

Whistleblowing can be an effective way of uncovering fraud and other misconduct which may not be identified by internal or external controls within an organisation. New Aged Care (NAC) is committed to the principles of transparency and accountability and views whistleblowing as an opportunity to reflect upon organisational procedures and promote an ethical culture.

Where an employee, contractor, consultant, supplier, volunteer, governing body member or service user (including their family, supporters and carers) believes, on reasonable grounds, that another person or persons associated with the organisation has been involved in illegal, improper or unethical conduct, they are encouraged and supported to report the conduct without reprisal or consequence.

New Aged Care protects Whistleblowers from retaliatory action of any kind including:

- Dismissal;
- Demotion;
- Harassment or discrimination;
- Victimisation;
- Current or future bias; or
- Threats of any of the above.

| Record of policy development | | |
|------------------------------|---------------|-----------------|
| Version | Date approved | Date for review |
| 1.1 | 12/11/2025 | 12/11/2026 |

| Responsibilities and delegations | |
|----------------------------------|---|
| This policy applies to | Governing body/staff/volunteers |
| Specific responsibilities | Whistleblower Protection officers Executive Team |
| Policy approval | Executive Team |

| Policy context – this policy relates to: | |
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| Standards | Strengthened Standards, AGPAL |
| Legislation | The Aged Care Act 2024 Section 547-554 The Aged Care Rules 2025 Sections 165-40, 165-45, 165-50, 165-55 and 165-60 |
| Organisation policies | Complaints, Feedback, Human Resources |
| Forms, record keeping, other documents | Opportunity For Improvement (OFI) Form Incident Forms Incident Register |

Definitions

Anonymity: is when one's identity is unknown. In the case of an anonymous Whistleblower, their identity is not known by anyone, including those who receive and investigate the Qualifying Disclosure.

Confidentiality: is when one's identity is protected to prevent harm. In the case of a Whistleblower, their identity may be known to those receiving and investigating the Qualifying Disclosure, but their identity is protected from the broader organisation and public.

Discloser (or Whistleblower): Any person who makes a Qualifying Disclosure about a suspected contravention or misconduct in the provision of aged care.

Detriment: Any disadvantage, harm or adverse treatment including dismissal, demotion, discrimination, harassment, intimidation, injury, property damage, reputational harm, or threats of these.

Qualifying Disclosure: A disclosure of information by a person which:

- is made to one of the people or entities set out in Section 547 of the Act;
- is made either orally or in writing, and either anonymously or not; and
- the Discloser has reasonable grounds to suspect / indicate that an entity may have contravened the Act.

Responsible person: Member of the governing body or any person in a role designated as a responsible person by the organisation.

Whistleblower Protection Officer (WPO): A designated senior role responsible for implementing this Policy, receiving and triaging disclosures, safeguarding disclosers, coordinating investigations and system improvements.

Purpose and Scope

New Aged Care is committed to the highest standards of integrity, transparency and accountability in the delivery of aged care services. This policy provides for a safe, confidential process for any person to raise concerns about suspected or actual

misconduct and reflects the mandatory whistleblower protections in the *Aged Care Act 2024* and the *Aged Care Rules 2025*.

Who this policy applies to

This policy covers all people who interact with New Aged Care including:

- employees (permanent, part-time, casual, fixed term and agency staff);
- contractors, consultants and suppliers of goods and services;
- volunteers, students and governing body members; and
- service users, their supporters, representatives, family members, carers and independent advocates.

Procedures

Development and review of this policy

This policy is established in consultation with management, employees, volunteers and, where appropriate, service users and their representatives, including consideration of their views on reporting mechanisms and protections.

The governing body is responsible for implementing this policy, fostering a culture of ‘speaking up’, and evaluating and improving its effectiveness.

This policy will be formally reviewed at least every 12 months, and immediately following any regulatory changes to whistleblower requirements.

Any amendments will be approved by the governing body and communicated to all staff, volunteers, contractors and where relevant, service users, their families and advocates.

Awareness and education

New Aged Care will ensure that all people associated with the organisation, including employees, contractors, volunteers, governing body members, service users, their supporters, representatives and advocates, are informed of their rights and responsibilities under this Whistleblower Protection Policy.

New Aged Care will:

- provide mandatory training for all staff, contractors and volunteers on how to recognise and report misconduct or breaches, how to access internal and external reporting channels, and the protections and support available to whistleblowers;
- include policy information in onboarding materials for new staff and volunteers and provide refreshers at least annually;
- make this policy accessible; and
- train managers and designated Whistleblower Protection Officers (WPOs) in handling disclosures, maintaining confidentiality and supporting both whistleblowers and individuals named in Qualifying Disclosure.

New Aged Care will review training content and delivery methods as part of its annual policy review to ensure ongoing compliance.

Designation and responsibilities of Whistleblower Protection Officer/s (WPO)

The governing body will nominate from time to time an appropriately qualified/experienced WPO.

