

Purpose

CatholicCare Sydney is committed to creating and maintaining an open working environment in which concerns can be raised or disclosures made regarding actual or suspected unethical, unlawful or undesirable conduct.

Scope

CatholicCare Sydney's policy extends to all eligible whistleblowers, who with reasonable grounds, raise concerns regarding actual or suspected unlawful, unethical, or undesirable conduct (collectively referred to as misconduct).

Policy

Commonwealth Whistleblower Protections legislation

The Corporations Act 2001 (the Act) as amended by the Treasury Laws Amendment (Enhancing Whistleblower Protection) Act 2019, provides protections to eligible whistleblowers (see Appendix A below) who with reasonable grounds, suspect:

1. That the information they disclose concerns misconduct or an improper situation or circumstances in relation to CatholicCare Sydney, or
2. The information indicates that CatholicCare Sydney or any of its officers or employees has engaged in conduct that constitutes an offence against, or contravention of, a provision of any of the following:
 - a. The Treasury Laws Amendment (Enhancing Whistleblower Protection) Act 2019.
 - b. Corporations Act 2001.
 - c. ASIC Act 2001.
 - d. The Banking Act 1959 and various other Financial; Insurance; Superannuation Acts.
 - e. An offence against any Commonwealth law that is punishable by a prison term of 12 months or more; or
 - f. Conduct that represents a danger to the public or the financial system; or
 - g. Other conduct that may be prescribed by the Regulations.

The protections in this instance relate to disclosures made by an eligible whistleblower to ASIC; APRA; another prescribed Commonwealth authority; legal practitioners; journalists and members of Commonwealth, State, or territory parliaments (parliamentarians), under certain circumstances and disclosures made to one of CatholicCare Sydney's eligible recipients.

Eligible Recipients of Disclosures

1. Internally, disclosures can be made to a member of the CatholicCare Sydney Executive Leadership Team, a Senior or Executive Manager or a Board member.
2. Externally, disclosures can be made to:
 - a. External auditors; or
 - b. CatholicCare Sydney's designated external Disclosure Service (DS) - STOPline Pty Ltd (STOPline); or
 - c. ASIC, APRA, and ACNC in accordance with any relevant law or regulation.
3. Disclosures that are not related to the above 'disclosable matters' do not qualify for protection under the Corporations Act.

Note: In most circumstances, disclosures relating to personal, work-related grievances will not qualify for protection under the Act.

APPENDIX A

Eligible Whistleblowers

An individual is an eligible whistleblower in relation to CatholicCare Sydney if the individual is, or has been, any of the following:

- an officer of CatholicCare Sydney.
- an employee of CatholicCare Sydney.
- an individual who supplies services or goods to CatholicCare Sydney (whether paid or unpaid).
- an employee of a person that supplies services or goods to CatholicCare Sydney (whether paid or unpaid).
- an individual who is an associate of CatholicCare Sydney.
- a relative of an individual listed above. A dependent of an individual listed above, such as an individual's spouse.

Related External Documents

Legislation/Regulations

- The Corporations Act 2001 (the Act) as amended by the Treasury Laws Amendment (Enhancing Whistleblower Protection) Act 2019
- The Treasury Laws Amendment (Enhancing Whistleblower Protection) Act 2019.
- Corporations Act 2001.
- ASIC Act 2001.
- The Banking Act 1959

Approval and Version History

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70.12 / 0: WHISTLEBLOWER POLICY

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