



MACKAY CHRISTIAN COLLEGE

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Whistleblower Policy

Purpose:	This policy exists to encourage the reporting of corrupt, illegal or other undesirable conduct at Mackay Christian College. It outlines how individuals can appropriately make disclosures about these matters, and how the college will protect those individuals from detrimental consequences.	
Scope:	College Board, Officers, Workers, Contractors and Service Providers, Other Persons associated with the college, including students and parents.	
Status:	Approved	Supersedes: Previous version
Authorised by:	Board Chair	Date of Authorisation: March 2023
References:	<ul style="list-style-type: none"> • <u>Corporations Act 2001 (Cth)</u> • <u>Australian Standard AS8004-2003 Whistleblower Protection Program for Entities</u> • MCC Code of Conduct Policy • MCC Employment Policy 	
Review Date:	Annually	Next Review Date: March 2024
Policy Owner:	Mackay Christian College Principal	



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3E 2 Whistleblower Policy

Definitions

Eligible Whistleblower - Who qualifies for protection?

A Whistleblower who is eligible for protection is an individual such as an officer, employee, service provider or associate (or their relative) who is or has been in a relationship with Mackay Christian College and who brings a Disclosable Matter to the attention of the school under this policy.

Disclosure to an eligible recipient must be in writing and signed before the matter proceeds.

Disclosable Matter - What kind of disclosures can be made under this policy?

A disclosure is eligible for protection if it relates to actual or suspected conduct within Mackay Christian College that is:

- misconduct, or an improper state of affairs or circumstances in relation to the college
- contravention of the *Corporations Act 2001*
- contravention of ACNC policy
- conduct that represents a danger to the public or the financial system
- an offence against any other law of the Commonwealth that is punishable by imprisonment for 12 months or more.

Eligible Recipients - To whom should a disclosure be made?

Disclosures qualify for protection if they are made to eligible recipients. Those belong to the following categories of persons:

- a senior manager or Executive of Mackay Christian College
- the Whistleblower Investigations Officer of Mackay Christian College
- an auditor, or a member of an audit team conducting an audit of Mackay Christian College
- The Board Chair.

Disclosures made to a legal practitioner for obtaining legal advice or legal representation are also protected.

Under exceptional circumstances, the law makes provisions for whistleblowing disclosures to professional journalists and members of parliament. These are called “emergency disclosures” and “public interest disclosures”; however, they require strict adherence to prescribed processes before being made to qualify for protection.

Detriment

This policy seeks to prevent Whistleblowers from Detriment, which includes the following:

- dismissal of an employee
- injury of an employee in their employment
- alteration of an employee’s position or duties to their 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
- damage to a person's property
- damage to a person's reputation
- damage to a person's business or financial position
- any other damage to a person.

However, Whistleblowers will not be protected from reasonable action by the college or any aggrieved party where the matter raised has been proven to be false and/or made with malicious intent.

Policy Statement

Mackay Christian College is committed to maintaining and promoting high standards of integrity, governance and ethical behaviour within the organisation by people at all levels, starting with the governing body, the principal, and senior management. Mackay Christian College is, therefore, encouraging the reporting of wrongdoing through appropriate channels.

Mackay Christian College is committed to complying with the applicable laws and practices included in the *Corporations Act 2001* and *Australian Standard AS8004-2003 Whistleblower Protection Program for Entities*.

All Mackay Christian College employees and associates have a responsibility to help detect, prevent and report instances of suspicious activity or wrongdoing.

Whistleblower Investigations Officer

The Heads of Junior and Senior Campus are appointed as a Whistleblower Investigations Officer and will investigate the substance of the complaint to determine whether there is evidence in support of the matters raised or to refute the report.

