



2.16 WHISTLEBLOWER POLICY

Responsible Officer	Master
Review Date	August 2026

1. Purpose

The purpose of this policy is to encourage the reporting of matters of legitimate concern or wrongdoing, by providing a convenient reporting mechanism and protections, so that people who make disclosures may do so without fear of intimidation, disadvantage, or reprisal. This policy is an important tool for helping the College to identify wrongdoing that may not be uncovered unless there is a safe and secure means for its disclosure.

2. Overview

The College has a strong ethical commitment, being shaped by Christian faith and values. As such, the College wishes to ensure that:

- Disclosure of wrongdoing is encouraged;
- Wrongdoing is deterred;
- Individuals can disclose wrongdoing safely, securely, and with confidence that they will be protected and supported;
- Disclosures are dealt with appropriately and in a timely manner;
- The framework for receiving, handling, and investigating disclosures is transparent; and
- The College meets its legal obligations, as laid out in the *Corporations Act 2001* and the *Taxation Administration Act 1953*.

3. Scope

This policy applies to New College and New College Postgraduate Village (collectively referred to as the College). It encompasses all **disclosers** (or **whistleblowers**), which includes current or former:

- Employees
- Board Directors
- Contractors, suppliers, and service providers engaged by the College
- Spouses, relatives, or dependants of any of the above.

For whistleblower protections to apply, the following requirements must be met:

- a. The person making the disclosure falls within one of the categories of **eligible disclosers** listed above, and

- b. The disclosure is of a type of wrongdoing that qualifies for whistleblower protection (described in Section 5.1.1), and
- c. The disclosure is made to an **eligible recipient** (see Section 5.2.2).

4. Definitions

Board	The Board of New College (incorporating the Board of New College Postgraduate Village) comprising members appointed by Standing Committee, UNSW, and the Board itself
College or New College Communities	General terms for New College and New College Postgraduate Village as separate but related companies limited by guarantee under the control of the Board and Master
Detriment	The state of being harmed or damaged
Disclosable Matter	A matter that is disclosed by a whistleblower about the College that either concerns misconduct, improper state of affairs or circumstances, offence of law, public or financial danger or breach of a Commonwealth Act
Discloser	Also known as a 'Whistleblower'. A person who reports a matter of legitimate concern about the College that will be eligible for legal protection
Disclosure	A report of a matter of legitimate concern about the College that will qualify for legal protection
Eligible Recipient	A person able to receive a disclosure and allow the discloser to qualify for legal protection.
Emergency Disclosure	Disclosure of information to a journalist or parliamentarian, in which 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
Investigating Officer	The person appointed to lead the investigation of a disclosure
Journalist	A person who writes for newspapers, magazines, or news websites or prepares news to be broadcast
Legal Practitioner	A duly qualified legal professional
Master	The chief executive officer of New College and New College Postgraduate Village appointed by the Board

Misconduct	Improper or illegal behaviour, especially by an employee or professional
Officer	A director or company secretary of New College; or a person who, (i) makes, or participates in making, decisions that affect the whole, or a substantial part of the business of New College; or (ii) has the capacity to affect significantly New College's financial standing
Parliamentarian	A member of the Parliament of the Commonwealth, of a State, or of the legislature of a Territory
Personal Work-related Grievance	Information that concerns a grievance about a matter relating to the eligible whistleblower's employment, or former employment, having (or tending to have) implications for the eligible whistleblower personally, such as a conflict between them and another employee, or in relation to a promotion or termination of employment
Public Interest Disclosure	Disclosure of information to a journalist or parliamentarian in which the discloser has reasonable grounds to believe that making a further disclosure is in the public interest
Reasonable Grounds	This term is based on the objective reasonableness of the reasons for the discloser's suspicion
Whistleblower	Also known as a 'discloser'. A person who reports a matter of legitimate concern about the College as is eligible for legal protection
Whistleblower protections	Legal rights and protections that are available to disclosers

5. Policy statement

The College encourages disclosure of actual or suspected misconduct. It should not be used for frivolous or vexatious purposes. There must always be objectively reasonable grounds to suspect wrongdoing and for it to be reported under this policy. All disclosures must be protected and investigated in accordance with this policy in a fair and confidential manner.

