



Whistleblower Policy

AUSTRALIAN INTERNATIONAL ACADEMY OF EDUCATION

Whistleblower Policy

Policy Statement

Who does this policy apply to?

All of AIAE's people, including Responsible Persons, employees, contractors, students, parents and other persons involved with the Association and the School (**AIAE Personnel**).

Policy statement

This policy documents the commitment of the Committee and senior management of Australian International Academy of Education Inc (**Association**) to maintaining an open working environment in which AIAE Personnel observe high standards of business and personal ethics in the conduct of their duties and responsibilities.

This Whistleblower Policy (**Policy**) encourages AIAE Personnel to raise or report concerns confidentially and/or anonymously if they wish.

The Policy also sets out a summary of the protections that are available to individuals who make disclosures under the whistleblower protection provisions provided in the Corporations Act 2001 (Cth) and the Taxation Administration Act 1953 (Cth) (**Whistleblower Laws**). Under the Whistleblower Laws, an 'Eligible Whistleblower' will be entitled to certain legal protections if they make a 'Protected Disclosure' to an 'Eligible Recipient', the Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA), or the Australian Tax Office (ATO). The Policy summarises the meaning of some of those terms below.

This Policy will be made available to all employees and officers upon commencement with the Association during the induction process and will be available on an ongoing basis on the AIAE intranet.

Scope

This Policy applies to the Association.

This Policy should be read in conjunction with the following policies:

- Governance Policy
- Conflict of Interest Policy
- Related Party Transaction Registered mail
- Fraud Policy

The Association's Code of Conduct (Code of Conduct) requires all AIAE Personnel to practice honesty and integrity in fulfilling their responsibilities and comply with all applicable laws and regulations.

This Policy details the rights of AIAE Personnel to disclose improper conduct confidentially, anonymously, and on reasonable grounds without the fear of reprisal or detrimental action.

Guidelines

Making a disclosure

The Association and its Code of Conduct encourages AIAE Personnel to address their questions, concerns, suggestions or complaints by initially discussing the matter with the Whistleblower Protection Officer, a Board Member, the Business Manager, the Academy Head, a Senior Manager of the School, the Auditor or an Eligible Recipient. However, should the person not feel comfortable in raising the issue in that way, AIAE has alternative avenues for raising and reporting matters of concern confidentially.

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Under the Whistleblower Laws, an 'Eligible Whistleblower' includes an individual who is or has been:

1. a member of Staff; or
2. a relative or dependent (including a dependent of an individual's spouse) of either of the above individuals.

What can a disclosure be made about?

Under the Whistleblower Laws, a disclosure will be a '**Protected Disclosure**' if it is a disclosure of information by an Eligible Whistleblower, where the Eligible Whistleblower has reasonable grounds to suspect that the information:

1. concerns misconduct, or an improper state of affairs or circumstances, in relation to the Association or a related entity;
2. concerns misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of the Association or an associate of the Association; or
3. indicates that an officer or employee of the Association or a related entity, has engaged in conduct that:
 - constitutes an offence against, or a contravention of, a provision of specified legislation including the Corporations Act 2001 (Cth);
 - 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
 - if the Eligible Whistleblower makes a 'Public Interest Disclosure' or an 'Emergency Disclosure' (see definitions below).

Misconduct or an improper state of affairs or circumstances may include but not be limited to:

- A breach of the Code of Conduct;
- A breach of the Association's practices and guidelines;
- Unethical or improper conduct;
- Financial malpractice, impropriety or fraud;
- Contravention or suspected contravention of legal or regulatory provisions;
- Auditing non-disclosure or manipulation of any audit processes; and/or
- Any deliberate concealment relating to the above.

Examples:

• Inappropriate Electronic Material

A Worker brings to work a personal DVD containing image files that are sexually explicit. They download the images to their work computer and then decide to circulate some of the images to colleagues. One Worker receiving the material is offended and uses the provisions of the Whistleblower Protection Policy to report the matter confidentially, as the actions are in breach of acceptable IT Usage policies.

• Suspicious Behaviour involving School Funds

A school Worker is relieving a colleague who is on annual leave and is asked by a parent why they have not received a receipt for the last cash payment they made to the school. The replacement Worker advises that they will follow up the parent's inquiry. The Worker is suspicious that misconduct may be occurring. They decide to report the matter confidentially and in line with the policy as suspicious and potential fraud. They contact the Whistleblower Protection Officer and provide their details, concerns and the school's details.

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To whom can disclosures under this Policy be made?

Disclosures under this Policy and the Whistleblower Laws can be made to an 'Eligible Recipient', which includes:

1. The Whistleblower Protection Officer;
2. A member of senior management or the relevant School Authority;
3. An auditor, a member of an audit team conducting an audit, or an actuary of the Association or a related entity;
4. An actuary, a registered tax agent or BAS agent (as defined) of the Association or a related company;
5. The Company Secretary;
6. A member of the Board; or

Disclosures may also be made to ASIC, APRA, or the ATO.

What is a public interest disclosure or an emergency disclosure?

