

Governance & Leadership

Whistleblower Protection Regime Policy.

Our Vision.

To give every child **the best start in life.**

Our Mission.

To deliver high quality childcare and exciting learning opportunities for every child, giving them a head start as they prepare for school.

Our Values.

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| Care | We take care of the children entrusted to us and our dedicated staff. All are appreciated and diversity is valued. |
| Quality | We maintain the highest standards in care and safety and provide exceptional early years education. |
| Service | We provide exceptional service and are integral to supporting parents bringing up children. |
| Value | We provide outstanding value for our families. |



Whistleblower Protection Regime Policy.



Busy Bees Early Learning Australia is committed to operating at the highest standards in everything we do. Busy Bees has a global Speak Up Policy that encourages and enables all employees, and others acting on our behalf, to raise concerns about suspected misconduct, in the knowledge their concerns will be taken seriously, their confidentiality respected and without fear of reprisal.

Under Australian Law, such reporting may be classified as "whistleblowing", and may be eligible for certain protections under the Corporate Act (2001) and the Taxation Administration Act (1953) – Whistleblower Protection Regime.

NATIONAL QUALITY STANDARDS (NQS)

QUALITY AREA 4 – Staffing Arrangements

4.2 - Professionalism	4.2.1 – Professional Collaboration
	4.2.2 – Professional Standards

EDUCATION AND CARE SERVICES NATIONAL LAW AND REGULATIONS

Part 4.7	Governance and Leadership (Reg - 168)
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RELATED POLICIES

Bullying, Discrimination and Harassment Policy	Complaints Policy
Confidentiality and Privacy Policy	Speak Up Policy

PURPOSE

The purpose of the Whistleblower Statement is to supplement the Speak Up Policy and outline the legal protections available in Australia under the Whistleblower Protection Regime.

Both the Speak Up Policy and this supplementary Whistleblower Protection Regime Policy will be made available to all Employees via policy and process system, Process Manager. It is also available via the Busy Bees Australia website, www.busybees.edu.au.

SCOPE

All Busy Bees Employees

POLICY

For a disclosure to be a protected disclosure under the Whistleblower Protection Regime, it needs to satisfy all of the following (which are further defined in the table below):

1. It must be made by an eligible discloser
2. It must be made to an eligible discloser
3. It must relate to a disclosable matter

An eligible discloser who makes a report about a disclosable matter to an eligible recipient is herein referred to as a Whistleblower.

Whistleblower Protection Regime Policy.

Who is an eligible discloser?	<p>A person is an eligible discloser for the purposes of the Whistleblower Protection Regime if they are or have previously been:</p> <ul style="list-style-type: none"> • An employee of Busy Bees Australia (including without limitation a part time, fixed term, or temporary employee) • A person who supplies goods or services to Busy Bees Australia (whether paid or unpaid), and employees of those suppliers • A relative, dependent or a dependent of the spouse of any individual referred to in paragraphs above • As well as anonymous disclosers
Who is an eligible recipient?	<p>Where possible, disclosures should be made to Busy Bees Australia's "Safecall" Service (in accordance with the Speak Up Policy).</p> <p>However, the following persons are also considered to be eligible recipients under the Whistleblower Protection Regime:</p> <ul style="list-style-type: none"> • An officer, director, company secretary or senior leader of Busy Bees • Auditors (or actuaries) or members of the audit team of Busy Bees • The designated Whistleblower Officer for Busy Bees (see section 4 for contact details) or • A legal practitioner, ASIC, APRA, the ATO, the Australian Federal Police, or in limited circumstances to a journalist or member of parliament (see section 3 in relation to public interest and emergency disclosures)
What is a disclosable matter?	<p>A discloser must have reasonable grounds to suspect corporate misconduct, improper affairs or circumstances involving Busy Bees Australia, its managers or employees or have concerns about tax matters or any other matters covered by financial sector law, or any Commonwealth law that is punishable by imprisonment for a period of 12 months or more, or that represents a danger to the public or to the financial system, as set out in the Whistleblower Protection Regime.</p> <p>A base allegation without supporting information is unlikely to be enough to demonstrate reasonable grounds.</p> <p>Disclosures need not identify breaches of laws or regulations. For example, a disclosure could be made about operations or practices that may, for example, harm consumers, risk public safety or downgrade confidence in the financial system.</p> <p>Disclosures that are made about matters that do not qualify as a disclosable matter (including personal work-related grievances) will not qualify for the Whistleblower Protection Regime. However, if they are made in accordance with the Speak Up Policy, they may still be investigated and managed under that policy. Similarly, if you are concerned about being victimised about a report you have already made under the "Speak Up" Policy then you are able to continue to report your concerns as a Whistleblower.</p> <p>Examples of disclosable matters could, for example, include tax avoidance, corruption or bribery, defrauding customers or suppliers, or money laundering.</p>

