

Lutheran Education Australia

WHISTLEBLOWER POLICY

[This policy applies to Lutheran Education Australia Ltd and is not to be regarded as a policy for schools, early childhood services or other Lutheran education entities]

OVERVIEW

At Lutheran Education Australia Ltd (the Company) we are guided by our company values. These values are the foundation of how we conduct ourselves and interact with each other, our clients, members, suppliers, and other stakeholders. The Company is committed to achieving the highest standards of corporate compliance and ethical business conduct. This policy supports that commitment.

PURPOSE

The purpose of this policy is to encourage the eligible persons, who are specified in this policy (“eligible whistleblowers”), to disclose any instances of known or suspected organisational misconduct with or involving the Company and ensure that persons who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.

The following persons are eligible whistleblowers:

- current and former employees of the Company;
- current and former officers and directors of the Company;
- current and former contractors and consultants (including their sub-contractors or employees) of the Company;
- current or former suppliers (including employees of suppliers) of the Company;
- relatives, dependants or spouses of any of the above; and
- any other individuals prescribed by the Corporations Regulations 2001 (Cth).

This policy will be made available on the Company’s website.

DISCLOSABLE MATTERS

Eligible whistleblowers are encouraged to disclose information, as covered by the *Corporations Act 2001* (Cth), when they have reasonable grounds to suspect the information:

- concerns misconduct or an improper state of affairs or circumstances in relation to the Company; or
- indicates that the Company, or an officer or employee of the Company, has engaged in conduct that:
 - constitutes an offence against, or contravention of, a provision of any of the following:
 - the *Corporations Act 2001* (Cth);
 - the *Australian Securities and Investments Commission Act 2001* (Cth);
 - the *Banking Act 1959* (Cth);
 - the *Financial Sector (Collection of Data) Act 2001* (Cth);
 - the *Insurance Act 1973* (Cth);
 - the *Life Insurance Act 1995* (Cth);
 - the *National Consumer Credit Protection Act 2009* (Cth);
 - the *Superannuation Industry (Supervision) Act 1993* (Cth); or

- a statutory instrument made under one of the Acts referred to above;
- constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more;
- represents a danger to the public or the financial system; or
- is otherwise prescribed by regulations for the purposes of section 1317AA of the *Corporations Act 2001* (Cth) (Disclosable Matters).

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

For the avoidance of doubt, the disclosures outlined above do not apply to disclosure of information concerning personal work-related grievances. A person should report these grievances to their manager in accordance with the Lutheran Church of Australia Complaints Handling Policy. A personal work-related grievance is a grievance about any matter in relation to a staff member's current or former employment, having implications (or tending to have implications) for that person personally and that do not have broader implications for the Company. Examples of personal work-related grievances are as follows:

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

MAKING A DISCLOSURE

The Company relies on its employees maintaining a culture of honest and ethical behaviour. Accordingly, if an eligible whistleblower becomes aware of any Disclosable Matter, it is expected that they will make a disclosure under this policy.

There are several ways in which an eligible whistleblower may disclose any issue or behaviour which they consider to be a Disclosable Matter.

External Disclosures

An eligible whistleblower may disclose any Disclosable Matter to the Lutheran Church of Australia Professional Standards Department, using any of the following methods:

- Phone number: 1800 644 628
- Email address: complaints@lca.org.au
- Postal address: PO Box 519, Marden SA 5070

The Lutheran Church of Australia Professional Standards Department staff will receive calls during business hours between 9.00am and 4.30pm CST.

They will prepare a report which details the concerns raised. Any information contained in the report will be kept confidential, except as required by law or where disclosure is necessary to regulatory authorities, law enforcement agencies or professional advisors to the Company.

Internal Disclosures

Where an eligible whistleblower does not feel comfortable making an external disclosure, or where they have made an external disclosure, but no action has been taken within a reasonable time, they may disclose any Disclosable Matter to the Whistleblower Protection Officer listed below:

Title: Lutheran Education Australia Business Manager
Name: Stephen Kroker
Phone Number: 0438 856 441
Email Address: stephen.kroker@lutheran.edu.au

If an eligible whistleblower is unable to use the above channel, a disclosure can be made to an “eligible recipient” within the Company. Eligible recipients include:

- any officers and directors; and
- an auditor or member of an audit team conducting an audit of the Company.

