Whistleblower Policy

1. Purpose....1
2. Scope and Application....1
3. Definitions....3
4. How to Make a Disclosure....4
5. Protections for Whistleblowers....5
6. Investigation of Disclosures....7
7. Roles and Responsibilities....9
8. Implementation, Compliance, and Oversight....10
9. Related Policies and Documents....11
10. Review and Amendment Log....12

1. Purpose

Fairbridge WA Limited is committed to maintaining the highest standards of ethical conduct, governance, and accountability. Fairbridge encourages a culture in which people feel safe and supported to speak up about wrongdoing.

The purposes of this Policy are to:

- Encourage the reporting of matters that may cause harm to individuals or the Organisation.
- Inform eligible whistleblowers of the protections available to them under the law.
- Explain how Fairbridge will receive, investigate, and respond to disclosures.
- Support and protect persons who make disclosures from detriment.
- Ensure fair treatment of persons who are mentioned in or are the subject of a disclosure.
- Set out how this Policy is made available to officers and employees.

2. Scope and Application

2.1. Who This Policy Applies To

This Policy establishes a framework for the reporting, investigation, and resolution of disclosures of wrongdoing, in accordance with the whistleblower protection provisions in Part 9.4AAA of the Corporations Act 2001 (Cth) ("Corporations Act") and the Taxation Administration Act 1953 (Cth) ("Taxation Administration Act").

This Policy applies to all eligible whistleblowers. Under the Corporations Act, an eligible whistleblower is an individual who is, or has been, any of the following in relation to Fairbridge:

- An officer or employee of the Organisation (including permanent, part-time, fixed-term, and casual employees).
- A volunteer.
- A contractor, consultant, or other person who supplies services or goods to the Organisation (whether paid or unpaid).
- An employee of a person who supplies services or goods to the Organisation.
- An associate of the Organisation.
- A relative, spouse, or dependant of any of the above individuals, or a dependant of the spouse of any of the above individuals.

A person does not need to be a current officer, employee, or associate to qualify. Former officers, employees, contractors, and associates are also eligible.

2.2. What This Policy Covers

This Policy covers disclosures of information where the person making the disclosure has reasonable grounds to suspect that the information indicates that Fairbridge, or an officer or employee of Fairbridge, has engaged in conduct that:

- Constitutes an offence against, or a contravention of, the Corporations Act, the Australian Securities and Investments Commission Act 2001, or an instrument made under those Acts.
- 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.
- Is prescribed by the regulations for the purposes of the Corporations Act.

Under the Taxation Administration Act, the Policy also covers disclosures where the person has reasonable grounds to suspect that the information indicates misconduct or an improper state of affairs or circumstances in relation to the tax affairs of Fairbridge or an associate of Fairbridge.

Without limiting the above, disclosable matters may include:

- Fraud, corruption, or theft.
- Misuse or misappropriation of organisational resources or funds.
- Serious misconduct by officers, employees, or senior management.
- Systemic risk to the safety or wellbeing of staff, students, clients, or the public.
- Governance breaches, including undisclosed conflicts of interest resulting in advantage or detriment.
- Criminal conduct.
- Attempts to conceal any of the above.
- Serious breaches of legislation, including the Children and Community Services Act 2004 (WA), the Privacy Act 1988 (Cth), and relevant work health and safety legislation.

2.3. What This Policy Does Not Cover

Personal work-related grievances are generally not covered by the whistleblower protections in the Corporations Act. A personal work-related grievance is a grievance about any matter in relation to the person's employment that has, or tends to have, implications for the person personally, and does not have broader implications for the Organisation or relate to conduct that would be a disclosable matter.

Examples of personal work-related grievances include:

- An interpersonal conflict between the person and another employee.
- A decision relating to the engagement, transfer, or promotion of the person.
- A decision relating to the terms and conditions of engagement of the person.
- A decision to suspend, discipline, or terminate the person.

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

- It includes information about a disclosable matter (as defined above).
- It relates to a contravention or alleged contravention of section 1317AC of the Corporations Act (detriment to a whistleblower).
- It is a disclosure to a legal practitioner for the purposes of obtaining legal advice or representation in relation to the whistleblower provisions.

Fairbridge encourages employees with personal work-related grievances to raise them through the Organisation's Complaints Handling Policy, or directly with their line manager.

3. Definitions

The following terms are used throughout this Policy.

Term	Definition
Disclosable Matter	A matter that qualifies for protection under this Policy and the Corporations Act, as set out in Section 2.2.
Eligible Recipient	A person or body authorised to receive a disclosure under the Corporations Act and this Policy, as set out in Section 4.1.
Eligible Whistleblower	A person who qualifies for protection under the Corporations Act, as set out in Section 2.1.
Personal Work-Related Grievance	A grievance about a matter in relation to the person's employment that has implications for the person personally and does not have broader implications for the Organisation, as defined in section 1317ACA of the Corporations Act.
Reasonable Grounds	The person making the disclosure has an objectively reasonable basis for suspecting that the information they are disclosing indicates a disclosable matter. The person does not need to prove their suspicion.