The following sections set out information about the protections available to eligible whistleblowers, the types of wrongdoing that can be reported, who qualifies as eligible recipients of disclosures about the College, and how a disclosure is to be reported and responded to satisfactorily.

5.1 Wrongdoing and protected disclosures

5.1.1 Types of wrongdoing covered by this Policy

A disclosure qualifies for whistleblower protection if the discloser has **reasonable grounds** to suspect they have information that:

- Concerns **misconduct**, or an improper state of affairs or circumstances, in relation to the College, or an officer or employee of the College; or
- Indicates that the College has engaged in conduct that breaches:
 - *The Corporations Act 2001*
 - *The Australian Securities and Investments Commissions Act 2001*
 - *The Banking Act 1959*
 - *The Financial Sector (Collection of Data) Act 2001*
 - *The Insurance Act 1973*
 - *The Life Insurance Act 1995*
 - *The National Consumer Credit Protection Act 2009*
 - *The Superannuation Industry (Supervision) Act 1993*
 - An instrument made under one of the Acts above; or
- Indicates that the College has engaged in conduct that:
 - Constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
 - Represents a significant risk to public safety or the financial system, even if it does not involve a breach of a particular law.

Misconduct includes, but is not limited to:

- dishonest behaviour;
- illegal activities (e.g. theft, dealing in or use of illicit drugs, violence or threatened violence, criminal damage against property);
- fraud (e.g. bribery, money laundering);
- unlawful, corrupt, or irregular use of company funds or practices;
- improper or misleading accounting or financial reporting practices;
- systemic harassment or unlawful discrimination;
- damage to the environment;
- failure to comply with, or breach of health and safety or other legal or regulatory requirements;
- undeclared conflicts of interest;
- sexual exploitation, harassment, or abuse; and
- serious inappropriate or unethical conduct.

A discloser only requires reasonable grounds to make a disclosure. The discloser can still qualify for protection even if the disclosure turns out to be incorrect.

5.1.2 Types of wrongdoing NOT covered by this Policy

Personal work-related grievances about the discloser's current or former employment, and that do not relate to detriment or threat of detriment to the discloser, do not qualify for whistleblower protection and therefore are not covered under this policy. Examples could include:

- An interpersonal conflict between the discloser and another employee
- A decision that does not involve a breach of workplace laws
- A decision about the engagement, transfer, or promotion of the discloser
- A decision about the terms and conditions of engagement of the discloser
- A decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

However, a personal work-related grievance **may still qualify for protection if:**

- It also includes information about misconduct or suggests serious misconduct beyond the discloser's personal circumstances by the College (i.e. it is a mixed report)
- The discloser suffers from or is threatened with detriment for reporting their circumstances

The College's policy for addressing personal work-related grievances is contained in '2.3 Treatment of Staff Policy'.

5.2 Who can receive a disclosure?

5.2.1 For a whistleblower to qualify for legal protection, they must make their report to an eligible recipient.

The College encourages, in the first instance, disclosure to an internal eligible recipient to identify and address wrongdoing as early as possible. Disclosures can be made in person or via email, phone, or mail. Emails can be sent outside of business hours.

5.2.2 Eligible recipients within the College are:

An **Officer** of the College, generally,

- The Master,
- The Company Secretary (Bursar),

- A director of the Board.

Eligible Recipient	Name & Contact Details
Master	Bill Peirson E: b.peirson@newcollege.unsw.edu.au P: (02) 9381 1790 A: New College, 330 Anzac Pde, UNSW Sydney NSW 2052
Bursar & Company Secretary	Ian Sharpe E: i.sharpe@newcollege.unsw.edu.au P: (02) 9381 1700
Chair of the Board	Janet Simpson E: chair@newcollege.unsw.edu.au

5.2.3 **Eligible external recipients** who can receive a disclosure relating to the College are:

- An auditor or actuary of the College
- Australian Securities and Investments Commission (ASIC)
- Australian Prudential Regulation Authority (APRA)
- Australian Taxation Office (ATO).

New College Auditor	Mark Godlewski Pitcher Partners A: Level 16 Tower 2 Darling Park 201 Sussex St Sydney NSW 2000
ASIC	Online: https://asic.gov.au/about-asic/contact-us/how-to-complain/report-misconduct-to-asic/ A: Australian Securities and Investments Commission GPO Box 9827 Brisbane QLD 4001

5.2.4 Legal practitioners

Disclosures made to a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to whistleblowing are protected. The following legal practitioner is a nominated eligible recipient for New College. You are also free to contact a lawyer of your own choosing.