The Whistleblower Protection Officer or eligible recipient will safeguard the eligible whistleblower’s interests and will ensure the integrity of the mechanism for disclosures of Disclosable Matters.

Anonymity

An eligible whistleblower may make an anonymous disclosure. It may be difficult for the Company to properly investigate the matters disclosed if an anonymous disclosure is made. Therefore an eligible whistleblower is encouraged to share their identity when making a disclosure (noting they are not required to do so). Or the eligible whistleblower can provide sufficient information to allow the matter to be properly investigated and provide an anonymous email address through which additional questions can be asked and information provided.

An eligible whistleblower is entitled to refuse to answer questions posed if they feel answering the question could reveal their identity.

Where an eligible whistleblower has made an external disclosure and they provide their contact details, those contact details will only be provided to the Whistleblower Protection Officer with the eligible whistleblower’s consent. If the Whistleblower Protection Officer has received the eligible whistleblower’s contact details, the Whistleblower Protection Officer will take all reasonable steps to ensure the eligible whistleblower’s identity is kept confidential.

Disclosing to Regulators

An eligible whistleblower may also make a disclosure to the Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) in relation to a Disclosable Matter. The eligible whistleblower will be covered by the protections outlined in this policy if they have disclosed information to ASIC or APRA.

Disclosing to a Legal Practitioner

An eligible whistleblower may choose to discuss their concerns with a legal practitioner for the purposes of obtaining legal advice or representation. They will be covered by the protections outlined in this policy if they disclosed their concerns to a legal practitioner.

Public Interest and Emergency Disclosure

In certain situations, the conduct or wrongdoing may be of such gravity and urgency that disclosure to the media or a parliamentarian is necessary.

A public interest and emergency disclosure can only be made to:

- a journalist, defined to mean a person who is working in a professional capacity as a journalist for a newspaper, magazine, or radio or television broadcasting service; or
- a Member of the Parliament of the Commonwealth or of a State or Territory parliament.

An eligible whistleblower may only make a public interest and emergency disclosure if:

- they have previously disclosed the information to ASIC or APRA;
- at least 90 days have passed since the previous disclosure was made;
- they have reasonable grounds to believe that action is not being taken to address the matters which they have disclosed;
- they have reasonable grounds to believe that making a further disclosure to a journalist or member of parliament would be in the public interest;
- they have given written notification, including sufficient information to identify the previous disclosure to the authority to which the previous disclosure was made that they intend on making a public interest disclosure; and
- the extent of information disclosed is no greater than is necessary to inform the recipient of the misconduct or improper state of affairs.

An eligible whistleblower will be qualified for protection where they have made a public interest disclosure if:

- they have previously disclosed the information to ASIC or APRA;
- they have 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;
- they have given written notification, including sufficient information to identify the previous disclosure to the authority to which the previous disclosure was made that they intend on making a public interest disclosure; and
- no more information is disclosed than is reasonably necessary to inform the recipient of the substantial and imminent danger.

INVESTIGATION

The Company will investigate a Disclosable Matter disclosed under this policy as soon as practicable after the matter has been disclosed. The Lutheran Education Australia Executive Director in consultation with the Chair of the Company's Board will appoint a Whistleblower Investigation Officer to investigate the matter and where necessary, appoint an external investigator to assist in conducting the investigation. All investigations will be conducted in a fair, independent and timely manner and all reasonable efforts will be made to preserve confidentiality during the investigation.

If the disclosure is not anonymous, the Whistleblower Protection Officer or external investigator will contact the eligible whistleblower to discuss the investigation process and any other matters that are relevant to the investigation.

Where the eligible whistleblower has chosen to remain anonymous, their identity will not be disclosed to the investigator or to any other person and the Company will conduct the investigation based on the information provided to it.

