LORETO PROVINCE OF AUSTRALIA & SOUTH EAST ASIA

WHISTLEBLOWER POLICY

Document Number:	2
Effective Date:	23 October 2021
Document Status:	Approved
Audience:	External

1. INTRODUCTION

The Loreto Province of Australia and South East Asia (**Province**) is committed to maintaining the highest standard of governance through a culture of strong ethical behaviour and corporate compliance. This commitment extends to and includes its ministries – Loreto Ministries Ltd (LML), Mary Ward International Australia Ltd (MWIA) and Loreto Vietnam – as well its Australian Loreto schools.

The Whistleblower Policy is one of a series of related policies that the Province has enacted in a spirit of transparency and accountability in service and promoting a high standard of lawful and ethical conduct.

2. POLICY PURPOSE

The purpose of this policy is to:

- encourage members of the Institute of the Blessed Virgin Mary (**Loreto Sisters**), board directors, employees, committee members, volunteers, project partners, project visitors, suppliers, contractors, tenderers (**Personnel**) or any person who has business dealings with the Province, to raise any concerns and report any instances of misconduct, illegal, fraudulent or other unethical conduct where there are reasonable grounds to suspect such conduct has occurred;

- provide an appropriate procedure for individuals to report such conduct in the knowledge they can act without fear of intimidation, disadvantage or reprisal; and

- ensure that any person who makes a report in accordance with this policy (**a whistleblower**) is appropriately protected from any detrimental conduct (as defined in this policy).

A further aim of this policy is to comply with our legislative obligation to provide information about the protections available to whistleblowers, including the protections under the whistleblower protection laws.

3. POLICY SCOPE

This policy applies to all Province personnel including:

Once downloaded or printed, this is an UNCONTROLLED DOCUMENT. Refer to website for latest version.

- Loreto Sisters
- its officers and employees of LML, Loreto Vietnam and MWIA
- its consultants, secondees, project partners, project visitors and volunteers
- its contractors, suppliers, and their employees and
- all Province operations, including its related bodies corporate.

This policy also applies to eligible whistleblowers, as well as to any whistleblower disclosures, even if the alleged conduct that is the subject of a whistleblower disclosure occurred before this policy was adopted.

A copy of this policy is available on our webpage or can be requested from our Whistleblower Protection Officer:

Ms Alison Brown
Alison.Brown@loreto.org.au
+61 3 8832 0400

The Province's employees and officers are required to comply with any lawful directions made by the Province in respect of this policy. This policy is not intended to be contractually binding and does not form part of any employment contract with the Province. The Province may amend this policy at any time in its sole discretion.

4. POLICY STATEMENT

Province personnel:

- must refrain from engaging in improper workplace conduct when acting in the course of their employment or engagement with the Province
- are usually expected to report any actual or suspected improper workplace conduct through the usual channels in accordance with complaints or other human resources policies
- may report actual or suspected improper workplace conduct in accordance with this policy if, in good faith, they consider that the usual channels are inappropriate
- must cooperate with any investigation conducted by the Province under this policy or that may berequired by law and
- must not victimise an eligible whistleblower for making a whistleblower disclosure.

All Province personnel and any eligible recipients or whistleblower investigation officers must provide, and not undermine, all whistleblower protections in this policy.

When a whistleblower disclosure is received, it will be promptly reviewed and, where appropriate, investigated. If the law requires, the whistleblower disclosure will be reported to an external authority and full cooperation will occur with any official investigations.

In responding to whistleblower disclosures, an eligible whistleblower will be provided with the whistleblower protections. The eligible whistleblower will be kept appropriately informed about the progress of an investigation and of an outcome in response to their whistleblower disclosure.

Once downloaded or printed, this is an UNCONTROLLED DOCUMENT. Refer to website for latest version.

If a claim of detrimental conduct towards an eligible whistleblower is substantiated, the Province will aim to ensure that the conduct stops, as well as seek to rectify any wrongdoing or adverse effects of that conduct. The Province will also consider whether there is anything systemic that is necessary to be undertaken, such as developing or changing policies and procedures.

At the end of the investigation process, a report outlining the incident, the findings and the corrective actions will be submitted to the Province Council or the appropriate Board to allow overarching monitoring of the effective operation of this policy.

The Province has zero tolerance for victimisation of an eligible whistleblower and will provide training for all personnel covered by this policy to mitigate this risk.

Any allegation of victimisation, or breach of the whistleblower protections, will be promptly investigated.