Legal Practitioner	<p>Grant Hansen Director, Harris & Company Solicitors Pty Ltd</p> <p>P: +61 (2) 9381 1700 A: Level 9 27 Macquarie Place Sydney NSW 2000</p> <p>E: ghansen@harrisco.com.au</p>
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5.2.5 Public Interest and Emergency Disclosures

Under certain limited circumstances, disclosures can be made to a journalist or parliamentarian. These are known as **public interest disclosures** or **emergency disclosures**. It is important to understand the criteria for these disclosures—which are set out below—to qualify for whistleblower protections. Disclosures made to the public in another way will not be covered by these protections.

The College recommends contacting an independent legal adviser before making one of these disclosures.

Disclosure Type	Criteria
Public interest disclosure	<p>Disclosure of information to a journalist or parliamentarian, where:</p> <ul style="list-style-type: none"> • the discloser has already made a disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation, and at least 90 days have passed; • the discloser does not have reasonable grounds to believe that action is being, or has been taken, in relation to their disclosure; • the discloser has reasonable grounds to believe that making a further disclosure is in the public interest; and • before making the public interest disclosure, the discloser has given written notice to the Commonwealth body that was previously notified that:

	<ul style="list-style-type: none"> i. includes sufficient information to identify the previous disclosure; and ii. states that the discloser intends to make a public interest disclosure.
<p>Emergency disclosure</p>	<p>Disclosure of information to a journalist or parliamentarian, where:</p> <ul style="list-style-type: none"> • the discloser has already made a disclosure to ASIC, APRA or another Commonwealth body prescribed by regulation; • 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; • before making the emergency disclosure, the discloser has given written notice to the Commonwealth body that was previously notified that: <ul style="list-style-type: none"> i. includes sufficient information to identify the previous disclosure; and ii. states that the discloser intends to make an emergency disclosure; and • the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or parliamentarian of the substantial and imminent danger.

5.2.6 Anonymous Disclosure

Anonymous Disclosures to eligible recipients are legally protected. A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. A discloser can refuse to answer questions they feel could reveal their identity at any time, including during follow-up conversations.

Disclosers are encouraged to share their identity when making a disclosure, as this will assist the eligible recipient to investigate the allegations more readily. Although disclosers are entitled to make an anonymous disclosure if they wish, doing so results in certain challenges in both **investigating the disclosure** and in seeking to **provide protection and support** to the discloser.

If the discloser chooses to remain anonymous, it is suggested that they maintain ongoing two-way communication with the College so that the College can ask follow-up questions or provide feedback.

Anonymity of the discloser will be protected at all times. They are permitted to use a pseudonym for the purpose of their disclosure. In general, conversations will be held by anonymised email addresses or telephone to avoid any unwarranted attention being drawn to the discloser and their matter of concern. Face-to-face discussions will be held at suitable locations to ensure that the discloser cannot be identified.

All written files will be retained in secure storage maintained by the Master, Bursar, Board Chair or Auditor, as appropriate. All computer files will be stored in similarly secure facilities. Both Master and Bursar have designated confidential computer storage facilities available and provided by the College.

6. Responsibilities of the College

6.1 Response to reports of wrongdoing

6.1.1 The College will follow its *Whistleblower Procedure* when it receives a report of wrongdoing or suspected wrongdoing

6.1.2 Accordingly, the College will:

- assess whether the report of wrongdoing qualifies as a protected disclosure and the legislation that applies;
- initiate an investigation if required in accordance with the *Whistleblower Procedure*;
- consider if it has an obligation to refer the report to a law enforcement or external investigative agency; and
- treat both the discloser and individual the subject of a report fairly and in accordance with the law.

6.2 Identity Protection (Confidentiality)

6.2.1 The College has a legal obligation to protect the confidentiality of a discloser's identity. It is illegal for a person to identify protected whistleblowers or disclose information that is likely to lead to their identification.