Where possible, the Whistleblower Protection Officer will provide the eligible whistleblower with feedback on the progress and expected timeframes of the investigation. The person against whom any allegations have been made will also be informed of the concerns and will be provided with an opportunity to respond (unless there are any restrictions or other reasonable bases for not doing so).

To the extent permitted by law, the Whistleblower Protection Officer may inform the eligible whistleblower or a person against whom allegations have been made of the findings. Any report will remain the property of the Company and will not be shared with the eligible whistleblower or any person against whom the allegations have been made.

PROTECTION OF WHISTLEBLOWERS

The Company is committed to ensuring that any eligible whistleblower is treated fairly and does not suffer detriment and that confidentiality is preserved in respect of all Disclosable Matters raised under this policy.

Protection from Legal Action

An eligible whistleblower will not be subject to any civil, criminal or administrative legal action (including disciplinary action) for making a disclosure under this policy or participating in any investigation.

Any information that an eligible whistleblower provides will not be admissible in any criminal or civil proceedings other than for proceedings in respect of the falsity of the information.

Protection against Detrimental Conduct

The Company (or any person engaged by the Company) will not engage in 'Detrimental Conduct' against an eligible whistleblower if they have made a disclosure under this policy.

Detrimental Conduct includes actual or threatened conduct such as the following (without limitation):

- termination of employment;
- injury to employment including demotion, disciplinary action;
- alteration of position or duties;
- discrimination;
- harassment, bullying or intimidation;
- victimisation;
- harm or injury including psychological harm;
- damage to person's property;
- damage to a person's reputation;
- damage to a person's business or financial position; or

- any other damage to a person.

The Company will take all reasonable steps to protect an eligible whistleblower from Detrimental Conduct and will take necessary action where such conduct is identified. The Company also strictly prohibits all forms of Detrimental Conduct against any person who is involved in an investigation of a Disclosable Matter disclosed under the policy in response to their involvement in that investigation.

If an eligible whistleblower is subjected to Detrimental Conduct as a result of making a disclosure under this policy or participating in an investigation, they should inform the Whistleblower Protection Officer or eligible recipient in accordance with the guidelines regarding disclosures outlined above.

An eligible whistleblower may also seek remedies including compensation, civil penalties or reinstatement where they have been subject to any Detrimental Conduct.

Protection of Confidentiality

All information received from an eligible whistleblower will be treated confidentially and sensitively. If an eligible whistleblower makes a disclosure under this policy, their identity (or any information which would be likely to identify them) will only be shared if:

- they give their consent to share that information;
- the sharing of the confidential information is allowed or required by law (for example where the concern is raised with a lawyer for the purposes of obtaining legal advice); or
- the confidential information is shared with the Australian Securities and Investments Commission (ASIC), the Australian Prudential Regulation Authority (APRA), the Australian Taxation Office (ATO) or the Australian Federal Police (AFP).

Where it is necessary to disclose information for the effective investigation of the Disclosable Matter, and this is likely to lead to an eligible whistleblower's identification, all reasonable steps will be taken to reduce the risk that they will be identified.

SUPPORT AVAILABLE

Any eligible whistleblower who makes a disclosure under this policy or a person whom is implicated as a result of a disclosure may access the Company's Employee Assistance Program (EAP), which is a free and confidential counselling service.

Where appropriate, the Company may also appoint an independent support person from the Lutheran Church of Australia Church Worker Support Department to deal with any ongoing concerns.

The eligible whistleblower or other implicated person may also access external support providers such as Lifeline (13 11 14) and Beyond Blue (1300 22 4636) for support.

OTHER MATTERS

Any breach of this policy will be taken seriously and may result in disciplinary action, up to and including termination of employment.

In so far as this policy imposes any obligations on the Company, those obligations are not contractual and do not give rise to any contractual rights. To the extent that this policy describes benefits and entitlements for employees, they are discretionary in nature and are also not intended to be contractual. The terms and conditions of employment that are intended to be contractual are set out in an employee's written employment contract.

The Company may unilaterally introduce, vary, remove or replace this policy at any time.

Employees are encouraged to read this policy in conjunction with other relevant policies of the Company, including the Lutheran Church of Australia Standards of Ethical Behaviour.