A disclosure will also be a Protected Disclosure if the Eligible Whistleblower makes a 'Public Interest Disclosure' or an 'Emergency Disclosure'.

A '**Public Interest Disclosure**' means a public interest disclosure under the Whistleblower Laws, which includes that:

1. the discloser has already made a Protected Disclosure to a regulatory body;
2. at least 90 days have passed since the Protected Disclosure was made;
3. the discloser does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the previous disclosure related;
4. the discloser has reasonable grounds to believe that making a further disclosure of the information would be in the public interest;
5. the discloser has given written notification to the regulatory body that they intend to make a public interest disclosure;
6. the public interest disclosure is made to a member of Federal or a State Parliament or a journalist (as defined); and
7. the extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the journalist or member of parliament of the misconduct, improper state of affairs or other conduct that constituted the Protected Disclosure.

An '**Emergency Disclosure**' means an emergency disclosure under the Whistleblower Laws, which includes that:

1. the discloser has already made a Protected Disclosure to a regulatory body;
2. 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;
3. the discloser has given a written notification to the regulatory body that includes sufficient information to identify the previous disclosure and states that the discloser intends to make an emergency disclosure;

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4. the emergency disclosure is made to a member of Federal or a State Parliament or a journalist (as defined); and
5. the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the journalist or member of parliament of the substantial and imminent danger.

What is a Personal Work-Related Grievance?

A disclosure will not be a Protected Disclosure if the information disclosed concerns a 'Personal Work-Related Grievance' of the Eligible Whistleblower.

A '**Personal Work-Related Grievance**' is a grievance about any matter in relation to the Eligible Whistleblower's employment, or former employment, having (or tending to have) implications for the Eligible Whistleblower personally. However, the grievance will not be a Personal Work-Related Grievance if it has significant implications for the Association and concerns conduct or alleged conduct referred within the definition of a Protected Disclosure.

Examples of Personal Work-Related Grievances include:

- interpersonal conflict between the whistleblower and another employee;
- decisions relating to the engagement, transfer or promotion of the whistleblower;
- decisions relating to the terms and conditions of engagement of the whistleblower; and
- decisions to suspend or terminate the engagement of the whistleblower, or otherwise to discipline the whistleblower.

What protection is available?

Where AIAE Personnel make a disclosure on reasonable grounds the Association will act in the best interest of that person to protect them from any victimisation, adverse reaction or intimidation and ensure they will not be disadvantaged in their employment or engagement with the Association. An Eligible Whistleblower will also have specific protections under the Whistleblower Laws, which are outlined below.

Anonymity

The Association will not disclose the identity of the Eligible Whistleblower or information that is likely to lead to the identification of the Eligible Whistleblower, unless:

- it discloses such information to an appropriate regulatory body or a member of the Australian Federal Police;
- it discloses such information to Commonwealth authority, or a State or Territory authority, for the purpose of assisting the authority in the performance of its functions or duties;
- it discloses such information to a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the Whistleblower Laws;
- the disclosure of that information is made with the consent of the discloser; or
- it discloses information, but not including the identity of the Eligible Whistleblower, for the purposes of investigating the conduct disclosed (see below).

The Association requires that where an officer or employee of the Association receives a Protected Disclosure, that person must not disclose the identity of the Eligible Whistleblower or information that is likely to lead to the identification of the Eligible Whistleblower unless one of the above exceptions applies or it is for

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the purposes of an investigation (see below).

Protection from Victimisation and Detriment

The Association will take reasonable steps to prevent an Eligible Whistleblower from being victimised or suffering any detriment (whether threatened or actual) due to making or proposing to make a Protected Disclosure. This includes a detriment such as:

- in relation to an employee, dismissal, injury in his or her employment, alteration of position or duties to his or her detriment, discrimination between an employee and other employees of the same employer; or
- in relation to all AIAE Personnel, harassment or intimidation, harm or injury, including psychological harm or damage to a person's property, reputation, business, financial position or any other damage.

AIAE Personnel should be aware that under the Whistleblower Laws, the Association has a responsibility to protect Eligible Whistleblowers from victimisation. The Whistleblower Laws also make it a criminal offence for an individual to threaten an Eligible Whistleblower or cause an Eligible Whistleblower to suffer detriment, and the individual may be required to pay a civil penalty and/or compensation to the Eligible Whistleblower. This includes where a Protected Disclosure had not actually been made, but that the would-be victimiser suspects that a Protected Disclosure may be made.

Where an Eligible Whistleblower is subject to, or concerned about, any victimisation or detriment as referred to the above, the Eligible Whistleblower should draw this negative treatment to the attention of the Whistleblower Protection Officer and the Whistleblower Protection Officer will take action they deem appropriate in the circumstances.

How to make a disclosure?