Term	Definition
Whistleblower Protection Officer	The person designated by Fairbridge to oversee the handling of disclosures and the protection of whistleblowers. Ordinarily the CEO; the Board Chair (or Deputy Chair) where the matter relates to the CEO.
Detriment	Any disadvantage suffered by a person as a result of making or being suspected of making a disclosure, including but not limited to the examples listed in Section 5.2.

4. How to Make a Disclosure

4.1. Eligible Recipients

Under the Corporations Act, a disclosure qualifies for protection when made to an Eligible Recipient. For Fairbridge WA Limited, eligible recipients are:

Eligible Recipient	Details
Chief Executive Officer (Whistleblower Protection Officer)	Preferred first point of contact for all whistleblower disclosures.
Board Chair	For disclosures concerning the CEO, or where the discloser believes it is inappropriate to contact the CEO.
Deputy Chair	For disclosures concerning the Board Chair, or where both the CEO and Board Chair are subjects of the disclosure.
External Auditor	The organisation's external auditor (currently William Buck) is an eligible recipient under the Act.
ASIC	The Australian Securities and Investments Commission. Disclosers may make a disclosure directly to ASIC at any time.
ATO	The Australian Taxation Office. For tax-related disclosures under Part IVD of the Taxation Administration Act 1953.
Legal Practitioner	A disclosure made to a legal practitioner for the purpose of obtaining legal advice or representation in relation to the whistleblower provisions is protected, even if the legal advice concludes that the disclosure does not qualify for protection.

4.2. How to Make a Disclosure

A disclosure may be made verbally or in writing and may be made anonymously. A discloser who wishes to remain anonymous should consider:

- Using an anonymous email address or mail
- Contacting an eligible recipient by telephone without identifying themselves
- Instructing a legal practitioner to make the disclosure on their behalf

The discloser should provide as much detail as possible, including:

- The nature of the suspected misconduct or improper state of affairs
- When and where the conduct occurred or is occurring
- The identities of persons involved, if known
- Any evidence or documentation supporting the disclosure

A person does not need to identify themselves to make a valid disclosure. Anonymous disclosures are protected under the Act provided they are made to an eligible recipient.

4.3. Emergency and Public Interest Disclosures

The Corporations Act provides additional protections for disclosures made to a journalist or a member of the Commonwealth, State, or Territory Parliament in limited circumstances.

Public interest disclosure: A disclosure may be made to a journalist or parliamentarian if at least 90 days have passed since the original disclosure was made to ASIC, APRA, or a prescribed body; the person has reasonable grounds to believe that action has not been, or is not being, taken to address the matters disclosed; the person has reasonable grounds to believe that making a further disclosure is in the public interest; the person has given written notice to ASIC, APRA, or the prescribed body that they intend to make a public interest disclosure; and the extent of information disclosed is no greater than is necessary to inform the recipient of the misconduct.

Emergency disclosure: A disclosure may be made to a journalist or parliamentarian if the person has previously made a disclosure to ASIC, APRA, or a prescribed body and 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. The person must give written notice to ASIC, APRA, or the prescribed body that they intend to make an emergency disclosure, and the extent of information disclosed is no greater than is necessary to inform the recipient of the danger.

Important: Fairbridge strongly recommends that a person considering making an emergency or public interest disclosure seek independent legal advice before doing so.

5. Protections for Whistleblowers

5.1. Confidentiality

Fairbridge is committed to protecting the confidentiality of a person who makes a disclosure. It is a criminal offence under the Corporations Act for a person to disclose the identity of a whistleblower, or information that is likely to lead to the identification of the whistleblower, except in the following circumstances:

- The information is disclosed to ASIC, APRA, or the Australian Federal Police.
- The information is disclosed to a legal practitioner for the purpose of obtaining legal advice or representation in relation to the whistleblower provisions.
- The whistleblower consents to the disclosure of their identity.
- A court or tribunal orders the disclosure, where it considers it necessary in the interests of justice.

Fairbridge will take all reasonable steps to protect the identity of a whistleblower, including:

- Referring to the whistleblower only as “the discloser” in all communications and investigation records.
- Storing all information relating to a disclosure securely, with access restricted to those directly involved in receiving or investigating the disclosure.
- Not disclosing information that could identify the whistleblower without their prior consent, unless required by law.
- Ensuring that any person involved in receiving, investigating, or managing a disclosure is informed of their confidentiality obligations and the penalties for breaching them.

The maximum penalty for a breach of the confidentiality provisions under the Corporations Act is imprisonment for six months, a fine, or both, for an individual; and a fine for a body corporate.

