

NGARUKI GULGUL LIMITED

'Standing Strong' in Darkinyung Language

Also trading as:



Policies and Procedures 4.B2.3W Whistleblowers

NGARUKI GULGUL LIMITED

GOVERNANCE POLICIES PREAMBLE

This policy manual is the 4th (fourth) in a suite of policy manuals; hence, policy numbers commence with 4.

Between October 2014 and January 2017, the NSW Minister for Education approved amendments to the *Registered and Accredited Individual Non-government Schools (NSW) Manual*.

In September 2023, NESA published [NSW Registered and Accredited Individual Non-government Schools Manual \(September 2023\)](#).

This version of this policy manual addresses Part B: Registration Requirements, Sections B1 and B2 of the September 2023 version of the manual.

We have reviewed our existing Governance policies and procedures to satisfy regulatory requirements, legal obligations, manage risk, provide strategic guidance and monitor performance.

We are aware that we will need to submit evidence of compliance in each of these domains during our monitoring, registration, and accreditation audits.

VISION, MISSION, VALUES, STRATEGIC ASPECTS & STRATEGIC PRIORITIES

VISION

All young people achieving purposeful futures

MISSION

Provide holistic, personalised education and wellbeing support for young people seeking an alternative

VALUES

Community We embrace individuality and champion diversity

High expectations We do our best to be our best

Integrity We are true to mission, placing young people at the core of everything we do

Empathy We accept and connect with the experience of others

Flexibility and Creativity We explore ideas and adapt our approach with resourcefulness

STRATEGIC ASPECTS

We endeavour to influence each of these aspects to assist young people through

Leadership

The capability and potential of everyone, including young people, to lead

Structures

The physical environment and systems, that can assist young people to build their own structures

People

Those who guide young people to be the best version of themselves

Cultures

The interactions that enable young people to nurture their own cultures and connect with those of others

Communities

The families and other relationships that support young people and initiate their sense of place and purpose

STRATEGIC PRIORITIES

Improve our capacity

- Staff wellbeing
- Sustainability

Make it personal for students

- Personalised programs
- Engagement
- Outcomes
- Student leadership

Expand our impact

- Post-school support and alumni
- Community connected





OBJECTIVES

The school's constitution (6) states:

- a. To establish and manage a school (Ngaruki Gulgul) to provide primary and/or secondary education for vulnerable and isolated young people who are disconnected from the community and face multiple barriers to engagement in learning in traditional schooling.
- b. To provide services beyond a special assistance school which relieve the trauma and suffering of disadvantaged young people, and address their economic, social, emotional, physical, cultural and spiritual challenges.
- c. To implement inclusive practices to address disadvantage for Indigenous and other minority groups.
- d. To build links with young people, families, businesses and the broader community through activities that increase knowledge, skills and opportunities for careers and further education and training.
- e. To establish and provide temporary accommodation and support services for young people experiencing poverty and/or distress.

POLICY 4.B2.3W: WHISTLEBLOWERS

Date:	20.03.2024	Version:	3
Reviewed:	24.11.2025	Next Review:	July 2028
NESA Manual:	B2.3		
Related Documents:	<i>Governance pack</i>	<i>s6 Constitution</i>	
	<i>Risk management framework</i>	<i>s43 Constitution</i>	
Relevant Legislation:	Corporations Act 2001 and Regulations		

1. The school must support and protect the safety and trust of any eligible whistleblower who discloses wrongdoings in relation to the school.
2. This policy comes into effect when:
 - 2.1. an **eligible whistleblower**
 - 2.2. informs an **eligible recipient**
 - 2.3. of a **disclosable matter**
3. otherwise known as a qualifying disclosure.

Related policies

4. Disclosures that are:
 - 4.1. complaints or allegations of staff misconduct that do not meet the criteria of a whistleblowing disclosure will be addressed in the school's *Complaints Policy*
 - 4.2. about reportable conduct will be addressed in the school's *Child Protection Policy*
 - 4.3. a grievance between staff members about work matters, including work relationships and decisions made by other staff members which impact on their work, may be addressed in the school's *Code of Conduct* and *Complaints and Grievances Policy and Procedure for Employees*
 - 4.4. unlawful discrimination, harassment, or bullying complaints, may be addressed in the school's *Discrimination, Harassment and Bullying Policy*.

Eligible whistleblower

5. An eligible whistleblower is an individual who is or has been any of the following in relation to the school:
 - 5.1. a Board member
 - 5.2. an employee
 - 5.3. a supplier of goods or services (paid or unpaid)
 - 5.4. a volunteer or work placement student
 - 5.5. an employee of a person who supplies goods or services (paid or unpaid)
 - 5.6. an associate of the school (as defined in the *Corporations Act*)
 - 5.7. a relative or dependent (or dependents of a spouse) of any of the above.