As per the above, the Association has several channels for making a disclosure. A complainant may:

- Make the disclosure to the Whistleblower Protection Officer who currently is Mr Atef Elmohandis
 - Telephone: 9350 4533
 - Email: te@aia.vic.edu.au
 - Mail: 56 Bakers Rd, North Coburg, 3058, Victoria, AUSTRALIA
- Make a disclosure to a member of Senior management or Relevant School Authority
 - Disclosures can be made anonymously and all disclosures will be treated confidentially. There is no requirement for an Eligible Whistleblower to identify himself or herself to otherwise be eligible to receive the protections outlined under the Whistleblower Laws.

Will disclosures be investigated?

The Association will investigate all disclosures of improper conduct made under this Policy as soon as possible after receipt of the disclosure. The investigation will be conducted in a timely, thorough, confidential, objective and impartial manner recognising the principles of natural justice and best practice investigative techniques. Complainants, where possible, will be provided with feedback regarding the investigation's outcome.

The Whistleblower Protection Officer is responsible for determining the scope of, and resources applied to, each investigation.

The Association and the Eligible Recipient receiving a Protected Disclosure may need to disclose information in relation to a Protected Disclosure to undertake an investigation into the disclosure. However, information which may lead to the identity of the discloser will only be disclosed for the purposes of investigating the

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disclosure where the disclosure of that information is reasonably necessary for the purposes of investigating the conduct disclosed and all reasonable steps are taken to reduce the risk that the discloser will be identified as a result of disclosing that information.

Unless consent is given by the person who makes a Protected Disclosure, their identity must not be disclosed during any investigation process.

The Eligible Recipient will submit a preliminary report to the Whistleblower Protection Officer on the outcome of any investigation. The report will provide a summary of the facts of the suspected Reportable Conduct and of the investigation. It will also provide recommendations about whether an accusation is substantiated or unsubstantiated, whether the matter should be referred to the police, other disciplinary actions that may be required and, if warranted, suggested actions to recover stolen funds or property, and internal control implications.

The investigation report and recommendations will be provided by the Whistleblower Protection Officer to the Director General. All Eligible Recipients will be required to respond promptly.

Responsibility Under This Policy

Staff

AIAE Personnel must:

- When making a disclosure under this Policy ensure they have reasonable grounds on which to base the allegation(s).
- Not victimise or cause a person to suffer detriment where a person makes or proposes to make a disclosure under this Policy.

Officers, managers and senior management

Officers, managers and senior management must:

- Ensure the appropriate consideration and confidentiality is applied to all disclosures under this Policy.
- Promptly advise the Whistleblower Protection Officer of any disclosure. If they receive a Protected Disclosure, ensure that they comply with their obligations under the Whistleblower Laws in relation to confidentiality of an Eligible Whistleblower's identity (as outlined in 'What protection is available' section above).
- Not victimise or cause a person to suffer detriment where a person makes or proposes to make a disclosure under this Policy.

Whistleblower Protection Officer

The Whistleblower Protection Officer (Mr Atef Elmohandis) is responsible for the administration of this Policy. The responsibilities also include:

- Receive all disclosures from AIAE Personnel, management or the independent whistleblower service and acknowledge receipt with the complainant (if possible).
- Appropriately investigate all disclosures.
- Ensure that the Association and AIAE Personnel comply with their obligations under the Whistleblower Laws.
- Not victimise or cause a person to suffer detriment where a person makes or proposes to make a disclosure under this Policy.

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- Ensure the principles of natural justice are applied to the respondent(s) of any disclosure and investigation.
- Report all disclosures to Officers, managers and senior management or appropriate person as detailed above provided that they and the Whistleblower Protection Officer ensure they comply with their obligations under the Whistleblower Laws in relation to confidentiality of an Eligible Whistleblower's identity (as outlined in 'What protection is available' section above). However, if the disclosure involves any of these individuals, the appropriate escalation process would occur.
- Agree appropriate investigation processes and oversee the conduct of an investigation.
- Provide an Investigation report to the Committee Members, the General Manager and the Compliance & Risk Committee or as directed by the Chairman (subject to escalation and the Whistleblower Laws, including in relation to confidentiality of an Eligible Whistleblower's identity).
- Provide quarterly consolidated reports relating to disclosures to the Compliance & Risk Committee, ensuring that confidentiality obligations under the Whistleblower Laws are complied with.
- Review this Policy in conjunction with the Compliance & Risk Committee.
- Ensure that all AIAE Personnel receive training on the operation of this Policy and the Whistleblower Laws.

Compliance and Risk Committee

The Compliance and Risk Committee is responsible for:

- Receiving any notification and reports of disclosures as designated under this Policy.
- Determining an appropriate response to the outcome of any investigation including issues involving accounting and auditing matters.
- Taking appropriate corrective action when applicable.
- On an annual basis prepare a consolidated report for the Board on all disclosures reported to the Compliance & Risk Committee, showing outcomes and actions, ensuring that confidentiality obligations under the Whistleblower Laws are complied with.
- Undertaking periodic reviews of this Policy.
- Ensuring that AIAE and AIAE Personnel comply with their obligations under the Whistleblower Laws.
- Ensuring that the Compliance and Risk Committee complies with its obligations under the Whistleblower Laws in relation to the confidentiality of an Eligible Whistleblower's identity.



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DETERMINATION
FAITH**

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