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Who can receive a disclosure under the Whistleblower Protection Regime, and how can a disclosure be made?

Busy Bees Early Learning refers all potential Whistleblowers to our Speak Up Policy, under which reports can be made to our Speak Up Service, by phoning 1800 312 928 or making an online report via <https://www.safecall.co.uk/en/>

However, under the Whistleblower Protection Regime, you may also contact an eligible recipient of Busy Bees directly (by telephone, email, or letter), or by contacting the Whistleblower Officer on the contact details set out below.

How will Busy Bees handle and investigate eligible disclosures?

The role of the Whistleblower Officer for Busy Bees is either the General Counsel ANZ, or the Chief People Officer (depending on the nature of the disclosure).

Contact details for the Whistleblower Officer are as follow:

General Counsel ANZ Email: whistleblower@busybees.edu.au Telephone: 07 3632 1166	Chief People Officer Email: hr@busybees.edu.au Telephone: 0436 929 966
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When an eligible disclosure is made to an eligible recipient, it will be referred to the Whistleblower Officer.

The Whistleblower Officer will:

- Determine whether the disclosure qualifies for protection under the Whistleblower Protection Regime
- As soon as reasonably practicable, investigate the matter raised in the disclosure (which may include referring the matter to another appropriately skilled and qualified person or external party to carry out an investigation). This may involve collecting further information from the Whistleblower (where possible), interviewing witnesses and/or obtaining input from other relevant stakeholders
- Ensure the investigation is conducted in a fair and objective matter, applying the procedures of procedural fairness (where the matter involves an employee of Busy Bees)
- Within a reasonable period, provide feedback to the Whistleblower on the progress or outcome of an investigation, to the extent possible. Sometimes updates about the process or outcome may not be able to be provided because it is not appropriate, it is confidential, or it is not permitted by law
- Upon completion of the investigation, prepare a report for the appropriate Busy Bees Australia Executive/s and/or Board. The report will include the outcome of the investigation and any recommendations or actions resulting from the investigation

How are Whistleblowers protected?

Confidentiality – Disclosures under the Whistleblower Protection Regime may be made on an anonymous basis. However, when a disclosure is made anonymously it may be more difficult for the Whistleblower Officer to carry out a thorough investigation, and the Whistleblower may not be given the opportunity to be advised of the process and outcome of the investigation.

Where a Whistleblower does provide their contact details and other information, Busy Bees will ensure the investigation is conducting in a way that maintains their confidentiality. This may include redacting documents, conducting the investigation in a manner that does not name the Whistleblower (where practicable), keeping records secure, restricting access to information, and communicating through

channels that cannot be inadvertently accessed by other employees (eg, printing to secure printers and communicating through confidential processes).

Busy Bees may refer eligible disclosures (which may include the identity of the Whistleblower)

- To the Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA), Australian Taxation Office (ATO), or the Australian Federal Police (AFP), or as otherwise required by law;
- To a legal practitioner for the purposes of obtaining advice or representative about the Whistleblower Protection Regime.
- Otherwise with their consent

Protection from Victimisation - Busy Bees will take steps to protect a Whistleblower from being treated detrimentally, or being threatened with detriment or harm, because of a disclosure made (or that they propose to make), under the Whistleblower Protection Regime.