Eligible recipient

6. The school has identified the following roles as an eligible recipient:
 - 6.1. a Board Member, including the Chair
 - 6.2. the Principal
 - 6.3. an auditor of the school.

Disclosable matter

7. A disclosable matter is information:
 - 7.1. relating to the school, or a related entity
 - 7.2. held by an eligible whistleblower with **reasonable grounds to suspect** it concerns:
 - 7.2.1. misconduct
 - 7.2.2. an improper state of affairs or circumstances
 - 7.2.3. conduct (including of officers and staff members), such as activity:
 - 7.2.3.1. in breach of the Corporations Act or specified financial services legislation
 - 7.2.3.2. punishable under any law of the Commonwealth by imprisonment of 12 months or more
 - 7.2.3.3. that represents a danger to the public or financial system.
8. Conduct (including conduct of officers and staff members) may include anything in relation to the operation of the school that involves:
 - 8.1. fraudulent activity
 - 8.2. negligence
 - 8.3. unlawful or corrupt use of school funds
 - 8.4. breach of duty
 - 8.5. improper accounting or financial reporting practices
 - 8.6. systemic practices that pose a serious risk to the health and safety of any person on school premises or during school activities.
9. If a disclosure is not about a disclosable matter, it will not qualify for whistleblower protection under the Corporations Act.

Reasonable grounds to suspect

10. Whether a discloser would have 'reasonable grounds to suspect' is based on how reasonable the reasons are for the discloser's suspicion, regarding all the circumstances when considered objectively.

11. A disclosure made without reasonable grounds to suspect will not be a qualifying disclosure, and the discloser will not have the protections provided for under this policy and the Corporations Act.
12. Deliberate false reporting will be regarded very seriously.
13. A discloser can still qualify for protection even if their disclosure turns out to be incorrect.

Anonymous disclosures

14. The school encourages disclosers to provide their names, as anonymity may make it difficult to investigate the reported matter.
15. Anonymous disclosures can still be protected under the Corporations Act,
16. and a discloser can choose to remain anonymous:
 - 16.1.1. while making a disclosure
 - 16.1.2. over the course of the investigation
 - 16.1.3. after the investigation is finalised
17. therefore, the school suggests an anonymous discloser provides:
 - 17.1. sufficient information to allow the matter to be properly investigated
 - 17.2. an anonymous email address through which:
 - 17.2.1. additional questions can be asked
 - 17.2.2. information provided
 - 17.2.3. reports on the progress of the investigation can be made, as appropriate.

External disclosures

18. Disclosures may also be protected if they are:
 - 18.1. a **public interest disclosure**
 - 18.2. an **emergency disclosure**
 - 18.3. made to:
 - 18.3.1. ASIC
 - 18.3.2. APRA
 - 18.3.3. a prescribed Commonwealth authority
 - 18.3.4. a legal practitioner to obtain advice about the operation of the whistleblower provisions.

Public interest disclosure

19. An eligible whistleblower can disclose to:
 - 19.1. a member of Parliament
 - 19.2. a journalist

20.if:

20.1. it was disclosed to ASIC, APRA or a prescribed Commonwealth authority more than 90 days ago

20.2. the eligible whistleblower:

20.2.1. does not have reasonable grounds to believe action is being, or has been, taken to address the information in the disclosure

20.2.2. has reasonable grounds to believe that making a further disclosure of the information would be in the public interest

20.2.3. gives written notice to the original recipient before making the disclosure, that includes sufficient information to identify the previous disclosure and states that they intend to make a public interest disclosure

20.2.4. discloses only what is necessary to inform the recipient of the disclosable matter

Emergency disclosure

21.An eligible whistleblower can disclose to:

21.1. a member of Parliament

21.2. a journalist

22.if:

22.1. it was previously disclosed to ASIC, APRA or a prescribed Commonwealth authority

22.2. the eligible whistleblower:

22.2.1. has reasonable grounds to believe the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment

22.2.2. gives written notice to the original recipient before making the disclosure, that includes sufficient information to identify the previous disclosure and states that they intend to make a public interest disclosure

22.2.3. discloses only what is necessary to inform the recipient of the substantial and imminent danger

23.An eligible whistleblower may wish to consider obtaining independent legal advice before making an emergency disclosure.

