



**BARTON  
BUSINESS  
SCHOOL**

# **Whistleblower Policy and Procedures**

<b>1. PURPOSE .....</b>	<b>3</b>
<b>2. SCOPE.....</b>	<b>3</b>
<b>3. DEFINITIONS.....</b>	<b>3</b>
<b>4. POLICY.....</b>	<b>3</b>
<b>5. WHO IS A WHISTLEBLOWER? .....</b>	<b>4</b>
<b>6. MATTERS FOR DISCLOSURE .....</b>	<b>4</b>
6.1. APPROPRIATE MATTERS FOR DISCLOSURE.....	4
6.2. MATTERS NOT FOR DISCLOSURE .....	5
<b>7. PROTECTION OF WHISTLEBLOWERS.....</b>	<b>5</b>
<b>8. PROCEDURES.....</b>	<b>5</b>
8.1. TO WHOM CAN A DISCLOSURE BE MADE? .....	5
8.2. HOW CAN A DISCLOSURE BE MADE? .....	6
8.3. HANDLING AND INVESTIGATING A DISCLOSURE.....	6
8.4. RECORD KEEPING AND REPORTING .....	7
<b>9. WHISTLEBLOWER REPORT TO A JOURNALIST OR PARLIAMENTARIAN .....</b>	<b>7</b>
9.1. PUBLIC INTEREST DISCLOSURES .....	8
9.2. EMERGENCY DISCLOSURES .....	8
<b>10. COMMUNICATION WITH REGULATORS.....</b>	<b>8</b>
<b>11. REFERRAL TO OTHER REGULATORS .....</b>	<b>9</b>
<b>12. APPEALS .....</b>	<b>9</b>
<b>13. VERSION CONTROL.....</b>	<b>10</b>

## 1. PURPOSE

The Whistleblower Policy and Procedures at Barton Business School ("BBS") are designed to support and protect individuals who report instances of misconduct or unethical behaviour by BBS's staff, students, board members, committee members, volunteers, and contractors.

They reinforce BBS's commitment to (a) a culture of honesty, ethical behavior, transparency, and accountability, and (b) protect BBS's stakeholders, reputation, and long-term sustainability.

They are also designed to align with key Australian whistleblower protection laws (e.g., [Corporations Act 2001 \(Cth\), Part 9.4AAA](#)) and recommended protocols for support and protection of whistleblowers (e.g., [Australian Securities & Investments Commission](#)).

## 2. SCOPE

BBS's Whistleblower Policy and Procedures cover instances of misconduct or unethical behaviour relating to BBS, including financial malpractice, legal violations, breaches of BBS's policies (e.g., Staff Code of Conduct, Student Code of Conduct), and any behaviour that poses a danger to the public or BBS's integrity (whether conducted on campus or off campus).

The policy and procedures apply to all staff, students, board members, committee members, volunteers, and contractors (including their employees) or a relative, spouse, partner, or dependent of the aforementioned.

## 3. DEFINITIONS

Refer to BBS's *Glossary of Terms*.

## 4. POLICY

- a. BBS recognizes that disclosures by whistleblowers can be critical to identifying wrongdoings.
- b. BBS must align its policy with relevant legal frameworks, including the *Corporations Act 2001 (Cth)*, and high ethical standards.
- c. BBS must ensure the safety and protection of whistleblowers. Individuals reporting concerns will be protected from retaliation and will receive necessary support.
- d. BBS upholds the confidentiality of whistleblowers' identities and disclosures, limiting access to this information to only those involved in the investigative process, except as required by law.

- e. All whistleblower reports made under this policy must be treated seriously, examined fairly, and investigated promptly and impartially as per relevant legislation.
- f. BBS fosters a culture where ethical conduct is valued and promoted, and issues of misconduct are addressed effectively, reflecting BBS's broader commitment to integrity and accountability.
- g. The reporting mechanism under this policy must be straightforward and accessible, encouraging comfortable and informed participation in the whistleblowing process.
- h. BBS commits to the ongoing review and improvement of this policy and these procedures to ensure they remain effective, relevant, and aligned with best practices in whistleblower protection and addressing whistleblower disclosures as per relevant legislation.

## 5. WHO IS A WHISTLEBLOWER?

A whistleblower is (a) any individual who comes forward with information concerning misconduct or unethical behavior associated with BBS, and (b) satisfies one or more of the following criteria:

- a. A current or former employee, a director, company secretary, associate, or trustee of BBS or a related entity.
- b. A current or former BBS student.
- c. An individual (or employee of an entity) who has supplied goods or services to BBS or a related entity, whether paid or unpaid (which includes volunteers).
- d. A relative, spouse, or dependent of any of the aforementioned individuals.

## 6. MATTERS FOR DISCLOSURE

### 6.1. APPROPRIATE MATTERS FOR DISCLOSURE

To qualify for protection, a disclosure must be based on reasonable grounds to suspect that the following matters have occurred:

- a. Misconduct or an improper state of affairs or circumstances within BBS.
- b. A breach of laws regulated by financial sector bodies such as ASIC.
- c. An offence against any other law of the Commonwealth that carries imprisonment for a period of 12 months or more.
- d. Conduct that represents a danger to the public or the financial system.