Public Interest Disclosures

Additional protections are available for Whistleblowers to make disclosures in the “public interest”. These protections allow information to be disclosed to a journalist and/or members of parliament where the Whistleblower:

- Has made a disclosure to an Eligible Recipient and at least 90 days has passed since the time the disclosure was made
- Does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the disclosure relates
- Has reasonable grounds to believe that making a public interest disclosure would be in the public interest
- After the end of the 90-day period referred to above, gives to the Eligible Recipient to which the disclosure was originally made, written notification that includes sufficient information to identify the previous disclosure and states the Whistleblowers intention to make a public interest disclosure

The extent of the information disclosed in the public interest disclosure must be no greater than to inform the journalist and/or member of Parliament of the misconduct or improper situation or circumstances, or other conduct falling within the scope of the Whistleblower Protection Regime.

Emergency Disclosures

Additional protections are available for Whistleblowers to make disclosures that qualify as “emergency disclosures”. These protections allow information to be disclosed to a journalist and/or members of Parliament where the Whistleblower:

- Has made a disclosure to an Eligible Recipient and at least 90 days has passed since the time the disclosure was made
- Does not have reasonable grounds to believe that action is being, or has been, taken to address the matters to which the disclosure relates
- Has reasonable grounds to believe that making a public interest disclosure would be in the public interest
- After the end of the 90-day period referred to above, gives to the Eligible Recipient to which the disclosure was originally made, written notification that includes sufficient information to identify the previous disclosure and states the Whistleblowers intention to make a public interest disclosure

The extent of the information disclosed in the emergency disclosure must be no greater than to inform the journalist and/or member of Parliament of the of the substantial and imminent danger.

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Other Rights and Remedies

Information about the qualifying criteria and rights to report under the Whistleblower Protection Regime can be found on the [ASIC website](#), the [APRA website](#) and the [ATO website](#).

If a disclosure qualifies for protection under the Whistleblower Protection Regime, the Whistleblower may:

- Have the right to seek compensation and other remedies for loss, damage or injury suffered because of the disclosure
- Be protected from civil, criminal, and administrative liability, and disciplinary action (in relation to employees) unless the discloser was involved in the reported misconduct (e.g., charged with a criminal offence or private legal action such as a breach of contract or defamation)

In addition, if the disclosure qualifies for protection under the Whistleblower Protection Regime, the information disclosed by the Whistleblower will not be admissible in evidence against them in criminal proceeds or proceedings for the imposition of a penalty (other than proceedings which relate to the provision of false information).

Persons considering make a disclosure under the Whistleblower Protection Regime, including a public interest disclosure or an emergency disclosure, may wish to seek independent legal advice about whether the disclosure will be protection under the Whistleblower Protection Regime, and what remedies may be available to them.

How will Employees be Protected?

Busy Bees will ensure that employees mentioned in any disclosure, or to whom a disclosure relates:

- Are treated fairly during the course of any investigation
- Are advised of any allegations made against them at the appropriate time and are given the opportunity to respond

Employees of Busy Bees, as well as their related Family members, may access Busy Bees EAP Service on 1300 364 273 for support throughout this process.

SOURCES

[Education and Care services National Regulations](#)

[Education and Care Service National Law Act 2010](#)

[Federal Register of Legislation - Corporations Act 2001](#)

[Federal Register of Legislation - Taxation Administration Act 1953](#)

[Speak Up Service](#)

VERSION CONTROL

This policy will be reviewed every 2 years and/or in line with legislation and organisation requirements.

Version	Date	Owner	Responsibility	Change Description
1	01/10/2023	General Counsel ANZ	Policy Development Officer	Replace all previous versions

This document is uncontrolled when printed and may be varied, replaced, or terminated without notice.