Where any Province personnel are found to have engaged in detrimental conduct, victimisation, or to have otherwise breached this policy, appropriate disciplinary action will be taken. Such action may lead to termination of that person's employment or engagement.

5. WHAT IS REPORTABLE CONDUCT?

In this policy, reportable conduct means conduct on the part of Province personnel, or any person who has business dealings with the Province (in the context of those dealings with the Province), whether actual or suspected, which an individual suspects on reasonable grounds:

- is dishonest, fraudulent or corrupt, or involves bribery or corruption, or an improper state of affairs or otherwise amounts to an abuse of authority
- is illegal, including theft, drug sale or use, violence, or threatened violence, harassment, intimidation, or criminal damage to property
- is in breach of Commonwealth or state legislation or local authority by-laws
- is unethical, including dishonestly altering company records or data, adopting questionable accounting practices, or the unauthorised disclosure of confidential information
- breaches the Province's Code of Conduct or other Province policies
- is potentially damaging to the Province, a Province employee or a third party, or the public or the financial system, such as unsafe work practices, environmental damage, health risks or substantial wasting of company resources
- amounts to an improper state of affairs or circumstances, in relation to the tax affairs of the Province, a related company or associated entity and this information may assist the recipient to perform their functions or duties in relation to those tax affairs

Once downloaded or printed, this is an UNCONTROLLED DOCUMENT. Refer to website for latest version.

- may cause financial or non-financial loss to the Province, damage its reputation or be otherwise detrimental to the Province's interests or

- is an attempt to conceal or delay disclosure of any of the above conduct.

Reportable conduct does not include conduct that is dealt with, and therefore more appropriately raised, under an alternative policy. This policy should not be used for complaints relating to personal workplace grievances or concerns which relate to individual working arrangements. Concerns of that nature should be raised either with an employee's or volunteer's immediate line manager or with the Manager, Human Resources and Policy.

This policy is not designed to replace normal communication channels between management and employees to address questions, concerns, suggestions or complaints. If employees have any concerns about what is proper conduct for themselves or others, it is expected they will raise their concern. In most instances, the employee's immediate line manager is in the best position to address an area of concern. Serious matters or matters not satisfactorily resolved should be escalated through appropriate management channels in the normal course of business.

6. MAKING A REPORT

Reportable conduct can be reported to *Stopline*, a confidential, independent provider of whistleblowing services who will take full details of your concerns via telephone, mail, email, or the specifically created website.

Telephone:	1300 30 45 50 (in Australia) or +61 3 9882 4550
Email:	loreto@stopline.com.au
Online:	https://loreto.stoplinereport.com
Mail:	Loreto Province of Australia and South East Asia c/o Stopline, PO Box 403, Diamond Creek, VIC 3089
App	*Stopline365* (free download from the Apple iTunes store and Google Play)

Stopline will review reports and direct those that require further investigation to the Whistleblower Investigations Officer (WIO).

If the whistleblower wishes to remain anonymous, they may do so.

7. WHISTLEBLOWER PROTECTION

In Australia, the various pieces of legislation that protect whistleblowers from negative treatment include the *Corporations Act 2001* (Cth) and *Taxation Administration Act 1953* (Cth) (Whistleblower Protection Laws). While other jurisdictions have their own whistleblowing regimes which need to be complied with to the extent they apply, the Province is committed to promoting international best practice principles and law in regard to whistleblower protection, including the UN Convention against Corruption.

7.1 Victimisation is prohibited

Once downloaded or printed, this is an UNCONTROLLED DOCUMENT. Refer to website for latest version.

A whistleblower who:

- suspects on reasonable grounds that a Province officer, employee or contractor has engaged, or plans to engage, in reportable conduct; and

- reports that matter in good faith, and in accordance with section 6 of this policy, must not be subjected to detrimental conduct for reporting the reportable conduct.

In this policy, detrimental conduct includes the following (even if done unintentionally):

- action causing injury, harm, loss or damage (including psychological harm)

- damaging a person's property, reputation, business or financial position or causing any other damage to a person

- intimidation, bullying or harassment

- discrimination or other adverse treatment in relation to the whistleblower's employment, career, profession, trade or business, including dismissal, demotion or the taking of other disciplinary action

- current or future bias

- action that constitutes the making of a threat to cause any such detrimental conduct to another person or

- any conduct which incites others to subject the whistleblower to any of the above conduct.

7.2 Confidentiality of disclosures

All information provided by a whistleblower will be treated as confidential and maintained securely. Any breach of confidentiality will be treated as a serious disciplinary matter.