Personal work-related grievances

24.Generally, disclosures that concern personal work-related grievances do not qualify for protection

25.and will only qualify for protection where:

25.1. they include information about misconduct, or information about misconduct that includes or is accompanied by a personal work-related grievance (mixed report)

25.2. the entity has:

25.2.1. breached the Corporations Act or specified financial services laws

25.2.2. breached employment or other laws punishable by imprisonment for a period of 12 months or more

25.2.3. engaged in conduct that represents a danger to the public

25.3. or:

25.3.1. the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances

25.3.2. the discloser suffers from or is threatened with detriment for making a disclosure

25.3.3. the discloser seeks legal advice or legal representation about the operation of the whistleblower protections under the Corporations Act

Processing of disclosures

26. On receipt of a disclosure, the school will:

26.1. acknowledge the receipt of a disclosure, if possible

26.2. assess the disclosure to determine whether it qualifies for protection under the *Corporations Act*

26.3. advise the discloser of the determination.

27. Where a disclosure is determined to be a qualifying disclosure under the Corporations Act, the school will:

27.1. investigate the disclosure

27.2. ensure fair treatment of all staff involved

27.3. offer support for all employees via the *Employee Assistance Program*

27.4. implement appropriate protections for the eligible whistleblower, including in relation to:

27.4.1. confidentiality

27.4.2. immunity

27.4.3. detriment

27.4.4. any other protections considered appropriate based upon the school's assessment of risk.

27.5. provide appropriate updates to the eligible whistleblower, if possible

27.6. report the outcome of any investigation to:

27.6.1. those responsible within the school

27.6.2. other external authorities where necessary.

Investigating disclosures

28. This section should be read in conjunction with the school's *Investigations procedure*.

29. Each investigation will be different, which will impact how the investigation is conducted

30. however, the school's intent is to complete investigations as soon as practicable.

31. If it is determined that an investigation is required, the school will determine:

31.1. the nature and scope of the investigation

31.2. who should lead the investigation

31.3. whether an external investigation is appropriate

31.4. what advice may be required to support the investigation, including:

31.4.1. technical

31.4.2. financial

31.4.3. legal

31.5. the anticipated timeframe for the investigation.

32. The school will keep the eligible whistleblower informed of:

32.1. when the investigation begins

32.2. steps taken

32.3. steps to be taken

32.4. if no action is to be taken, the reason for this

32.5. the completion of any investigation.

33. The extent of information provided will be subject to:

33.1. the nature of the disclosure

33.2. confidentiality considerations

33.3. legal obligations

33.4. and any other factors the school considers relevant.

34. In some circumstances the school may not be able to keep the whistleblower informed at all

35. If the school is unable to contact the eligible whistleblower, for example, an anonymous disclosure with no means of contact, the school may not be able to:

35.1. undertake an investigation

35.2. provide information about the process.

PROCEDURE 4.B2.3W1: WHISTLEBLOWERS

Version:	3	Date:	14.02.2025
Reviewed:	24.11.2025	Next Review:	July 2028
NESA Manual:	B2.3	Related Policy:	4.B2.3W
Related Documents:	Investigations procedure		
Responsibility:	Board		

Making a qualifying disclosure

1. An eligible whistleblower can make a disclosure directly to any eligible recipient
2. and the school encourages disclosures in writing to:
 - 2.1. the Principal, via confidential email to andrea@ngc.nsw.edu.au, or
 - 2.2. the Chair of the School Board, via a confidential email to chair@ngc.nsw.edu.au.
3. A disclosure made to an eligible recipient who is not the Principal, subject to the confidentiality protections, will generally be passed on to the Principal
4. and dealt with in accordance with the schools *Investigation procedure*.
5. An eligible whistleblower who wishes to obtain additional information about whistleblowing procedures and protections before formally making their disclosure can contact an independent legal advisor.

Confidentiality

6. The *Corporations Act* requires the identity of the discloser of a qualifying disclosure and information which is likely to lead to the identification of the discloser be kept confidential
7. and breaching these confidentiality protections is a criminal offence that may be the subject of criminal, civil and disciplinary proceedings
8. except:
 - 8.1. to ASIC
 - 8.2. to the Australian Federal Police
 - 8.3. to a legal practitioner for the purpose of obtaining advice about the application of whistleblower protections
 - 8.4. made with the consent of the discloser
9. Confidentiality may not be able to be maintained where:
 - 9.1. a disclosure includes an issue which the school is required to report, such as to:
 - 9.1.1. NSW Police
 - 9.1.2. NSW Ombudsman
 - 9.1.3. NSW Education Standards Authority
 - 9.1.4. NSW Department of Education

9.2. disclosure is reasonably necessary for the purpose of investigating the matter, if all reasonable steps are taken to reduce the risk that the discloser will be identified from the information being disclosed.