“Reasonable grounds” means that a reasonable person would also have grounds to suspect the matter indicates the aforementioned misconduct or legal breaches has occurred.

## 6.2. MATTERS NOT FOR DISCLOSURE

This policy does not apply to personal grievances associated with a stakeholder's engagement with BBS, providing they do not also fall under the provisions of Clause 6.1 above. Some examples of such grievances are:

- a. a disputation between a student and a lecturer in relation to a grade obtained in a unit;
- b. an interpersonal conflict between BBS employees that does not involve a breach of workplace laws;
- c. a disputation about a promotion decision;
- d. failure to obtain a contract with BBS for the provision of goods or services after appropriate consideration of tenders.

## 7. PROTECTION OF WHISTLEBLOWERS

BBS must not engage in conduct that would cause detriment to a whistleblower who raises a concern in accordance with this policy. For instance, BBS must not:

- a. dismiss or demote a whistleblower;
- b. discriminate against a whistleblower;
- c. harass or intimidate a whistleblower;
- d. cause physical or psychological harm to a whistleblower;
- e. damage a whistleblower's property, reputation, or financial position.

In some cases, BBS must take actions to protect a whistleblower—for instance:

- a. changing workplace arrangements for the whistleblower;
- b. providing counselling for the whistleblower;
- c. providing leave for the whistleblower.

## 8. PROCEDURES

### 8.1. TO WHOM CAN A DISCLOSURE BE MADE?

A disclosure can be made to the following individuals or bodies:

- a. A director, company secretary, officer, or senior manager of BBS or a related entity.
- b. An auditor, or a member of the Audit and Risk Committee (ARC) of BBS or a related entity.
- c. An actuary of BBS or a related entity.
- d. A person authorised by BBS to receive whistleblower disclosures.
- e. Relevant regulatory bodies such as the [Tertiary Education Quality and Standards Agency](#) (TEQSA) or the [Australian Securities & Investment Commission](#) (ASIC).

- f. A legal practitioner for the purpose of obtaining legal advice or representation regarding the whistleblower provisions in the Corporations Act.

## 8.2. HOW CAN A DISCLOSURE BE MADE?

A disclosure can be made in the following ways:

- a. Anonymously

BBS encourages whistleblowers to share their identity when they make a disclosure.

Dealing with the matter of concern is then easier because discussions can then take place to clarify the matter of concern, reveal to the whistleblower the progress being made on their matter of concern, and discuss with the whistleblower possible actions that might mitigate the matter of concern.

- b. Confidentially

Whistleblowers can reveal their identity to the individuals or organisations listed in Clause 8.1 above. These individuals and organisations are then obliged to protect the identity of the whistleblower. In some circumstances, however, the whistleblower's identity must be revealed to a third party—for instance:

- i. a disclosure must be made under law;
- ii. the matter of concern is to be dealt with by TEQSA, ASIC, or the Australian Federal Police;
- iii. BBS must obtain advice or representation from a legal practitioner.

- c. Publicly

BBS encourages whistleblowers who wish to share their matter of concern publicly (e.g., to a journalist or a member of parliament) to first seek advice from a legal practitioner on the potential implications of their actions.

Whatever the approach used to reveal the matter of concern, to the extent possible, whistleblowers will still be protected under this policy.

## 8.3. HANDLING AND INVESTIGATING A DISCLOSURE

- a. When BBS receives notice of a matter of concern from a whistleblower (either internally or externally from another party such as TEQSA), the BBS officer or manager receiving the notice must first arrange to constitute a Whistleblower Review Group. The membership of this group must
  - i. be as small as possible;
  - ii. include members with appropriate seniority;

- iii. not include anyone who is the subject of or might be associated with the matter of concern.
- b. Once constituted, the Whistleblower Review Group must elect a chair.
- c. Based on the nature of the matter of concern raised by the whistleblower, the Whistleblower Review Group must promptly determine what actions are needed. For instance, the Group must determine whether:
  - i. legal or financial advice is needed;
  - ii. an investigation should be undertaken and, if so, how it should be done;
  - iii. any investigation needed should be done by someone internal to or external to BBS;
  - iv. actions need to be undertaken to protect or support the whistleblower.The Whistleblower Review Group must also determine a timeframe and budget to address the matter of concern raised by the whistleblower.
- d. If the identity of the whistleblower is known or notice of the matter of concern has been received from an external party, the Whistleblower Review Group must report promptly on:
  - i. the actions to be taken in light of having received notice on the matter of concern;
  - ii. important milestones in any investigation undertaken on the matter of concern;
  - iii. the outcomes of BBS's consideration of the matter of concern;
  - iv. how and when BBS's consideration of the matter of concern has been finalised.
- e. Once BBS's consideration of the matter of concern has been finalised, BBS must promptly consider any changes that the Whistleblower Review Group recommends should be made. If appropriate, these changes must be implemented promptly.