5.2. Protection from Detriment

It is a contravention of the Corporations Act for a person to engage in conduct that causes detriment to a whistleblower, or to another person, where the conduct is motivated (in whole or in part) by the making of a disclosure, or where the person believes or suspects that a disclosure has been, may have been, could be, or could have been made.

Detrimental conduct includes, but is not limited to:

- Dismissal, demotion, or suspension.
- Harassment, bullying, or intimidation.
- Discrimination or disadvantage in terms and conditions of employment.
- Harm or injury (including psychological harm).
- Damage to the person’s property, reputation, business, or financial position.

- Any other conduct that constitutes adverse action within the meaning of the Fair Work Act 2009 (Cth).

Note: Penalties for engaging in detrimental conduct include imprisonment for up to two years and/or significant fines for individuals, and fines for bodies corporate. A court may also order compensation to the whistleblower for any loss, damage, or injury suffered.

5.3. Protection from Civil, Criminal, and Administrative Liability

A whistleblower who makes a qualifying disclosure is not subject to any civil, criminal, or administrative liability (including disciplinary action) for making the disclosure. No contractual or other remedy or right may be enforced or exercised against the person on the basis of the disclosure.

However, this protection does not grant the whistleblower immunity for any misconduct they may have engaged in that is revealed by the disclosure.

5.4. Compensation and Remedies

A whistleblower (or any other person) may seek compensation or other remedies through the courts if:

- They suffer loss, damage, or injury because of a disclosure.
- Fairbridge or any other person fails to take reasonable precautions and exercise due diligence to prevent detrimental conduct.

Fairbridge may be held liable for detrimental conduct by its employees even if the Organisation did not authorise or was not aware of the conduct.

5.5. Fairbridge's Support for Whistleblowers

In addition to the protections required by law, Fairbridge will:

- Ensure the whistleblower is kept informed, to the extent possible and appropriate, of the progress and outcome of the investigation.
- Offer access to the Organisation's Employee Assistance Program (EAP) for counselling and support.
- Appoint a Whistleblower Protection Officer (see Section 7) to oversee the welfare and protection of the whistleblower during and after the investigation.
- Assess, on a case-by-case basis, whether any interim measures are required to protect the whistleblower from detriment during the investigation (for example, changes to reporting lines, temporary relocation, or leave arrangements).

6. Investigation of Disclosures

6.1. Receipt of a Disclosure

When a disclosure is received by any eligible recipient, the following steps will be taken:

1. The recipient will acknowledge receipt of the disclosure to the whistleblower within two (2) business days (where the whistleblower's identity is known or they can be contacted).
2. The recipient will assess whether the disclosure qualifies for protection under this Policy and the Corporations Act.
3. The recipient will refer the disclosure to the Whistleblower Protection Officer, unless the disclosure relates to the Whistleblower Protection Officer, in which case it will be referred to the Board Chair (or the Deputy Chair/ full Board if the Chair is conflicted).

6.2. Escalation Pathways

The following escalation pathways apply to ensure all disclosures are received by an appropriate eligible recipient, including where a conflict of interest exists:

Disclosure Concerns...	Report To...
Any employee or operational matter	CEO (Whistleblower Protection Officer)
The CEO	Board Chair
A Board member	Board Chair
The Board Chair	Deputy Chair
The Board Chair and Deputy Chair, or multiple directors	External Auditor (William Buck) or ASIC directly

6.3. Investigation Process

All disclosures that qualify for protection will be investigated as soon as practicable. The investigation will be conducted in a manner that is:

- Fair, independent, and objective.
- Timely and proportionate to the nature and seriousness of the disclosure.
- Conducted in a manner that protects the confidentiality of the whistleblower.

Fairbridge will:

1. Assess the disclosure to determine the nature, scope, and seriousness of the conduct disclosed.
2. Determine whether an internal investigation is appropriate or whether the matter should be referred to an external investigator, regulator, or law enforcement agency.
3. Where an internal investigation is conducted, appoint an investigator who is independent of the persons and matters the subject of the disclosure. The investigator may be an external person where appropriate.

4. Conduct the investigation in accordance with the principles of procedural fairness (see Section 6.4).
5. Document findings and recommendations.
6. Report findings to the Board Chair (or Deputy Chair / full Board) and recommend appropriate action.
7. Inform the whistleblower of the outcome of the investigation, to the extent possible and appropriate, while maintaining the privacy of other individuals.

6.4. Fair Treatment of Persons Named in a Disclosure

Fairbridge is committed to ensuring the fair treatment of any person who is mentioned in, or is the subject of, a disclosure. Such persons:

- Will be informed of the substance of the allegations at an appropriate stage of the investigation, to the extent that doing so does not compromise the investigation or breach confidentiality obligations.
- Will be given a reasonable opportunity to respond to the allegations.
- Will not be subject to adverse action or prejudgement prior to the completion of an investigation.
- Will be informed of the outcome of the investigation, to the extent appropriate.
- May access the Employee Assistance Program (EAP) for support.