6.2.2 The College is legally permitted to disclose Identifying information or the identity of an eligible discloser if:

- the discloser has given their consent in writing;
- the discloser identifies themselves;
- the discloser's identity is generally known;
- the disclosure is made to ASIC, APRA, or the Australian Federal Police;

- the disclosure is made to a legal practitioner for the purposes of New College obtaining legal advice or representation relating to whistleblower laws;
 - the information does not contain the discloser's identity;
 - the College has taken all reasonable steps to reduce the risk that the discloser will be identified from the information; or
 - it is reasonably necessary for the investigation.
- 6.2.3 The College will reduce the risk that the discloser will be identified by:
- redacting all personal information or reference to the discloser witnessing an event;
 - referring to the discloser in a gender-neutral context; and
 - where possible, contacting the discloser to help identify aspects of their disclosure that could inadvertently identify them.
- 6.2.4 The College will employ secure record-keeping and information-sharing processes:
- all paper, electronic documents and other materials relating to the disclosure will be stored securely;
 - access to all information relating to a disclosure will be limited to those directly involved in managing and investigating the disclosure;
 - only a restricted number of people who are directly involved in handling and investigating a disclosure will be made aware of a discloser's identity (subject to the discloser's consent) or information that is likely to lead to the identification of the discloser;
 - communications and documents relating to the investigation of a disclosure will not be sent to an email address or to a printer that can be accessed by other staff; and
 - each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence.
- 6.2.5 If the discloser wishes to make a complaint regarding a breach of confidentiality, this should be made to the Master in the first instance, the Board Chair, or the Commonwealth Ombudsman for resolution by the appropriate Australian regulatory agency.

6.3 Protection from detrimental acts or omissions

6.3.1 A person **cannot cause or threaten to cause detriment** to a discloser (or another person) in relation to a disclosure. This applies when the person **suspects or believes** that the discloser (or another person) **made, may have made, proposes to make, or could make** a disclosure. The discloser does not have to actually fear that the threat will be carried out for legal protection to apply.

6.3.2 Detrimental conduct includes:

- Dismissal
- Harm or injury, including psychological harm
- Alteration of an employee's position or duties to their disadvantage
- Discrimination
- Harassment or intimidation
- Property damage
- Reputation damage
- Business or financial damage
- Any other damage to a person.

6.3.3 Detrimental conduct does not include administrative action that is reasonable for the purpose of protecting a discloser from detriment, or managing a discloser's unsatisfactory work performance, if the action is in line with the College's performance management framework.

6.3.4 To protect disclosers from detriment, the College will:

- make an assessment of the risk of detriment against the discloser as soon as possible after receiving a disclosure;
- ensure those directly involved in handling the disclosure are aware of their responsibilities to address the risks of detriment to the discloser;
- take any necessary action to protect a discloser from detriment; and
- thoroughly investigate reports of detriment. If proven, those who have engaged in detrimental conduct will be subject to disciplinary action.

If a discloser believes they have suffered detriment, they can also seek independent legal advice or contact regulatory bodies e.g. ASIC, APRA, or the ATO.

6.4 Handling and Investigating a disclosure

6.4.1 Once a disclosure has been received, the College will assess whether it qualifies for protection and if a formal, in-depth investigation is required. If it is, the College will determine the appropriate process, including:

- the nature and scope of the investigation;
- the person(s) within and/or outside the College that should lead the investigation;
- the nature of any technical, financial, or legal advice that may be required; and
- the time frame for the investigation.

6.4.2 In dealing with an anonymous disclosure, the College may be unable to undertake an investigation if it is unable to contact the discloser, unless sufficient information has been provided and the discloser's identity can be protected. In this case, the College may conduct a broad review on the subject matter, or the work area disclosed.

6.4.3 If the College determines that the disclosure does not amount to a reportable matter, the discloser will, if possible, be informed of that decision.

6.4.4 If further investigation is deemed necessary, it will begin as soon as practicable. The investigation will:

- follow a fair process;
- be conducted in as timely a manner as the circumstances allow;
- be independent of the person(s) about whom an allegation has been made; and
- take all reasonable steps to ensure the identities of those involved are kept confidential.

6.4.5 Investigating Officers

- In general, the Bursar will be the Investigating Officer in relation to staff, corporate or financial matters. The Master will supervise the investigation to ensure that it happens in a timely manner.
- If the matter relates to a senior member of staff, the Master will investigate, reporting to the Board Chair. If the matter relates to the Master, the Board Chair will investigate and report to the entire Board. Where the matter relates to a member of the Board, two designated, disinterested Board members will form a Board subcommittee to make a recommendation to the Board on how the matter is to be resolved.
- Implicated parties will not be part of the decision-making process.

