be made confidentially, securely and outside business hours. They can also be made anonymously and still be protected under the Corporations Act.

Who can receive a disclosure?

Disclosures of misconduct must only be made to a person authorised by MACS to receive whistleblower information. This is to ensure that any disclosure is handled in accordance with the requirements and the whistleblower is covered by the protections outlined in this policy. At MACS, the role of Whistleblower Protection Officer is held by the General Manager, Legal and Professional Standards.

For the purposes of MACS, disclosures can be made to:

MACS Whistleblower Protection Officer – General Manager, Legal and Professional Standards,
on 03 9267 0228

MACS Company Secretary CompanySecretary@macs.vic.edu.au

MACS General Manager, People Experience

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 or a journalist.

The ACNC is not an eligible recipient of disclosures.

Legal protections

To qualify for whistleblower protections, the person making a disclosure must have reasonable grounds to suspect that the information they will disclose indicates misconduct.

Disclosures that are not about 'disclosable matters' do not qualify for protection under the Corporations Act.

Support and practical protection

Whistleblowers can rely on the protection of this policy for disclosures of misconduct that meet the definition provided in this policy. Any concerns about unfavourable treatment because of making such a disclosure should immediately be made to the Whistleblower Protection Officer, or to the MACS Company Secretary if the matter relates to the Whistleblower Protection Officer.

No action will be taken against a whistleblower who makes a report in good faith that is not subsequently substantiated in an investigation. However, it is important to have reasonable grounds to suspect that the information to be disclosed about MACS, a MACS school or MACSEYE service concerns misconduct or an improper situation which will usually include some factual information.

A court may make orders, including orders for compensation, where a whistleblower is subjected to detriment for making a disclosure.

MACS, MACS schools and MACSEYE services 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. It is illegal to identify a whistleblower without consent outside these reasons.

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

It should be noted that the *Taxation Administration Act 1953* (Cth) also contains protections for whistleblowers reporting misconduct related specifically to tax, however, as registered charities, MACS, its subsidiaries, MACS schools (including specialist schools operated by MACSS) and MACSEYE services receive tax concessions.

Handling and investigating a disclosure of misconduct

Following receipt of a qualifying disclosure, the Whistleblower Protection Officer, or another person authorised by MACS to receive such disclosures, will take steps to ensure the time and place for receiving the disclosure is appropriate.

MACS will consider any disclosure made in good faith.

All qualifying disclosures will be investigated promptly with objectivity and procedural fairness.

All reports and investigation procedures will be dealt with promptly.

The Whistleblower Protection Officer may appoint a Whistleblower Investigation Officer to conduct the investigation. 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 the individuals involved in the investigation.

The General Manager, Legal and Professional Standards who, by their role, is appointed by MACS to receive whistleblower qualifying disclosures and protect the interests of whistleblowers in accordance with this policy.

Whistleblower protections

The protections provided to whistleblowers to enable them to come forward to report misconduct without fear of retribution or personal detriment.

Related policies and documents

Supporting documents

Whistleblower Procedure

Related MACS policies and documents

Reportable Conduct Policy

Resources

CECV Whistleblower Policy Template

[ACNC Whistleblower Fact Sheet](#)

[ASIC Whistleblower Instrument](#)

[Reportable Conduct Scheme](#)

Legislation and standards

Australian Securities and Investments Commission Act 2001 (Cth)

Corporations Act 2001 (Cth)

Corporations Regulations 2001 (Cth)

Taxation Administration Act 1953 (Cth)

Australian Securities and Investment Commission (ASIC) Corporations (Whistleblower Policies)

Instrument 2019/1146

Policy information

Responsible director	Director, Governance, Legal and Compliance
Policy owner	General Manager, Legal – MACS Corporate
Approving authority	MACS Board
Assigned board committee	Governance
Approval date	April 2022 (Rebranded October 2023)
Risk Rating	Extreme

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