Any disciplinary or other action taken as a result of an investigation will be conducted under Fairbridge's relevant policies and procedures, including the Staff Code of Conduct and any applicable employment agreement or modern award.

6.5. Timeframes

Fairbridge will endeavour to complete investigations within 60 business days from the date of receipt of the disclosure. Where this is not practicable due to the nature or complexity of the matter, the whistleblower will be informed of the reasons for the delay and the revised expected timeframe.

7. Roles and Responsibilities

Role	Responsibility
Whistleblower Protection Officer (CEO)	Oversees receipt, handling, and investigation of disclosures. Ensures whistleblower protection from detriment. Ensures investigations comply with this Policy. Reports to the Board on the operation of the Policy. Where a disclosure relates to the CEO, the Board Chair (or Deputy Chair) assumes this role.
Board of Directors	Adopts and reviews this Policy. Ensures systems and processes give effect to the Policy. Receives reports on the Policy's operation. Oversees investigations relating to the CEO or Board members.
Officers and Senior Managers	Eligible recipients under the Corporations Act. Must protect whistleblower confidentiality. Must not disclose the identity of the whistleblower except as permitted by this Policy and the Act. Must refer disclosures to the Whistleblower Protection Officer or EA as soon as practicable.
Board Chair	Receive disclosures where the CEO is the subject, or where the escalation pathway directs disclosure to the Chair or Deputy Chair. Ensure confidentiality and investigate or appoint an investigator.
All Employees	Must cooperate with any investigation under this Policy. Must not engage in or threaten detrimental conduct against any person who has made, may have made, or is suspected of having made a disclosure.

8. Implementation, Compliance, and Oversight

8.1. Reporting to the Board

The CEO (as Whistleblower Protection Officer) will provide a report to the Board at least quarterly, including:

- The number of disclosures received during the reporting period
- The nature and status of any ongoing investigations
- The outcomes of completed investigations
- Any systemic issues or trends identified
- Confirmation that protections for disclosers have been maintained

Where a disclosure concerns the CEO, the Board Chair (or Deputy Chair) will report directly to the Board.

8.2. Availability of This Policy

Fairbridge WA Limited will ensure that:

- This policy is made available to all officers, employees, and other eligible whistleblowers
- Contact details for the CEO (as Whistleblower Protection Officer), the Board Chair, and ASIC are displayed in an accessible location
- Officers and senior managers receive training on their obligations as eligible recipients, including how to receive and handle disclosures, maintain confidentiality, and protect disclosers from detriment
- All staff receive training on the existence of this policy, the protections available, and how to make a disclosure
- Training is provided at induction and refreshed at least annually.

9. Related Policies and Documents

This Policy should be read in conjunction with:

- Fairbridge Complaints Handling Policy
- Internal Investigation Procedure
- Staff Code of Conduct

Work-related grievances that do not meet the threshold of a Disclosable Matter under the Corporations Act should be addressed through the organisation's separate workplace advisory and grievance resolution processes.

9.1. Relevant Legislation

This Policy has been prepared in accordance with:

- Corporations Act 2001 (Cth), Part 9.4AAA (Whistleblower protections in the corporate sector), including section 1317AI (Whistleblower policies).
- Taxation Administration Act 1953 (Cth), Part IVD (Tax whistleblower protections).
- ASIC Regulatory Guide 270 – Whistleblower Policies (RG 270).
- ASIC Information Sheet 238 – Whistleblower Rights and Protections (INFO 238).

Nothing in this Policy limits or restricts the rights and protections available to a whistleblower under law.

10. Review and Amendment Log

Document No	Version	Document Owner	Key Stakeholders
GOV_POL_028_V01	2.0	Chief Executive Officer	All Staff, Board of Directors, External Advisor, External Auditor

Approval Date	Authorised By	Review Frequency	Next Review Date
TBA	Fairbridge Board	Biennial (2 years)	

Review Version	Review Date	Context
1	06 Jan 2025	Established for compliance purposes for RTO.
2	28 Apr 2026	Supersedes version 1 drafted RTO version. Prepared in accordance with Corporations Act 2001 (Cth), Part 9.4AAA; ASIC Regulatory Guide 270. Reviewed in consideration of change to Company Limited by Guarantee.
3	15 Oct 2026	Removed External Advisor as eligible recipient.

Note:

1. Active policies must be saved as PDF documents (or copied to Complispace).
2. The original Word Document should be saved in the relevant controlled document folder in the governance folder.
3. Archived Policies should be moved to the archive folder for controlled documents in the governance folder.