#### 8.4. RECORD KEEPING AND REPORTING

- a. Once the matter raised by the whistleblower has been finalised, the Whistleblower Review Group must prepare a report for consideration by BBS's Board of Directors and Audit and Risk Committee. Where appropriate, the report must protect the confidentiality of the whistleblower and any other parties associated with the matter of concern.
- b. All documentation associated with the whistleblower's matter of concern must be stored and maintained confidentially according to BBS's Record Management Policy and Procedures. Additional access controls must be established to ensure that only members of BBS's Whistleblower Review Group can access this documentation.
- c. The Whistleblower Review Group must determine:
  - i. what, if any, reporting on the matter should occur more broadly;
  - ii. how reporting on the matter more broadly must be undertaken;
  - iii. who will be responsible for reporting on the matter.

### 9. WHISTLEBLOWER REPORT TO A JOURNALIST OR PARLIAMENTARIAN

- a. In certain exceptional circumstances, BBS acknowledges that whistleblowers may be entitled to make a report to a journalist or a member of the Commonwealth Parliament or a state or territory parliament.
- b. These circumstances are strictly regulated by law, and the whistleblower must fulfill specific conditions to ensure continued protection under the Corporations Act.

### 9.1. PUBLIC INTEREST DISCLOSURES

To qualify for protection when making a public interest disclosure to a journalist or parliamentarian, a whistleblower must satisfy the following criteria:

- a. Have previously reported the same information to ASIC in accordance with the criteria outlined in the policy.
- b. Wait at least 90 days after the initial report to ASIC without reasonable grounds to believe that appropriate action has been or is being taken.
- c. Possess reasonable grounds to believe that disclosing the information to a journalist or parliamentarian is in the public interest.
- d. Provide written notice to ASIC, with sufficient information to identify the initial report and indicating the intention to make a public interest disclosure.
- e. Ensure that the extent of information disclosed to the journalist or parliamentarian is no more than necessary to inform them about the misconduct or improper state of affairs or circumstances.

### 9.2. EMERGENCY DISCLOSURES

For disclosures related to emergencies, the following criteria must be met:

- a. The whistleblower must have previously made a report to ASIC that meets the necessary requirements.
- b. Have reasonable grounds to believe that the information concerns substantial and imminent danger to the health or safety of one or more persons or to the natural environment.
- c. Provide written notice to ASIC that includes enough information to identify the initial report and communicates the intention to make an emergency disclosure.
- d. The report to the journalist or parliamentarian should be restricted to information necessary to alert them about the substantial and imminent danger.

## 10. COMMUNICATION WITH REGULATORS

- a. BBS will communicate with whistleblowers who report misconduct to ASIC as per the guidelines set by the regulator (see [INFO 239](#)).



- b. In the event of a whistleblower's intention to proceed with a public interest or emergency disclosure, BBS may not always respond unless it affects any action being undertaken by the organisation.

## 11. REFERRAL TO OTHER REGULATORS

- a. If the whistleblower's report to ASIC pertains to matters within the jurisdiction of another regulator or law enforcement agency, BBS encourages direct contact with the appropriate entity.
- b. BBS may not have insight into the actions taken by other regulators or agencies and suggests whistleblowers contact them directly for updates, especially if considering a public interest disclosure.

## 12. APPEALS

If a whistleblower is not satisfied with the outcome of the review process relating to their matter of concern, BBS encourages them to seek advice from a legal practitioner. The way in which an appeal process can proceed will depend on the nature of the matter of concern and whether is covered by statutes or regulations.

## 13. VERSION CONTROL

Document title	Whistleblower Policy and Procedures	
Approved By	Board of Directors	
Date of Review	This document is to be reviewed every two years at a minimum from the date of final approval.	
Related Documents	<ul style="list-style-type: none"> <li>• Conflict of Interest Policy</li> <li>• Critical Incident Management Policy and Procedures</li> <li>• Discrimination, Bullying, Harassment, and Sexual Misconduct Policy</li> <li>• Diversity, Equity, and Inclusion Policy</li> <li>• Fraud and Corruption Control Policy and Procedures</li> <li>• Records Management Policy</li> <li>• Risk Management Policy and Framework with Risk Register</li> <li>• Staff Code of Conduct</li> <li>• Staff Complaints and Appeals Policy and Procedures</li> <li>• Student Code of Conduct</li> <li>• Student Complaints and Appeals Policy and Procedures</li> <li>• Health and Safety Policy and Procedures</li> </ul>	
Related Legislation and References	<ul style="list-style-type: none"> <li>• <a href="#"><u>Corporations Act 2001 (Cth)</u></a></li> <li>• <a href="#"><u>ASIC's Regulatory Guide 270</u></a></li> <li>• <a href="#"><u>Tertiary Education Quality and Standards Agency</u></a></li> </ul>	
Version	Notes	Date Approved
1.0	<ul style="list-style-type: none"> <li>• ARC discussed and worked on the document in line with Risk Management Policy and Framework with Register and made minor changes.</li> </ul>	10/11/2023
2.0	<ul style="list-style-type: none"> <li>• Document approved subject to change in section 8 record keeping and reporting.</li> </ul>	13/11/2023