The identity of a whistleblower (or information that is likely to lead to them being identified as a whistleblower) will be kept confidential, unless any of the following apply:

- they consent to this information being disclosed

- during the investigation of a report, the Province needs to disclose information that may lead to the whistleblower being identified. All reasonable steps will be taken to ensure that the whistleblower's identity is not disclosed

- the Province needs to disclose this information to obtain legal advice or representation

Once downloaded or printed, this is an UNCONTROLLED DOCUMENT. Refer to website for latest version.

- the Province is required to do so by law (for example where the Province needs to disclose this information to an external regulator, or the Province is ordered to do so by a court)

- the information is provided to APRA, ASIC or a member of the police or

- the Province needs to disclose the information to prevent a serious and imminent threat to life, health or property.

If any person receives information about reportable conduct, and does not keep that information confidential or discloses any information that is likely to lead to the whistleblower being identified (except in the circumstances permitted above):

- If they are an employee – they will be subject to disciplinary action, which may include a formal written warning, or termination of employment with the Province

- If they are not an employee – the Province may take other corrective action and they may be subject to criminal and civil penalties, including substantial fines and / or jail.

This applies even if they did not receive the disclosure but received the information indirectly.

The Province will ensure that files and records relating to disclosures are kept confidential and stored securely.

7.3 What support and protections are provided to whistleblowers?

Part of the role of the WPO is to safeguard the interests of whistleblowers, to assist them to understand the process and the available protections and to ensure the integrity of the whistleblowing mechanism. Whistleblowers who are an employee or officer of the Province:

- are entitled to support through the WPO or

- may explore options such as taking leave, relocation to another area of business, or a secondment arrangement while the concern is being investigated.

Employees will not be subject to disciplinary action for making a disclosure of reportable conduct under this policy on reasonable grounds. They may, however, still be subject to disciplinary action for misconduct that is revealed as a result of the disclosure, however the Province may take the disclosure into account when determining the nature of any disciplinary action.

If any whistleblower thinks that the person to whom they made a disclosure of Reportable Conduct has not dealt with the report sufficiently, or at all, they may raise the concern with the Province Leader.

If a person (whether the whistleblower or not) believes on reasonable grounds that the whistleblower has been, or is likely to be, subjected to detrimental conduct, he or she should report this to the WPO who will arrange an investigation into the matter.

Once downloaded or printed, this is an UNCONTROLLED DOCUMENT. Refer to website for latest version.

7.4 What are the consequences of Detrimental Conduct?

An employee who is found to have subjected a whistleblower to detrimental conduct will be subject to disciplinary action (which may include termination of employment) and may be guilty of an offence that is subject to prosecution under legislation.

The Province may terminate the contract or engagement of non-employees or take other corrective action.

The whistleblower protection laws also prohibit victimisation and detrimental conduct. If a court finds that victimisation has occurred, the court may order the victimiser and/or the Province to:

- pay compensation to the person who was subject to the victimisation or
- pay substantial fines and / or go to jail.

8. PROTECTIONS AVAILABLE TO DISCLOSERS AT LAW

If whistleblowers make a protected disclosure under the whistleblower protection laws, these laws provide that:

- they cannot be subject to any civil, criminal or administrative liability, for making a protected disclosure or
- they may be subject to civil, criminal or administrative liability for conduct that is revealed by their disclosure.

However, if the disclosure is made to ASIC, APRA or the Commissioner of Taxation, or is an emergency disclosure as permitted under the *Corporations Act*, the information is not admissible in evidence against the whistleblower in criminal proceedings, or in proceedings for the imposition of a penalty, except for proceedings in respect of providing false information.

If a whistleblower is victimised as a result of making a disclosure of reportable conduct, there are possible remedies available under the whistleblower protection laws (where they apply) and include reinstatement, compensation, an order prohibiting the victimisation, or an apology.

The victimiser can be ordered to pay substantial monetary fines or imprisoned. Protections for Province employees also exist under the Fair Work Act. These are enforceable as a matter of statute and do not form part of this policy.

9. RESPONSIBILITIES

The Province is committed to ensuring that all persons associated with the Province and its ministries and to whom this policy applies are aware of their obligations under this policy.

Role	Responsibility

Once downloaded or printed, this is an UNCONTROLLED DOCUMENT. Refer to website for latest version.