The Whistleblower Investigations Officer can be contacted by the following means:

- *email:* phopper@mccmky.qld.edu.au or rhopper@mccmky.qld.edu.au
- *phone:* 07 4963 1100
- *in person:* Mr Peter Hopper or Mrs Robyn Hopper

Whistleblower Protection Officer

The Principal is appointed as a Whistleblower Protection Officer and will safeguard the interests of the Whistleblower in terms of this policy and any applicable legislation and standards. The Whistleblower Protection Officer will be readily accessible by all staff and will have direct, unfettered access to independent financial, legal and operational advisers as required.

The Whistleblower Protection Officer can be contacted by the following means:

- *email:* bgallogray@mccmky.qld.edu.au
- *phone:* 07 4963 1100
- *in person:* Dr Barclie Gallogray
- *other:*

The responsibilities of the Whistleblower Protection Officer and Whistleblower Investigations Officer will not reside in the same person. They should operate, and be seen to operate, independently of each other and should act in such a way that they discharge the two quite separate functions independently of each other.

Reporting

Mackay Christian College is committed to providing a safe, reliable and confidential way of reporting any Disclosable Matters.

A report under this Policy can be made if individuals falling into the category of Eligible Whistleblower have reasonable grounds to suspect that Disclosable Matters have taken place.

A report can be made to any of the following persons, noting it may depend on the matter and the person who is the subject of the matter:

- Principal/Head of School
- Whistleblower Investigations Officer
- Board Chair
- other Eligible Recipients as defined above
- If the disclosure concerns the Principal then the disclosure is made to the Board Chair
- If the disclosure concerns the Board Chair the disclosure will be made to an alternate member of the Board
- If the disclosure concerns a Board Member then the disclosure will be made to the Board Chair.

At any stage, a person in the list above can be skipped if that person is the subject of the report or if the Whistleblower has another reason to believe that the person is not likely to deal with the report properly. Anonymous reports will not be acted upon as this may affect the ability to investigate the matter properly and to communicate with the Whistleblower about the report. However, nothing in this policy requires a report or result to be conveyed to the Whistleblower.

Investigation

Investigation processes will vary depending on the precise nature of the conduct being investigated. The purpose of the investigation is to determine whether or not concerns are substantiated, with a view to rectifying any wrongdoing uncovered to the extent that this is practicable in all the circumstances.

The investigation will be thorough, objective, fair and independent of the Whistleblower and anyone who is the subject of the Disclosable Matter. The investigation will also have proper regard to the principles set out in the *Australian Standard AS8004-2003 on Whistleblower Protection Program for Entities*.

The Whistleblower will receive feedback regarding the investigation arising from their report, subject to considerations of the privacy of anyone who is the subject of the Disclosable Matter and standard confidentiality requirements.

Protections

The Australian Securities & Investment Commission (ASIC) provides general information about [protections available to whistleblowers](#).

At Mackay Christian College, a Whistleblower will not be disadvantaged by having made a report. This includes not being disadvantaged by way of dismissal, demotion, any form of harassment, discrimination or current or future bias (see definition of “Detriment” above) unless the disclosure is vexatious, malicious or made with ulterior motive. This protection extends to the Whistleblower’s colleagues and relatives.

If reprisals are taken or are claimed to have been taken against a Whistleblower, the Whistleblower Protection Officer will investigate the matter and recommend appropriate action be taken. The Whistleblower has a right to make requests through the Whistleblower Protection Officer for positive actions of protection to be taken.

Protection under this policy will not extend to persons who make vexatious or malicious claim or made with an ulterior motive to claim advantage by their claim.

Mackay Christian College will keep the reporting confidential and secure within the law. It will not disclose the identity of a Whistleblower, nor disclose information that is likely to lead to the identification of the Whistleblower, unless required under law or if the person making such disclosure does not believe the disclosure to be true, or is acting on behalf of a third party without firsthand knowledge of the matter disclosed. If the disclosure is proved to be incorrect the accused has the right to know who the accuser is and take appropriate legal action if applicable.

Awareness

Mackay Christian College will ensure that all its officers and employees are aware of this policy in the following ways:

- Mackay Christian College will provide the details of this policy to all its staff.
- A copy of this policy will be made available on request.

Reviewed: March 2023