6.4.6 Keeping a discloser informed

If the discloser can be contacted, they will be provided with regular updates regarding the progression of the investigation. The frequency and timeframe of these updates may vary depending on the nature of the disclosure.

6.4.7 Documenting and reporting investigation findings

At the conclusion of the investigation, the investigator will produce a written report, which will include:

- all relevant findings;
- whether the disclosure is proven, not proven or otherwise; and
- recommendation/s as to any action that may be taken in respect to the findings.

The College will use the report to determine the action (if any) to be taken, including disciplinary action.

The findings will be communicated to the relevant parties to the extent that it is legally permissible and appropriate to do so.

6.5 Ensuring fair treatment of individuals mentioned in a disclosure

The College recognises that people mentioned in a disclosure, including those who are the subject of a disclosure, must be treated fairly. The College will take the following measures to ensure this:

- disclosures will be handled confidentially when it is practical and appropriate in the circumstances;
- each disclosure will be assessed and may be the subject of an investigation;
- the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters reported;
- when an investigation needs to be undertaken, the process will be objective, fair and independent; and
- An employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and prior to any actions being taken.

6.6 Ensuring the policy is easily accessible

The College's Whistleblower policy is made available to all Board members, employees, and external entities on its website, www.newcollege.unsw.edu.au.

Staff will be provided with a brief policy summary at the time of their engagement. Staff are made aware of any major changes in College policy at monthly staff meetings.

7. Legal protections and compensation

7.1 Compensation and other remedies

A discloser (or any other person) can seek compensation and other remedies through the courts if:

- they suffer loss, damage, or injury because of a disclosure; and
- the College failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

7.2 Civil, Criminal and Administrative liability protection

A whistleblower is protected from any of the following in relation to their disclosure:

- civil liability (e.g. legal action against the discloser for breach of a contractual obligation);
- criminal liability (e.g. use of the disclosure against the discloser in a prosecution); and
- administrative liability (e.g. disciplinary action for making the disclosure).

However, the protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

8. Legal and Policy Framework

The College's Whistleblower Policy is legally obligated to comply with the:

- Corporations Act 2001
- Taxation Administration Act 1953
- The Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019

9. Implementation and Responsibilities

The College's Whistleblower Policy is the responsibility of the Board to ensure that the eligible recipients are aware of their obligations under this policy, and for periodically reviewing the policy. The Board is responsible to ensure that the broader trends, themes, and/or emerging risks highlighted by disclosures are addressed and mitigated by the College as part of its risk management and corporate governance work plans.

The Master is responsible for ensuring the policy is made available to all employees and external entities on its website. The Master is also responsible for leading any investigations (as appropriate); implementing systems to protect whistleblowers and maintain secure records and confidential processes; and for fostering a workplace culture that encourages legitimate disclosures.

10. Review and History

This policy will be reviewed every 3 years.

Superseded Documents				
Associated Documents		2.3 Treatment of Staff, 2.8 Harassment Prevention Policy		
Version	Authorised By	Sections Modified	Approval Date	Effective Date
1	Board		31/8/2022	31/8/2026

11. Acknowledgements

The College's Whistleblower policy has used as a guide the following documents:

- Australian Securities and Investments Commission REGULATORY GUIDE 270, Whistleblower policies, November 2019.
<https://download.asic.gov.au/media/5340534/rg270-published-13-november-2019.pdf>
- Mission Australia Whistleblower policy, June 2019
<https://www.missionaustralia.com.au/documents/governance/55-whistleblower-policy>
- Barnados Whistleblower policy, June 2019
<https://www.barnados.org.au/media/965221/whistleblower-policy-procedure-20.pdf>
- Wesley College, Melbourne <https://www.wesleycollege.edu.au/about-wesley/governance/yourcall>
- University College, University of Melbourne <http://www.unicol.unimelb.edu.au/wp-content/uploads/Whistleblower-Policy-FINAL.pdf>
- Justice Connect, Not for Profit Law, Whistleblower Template
<https://www.nfplaw.org.au/whistleblower-policy-template>
- UNSW Report Wrongdoing Policy, November 2020
<https://www.gs.unsw.edu.au/policy/documents/reportwrongdoingpolicy.pdf>