10. Confidentiality will be observed in relation to handling and storing records,

11. and the School will protect an eligible whistleblower's identity by:

- 11.1. appropriate redaction of documents
- 11.2. referring to the whistleblower in gender-neutral terms
- 11.3. securing all related documents
- 11.4. communicating in a way that will maintain confidentiality.

Immunity

12. Eligible whistleblowers making a qualifying disclosure:

- 12.1. cannot be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure
- 12.2. cannot have any contractual, remedy or right enforced or exercised against the person based on the disclosure
- 12.3. are (in some cases, usually external to the school) provided immunities to ensure information they disclose is not admissible in evidence against them in criminal or proceedings for the imposition of a penalty, other than in respect of falsity of the information.

13. These immunities do not prevent an eligible whistleblower being subject to criminal, civil or other liability for conduct that is revealed by the whistleblower, only that the information the person has disclosed is not admissible in certain proceedings against them.

Detriment

14. An eligible whistleblower should immediately report any detriment or threat of detriment in writing to:

- 14.1. the Principal via email to andrea@ngc.nsw.edu.au, or
- 14.2. the Chair of the school Board via email to chair@ng.nsw.edu.au.

15. Eligible whistleblowers are protected from victimisation

16. or suffering any detriment by reason of the qualifying disclosure.

16.1. Conduct against another person that:

- 16.1.1. causes detriment
- 16.1.2. will cause detriment
- 16.1.3. threatens detriment

16.2. is unlawful where the person:

- 16.2.1. believes or suspects:
 - 16.2.1.1. the other person
 - 16.2.1.2. a third person
 - 16.2.1.2.1. made
 - 16.2.1.2.2. may have made
 - 16.2.1.2.3. proposes to make
 - 16.2.1.2.4. could make

16.3. a qualifying disclosure.

17. Detriment has a very broad meaning and includes:

- 17.1. dismissal of a staff member
- 17.2. injuring a staff member in their employment
- 17.3. alteration of a staff member's position or duties to their disadvantage
- 17.4. discrimination between one staff member and other staff members
- 17.5. victimisation of a dependent of the discloser
- 17.6. harassment, including psychological harassment
- 17.7. intimidation of a person
- 17.8. harm or injury to a person
- 17.9. damage to a person's property, reputation, business or financial position.

Other detriment protections

18. The school may consider other matters to protect an eligible whistleblower and to ensure fair treatment of individuals mentioned in a disclosure, such as:

- 18.1. assessing whether any motive to cause detriment exists
- 18.2. gathering information from an eligible whistleblower about:
 - 18.2.1. the risk of their identity becoming known
 - 18.2.2. who they fear might cause detriment to them
 - 18.2.3. any existing conflicts or problems in the workplace
 - 18.2.4. any previous threats to cause detriment
- 18.3. analysing and evaluating the likelihood of each risk
- 18.4. evaluating the severity of the consequences
- 18.5. developing and implementing strategies to prevent or contain identified risks

18.6. monitoring and reassessing the risk of detriment where required, as the risk of detriment may increase or change as an investigation progresses, and even after an investigation is finalised

18.7. taking steps to ensure that:

18.7.1. disclosures will be handled confidentially, when it is practical and appropriate in the circumstances

18.7.2. each disclosure will be assessed and may be the subject an investigation

18.7.3. the objective of an investigation is to determine whether there is enough evidence to substantiate or refute the matters disclosed.

19. The school's *Employee Assistance Program (EAP)* is available to all eligible whistleblowers who are employees, should they require that support.

20. If a whistleblower who is not an employee wishes to obtain support, such as counselling or other professional support, they should contact a suitable personal support service.

Detriment remedies

21. Remedies available to an eligible whistleblower for being subjected to detriment could include:

21.1. compensation

21.2. injunctions and apologies

21.3. reinstatement of a person whose employment is terminated

21.4. exemplary damages

21.5. significant civil and criminal penalties for failing to comply with confidentiality and detrimental conduct provisions.

CONTACT

If you have any queries about this policy, you should contact the Principal or Chair of the School Board. Further information can also be found on the [ASIC website](#)

This policy is available for staff in TEAMS and made available to School Board members and officers. A copy is also available on the school website for students, parents and the broader school community.

Version	Approved By	Date	Comment	Next Review
1	Board of Directors	April 2020	Original	2021
2	Board of Directors	May 2021	Review	2022
3	Board of Directors	Nov 2025	Overhaul	2028