Province Council	• Approves and supports the *Whistleblower Policy*.
Loreto Ministries Board & MWIA Board	• Approves or endorses the *Whistleblower Policy* for approval by the Province Council. • Oversees implementation and ensures all reporting requirements are fulfilled.
CEO (Loreto Ministries) & EO (MWIA)	• Ensures that appropriate resources are made available to allow the *Whistleblower Policy* to be implemented effectively.
COO (Loreto Province) & Executive Officer, MWIA	• Is accountable for taking all practical measures to implement this *Whistleblower Policy*. • Works with key personnel to develop and implement the *Whistleblower Policy.* • Facilitates a regular review of this *Whistleblower Policy*.
Loreto Sisters, Board Directors, Committee Members, Contractors, Employees, Project Partners, Project Visitors, Suppliers, Tenderers and Volunteers	• Are familiar with the content of this *Whistleblower Policy* and their responsibility to disclose information regarding Reportable Conduct. • Are familiar with the legal protection afforded to whistleblowers and understand what constitutes detrimental conduct.

10. RELATED POLICIES & LEGISLATION

Australian Province of the Institute of the Blessed Virgin Mary (2020). *Child Safe Policy*

Australian Province of the Institute of the Blessed Virgin Mary (2020). *Child Safeguarding Code of Conduct*

Australian Province of the Institute of the Blessed Virgin Mary (2018). *Code of Conduct*

Australian Province of the Institute of the Blessed Virgin Mary (2021). *Complaints Policy* currently under development)

Australian Province of the Institute of the Blessed Virgin Mary (2021). *Discrimination, Bullying and Harassment Policy* (currently under development)

Australian Securities and Investment Commission (2019). *Regulatory Guide 270: Whistleblower polices*

Corporations Act 2001 (Cth). Retrieved from http://www5.austlii.edu.au/au/legis/cth/consol_act/ca2001172/

Fair Work Act 2009 (Cth). Retrieved from http://www6.austlii.edu.au/cgi-bin/viewdb/au/legis/cth/consol_act/fwa2009114/

Once downloaded or printed, this is an UNCONTROLLED DOCUMENT. Refer to website for latest version.

Taxation Administration Act 1953 (Cth) s. 14ZZW. Retrieved from http://classic.austlii.edu.au/au/legis/cth/consol_act/taa1953269/s14zzw.html

Mary Ward International Australia (2019). *Counter Terrorism Policy*

11. POLICY GOVERNANCE

Approved by:	Chair, Loreto Ministries Ltd Board / Chair, Mary Ward International Australia Board
Endorsed by:	CEO, Loreto Ministries Ltd / EO, Mary Ward International Australia
Support:	Stopline Pty Ltd
Review:	This policy will be reviewed in April 2024.

12. VERSION HISTORY

Version	Date	Amendment details
1.0	27.01.2021	First draft amended following *Stopline* feedback.
1.1	03.03.2021	Revised draft amended following Province, LML and MWIA consultation.
1.2	19.04.2021	Revised draft amended following Province, LML and MWIA consultation.
1.3	13.05.2021	Approved by MWIA Board
1.4	29.05.2021	Approved by LML Board
1.5	22.10.2021	Approved by Province Council

13. DEFINITIONS

Term	Definition
APRA	Australian Prudential Regulation Authority
ASIC	Australian Securities and Investments Commission
Detrimental conduct	refers to conduct, or a threat to engage in conduct, that causes detriment to a discloser
Eligible recipient	refers to an individual who can receive a disclosure.
Eligible whistleblower	refers to an individual to whom the whistleblower protections apply.
Employee	refers to all those employed by Loreto Ministries, Loreto Vietnam, MWIA or the Province.
Emergency disclosure	refers to the disclosure of information to a journalist or parliamentarian, where the discloser has reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment.
Project partners	refers to individuals, groups of people or organisations that collaborate with the Province or its ministries to achieve mutually agreed objectives and initiatives.

Once downloaded or printed, this is an UNCONTROLLED DOCUMENT. Refer to website for latest version.

Project visitors	refers to a person who has been brought into contact with a project or program while supporting the work of the organisation, though not as an employee, volunteer, or contractor.
Whistleblower	refers to a discloser who has made a disclosure that qualifies for protection under the Corporations Act.
Whistleblower Investigation Officer (WIO)	refers to the role under an entity's whistleblower policy that is responsible for investigating disclosures.
Whistleblower Protection Officer (WPO)	refers to the role under an entity's whistleblower policy that is responsible for protecting or safeguarding disclosers and ensuring the integrity of the reporting mechanism.

Once downloaded or printed, this is an UNCONTROLLED DOCUMENT. Refer to website for latest version.