The Executive Team is the organisation's WPO. Their responsibilities include:

- Implementing and overseeing this Whistleblower Protection Policy;
- Providing an initial response to an accusation of wrongdoing;
- Ensuring the protection and/or anonymity/confidentiality of the Whistleblower, where possible;
- Conducting or assisting in investigations into alleged wrongdoings;
- Assessing and managing risk of detriment;
- Monitoring for retaliation during and after any investigation;
- Informing the Whistleblower of the progress and outcomes of investigations;
- Ensuring that Whistleblowers do not suffer any retaliation or negative consequences; and
- Providing support and referrals for both Whistleblowers and those accused of wrongdoing.

New Aged Care will ensure that all people associated with the organisation know who the designated WPO's are and their contact details.

Reporting framework

Qualifying Disclosures

A disclosure qualifies for protection if the Discloser has reasonable grounds to suspect a contravention of the *Aged Care Act 2024*, and the disclosure is made orally or in writing, including anonymously – to any of the following:

- an Appointed Commissioner or member of the Department of Health, Disability and Ageing and Aged Care Quality and Safety Commission;
- the System Governor or an official of the Department of Health, Disability and Ageing;
- a registered provider, a reasonable person of a registered provider, or an aged-care worker of a registered provider;
- a police officer; or
- an independent aged-care advocate.

Internal reporting

To report internally, the recipient of the Disclosure should report the breach to the WPO.

- Kellie Tobias, Director of Clinical Services – ktobias@newagedcare.com.au

If they believe that the WPO is involved in the breach, or in the absence of, they may report to the following responsible person:

- Andrea Paton, Business Manager – apaton@newagedcare.com.au

External reporting

If the Whistleblower believes that:

- all of the above internal persons are involved in the breach; or
- all internal measures have been taken to try to get the issue addressed; or
- the issue is significant and poses dangers to health or safety;

they may report the complaint to an external agency such as the **Aged Care Quality and Safety Commission, Department of Health, Disability and Ageing**, an independent aged care advocate or in cases of serious illegal conduct, **the police** should be contacted.

Anonymous reporting

The WPO will receive and seriously consider anonymous Qualifying Disclosures and ensure the anonymity of the Whistleblower as far as is possible. Anonymous Whistleblowers should be made aware that anonymous reporting may affect the outcome of the investigation, as evidence may be more difficult to substantiate.

Where a Discloser requests anonymity, the recipient of the Qualifying Disclosure must take all reasonable steps to protect the identity of the Discloser and any other person named in the request. It is a contravention of the Act to disclose the identity of a Discloser, or information likely to lead to the identification of a Discloser, if that information was obtained directly or indirectly because of a Qualifying Disclosure, unless an authorised exception applies.

Authorised exceptions occur when the Discloser consents in writing, or the Qualifying Disclosure is made to one of the persons listed above (Commissioner, System Governor, registered provider, police officer or an independent aged-care advocate).

Where disclosure of non-identifying information is reasonably necessary to investigate the matter, New Aged Care will take all reasonable steps to minimise the risk of identifying the Discloser.

External Whistleblowers

Persons external to the organisation who wish to make a Qualifying Disclosure regarding organisational wrongdoing will be afforded the same protections as personnel of the organisation.

External persons may report wrongdoing to the organisation's WPOs/Responsible Persons:

- Kellie Tobias, Director of Clinical Services – ktobias@newagedcare.com.au
- Andrea Paton, Business Manager – apaton@newagedcare.com.au

Alternatively, external persons may report wrongdoing to an external agency such as the Aged Care Quality and Safety Commission, Department of Health, Disability and Ageing, an independent aged-care advocate or in cases of serious illegal conduct, the police should be contacted.

Investigation procedures

All Qualifying Disclosures received will be considered seriously, and an internal investigation of the facts of each one will be conducted by Kellie Tobias, Director of Clinical Services, and Andrea Paton, Business Manager, to verify the allegations made and take further action if necessary. An internal investigation will be undertaken if the matter does not necessitate a police investigation.

When a Qualifying Disclosure is received, the WPO will use their discretion to decide whether legal advice is required.

If the WPO is implicated, the matter will be referred to a responsible person of the organisation or an independent investigator.

Notification procedures

The WPO will first notify the Board/Governing Body Chair of any alleged misconduct. The person/s accused will then be notified, so that they may present their case.

Investigation planning

In consultation with the WPO's and other relevant managers, terms of reference and an investigation plan will be prepared, which will include:

- The key issues to be investigated;
- The scale of the investigation, in proportion to the alleged wrongdoing; and
- Allocation of resources.

Principles of conducting investigations

Investigations will be undertaken applying fair and ethical principles, and as such:

- Any person accused of wrongdoing will have the presumption of innocence;
- All investigations will be conducted without bias;
- Persons accused of wrongdoing will be supported throughout the process and referred to external support services if necessary;
- Investigations will follow the procedures of natural justice;
- In circumstances where the Whistleblower is unable to remain anonymous, they must remain free from any retaliatory action;
- During and after the investigation the WPO should monitor for any detriment or threats towards the Whistleblower from any member of the organisation; and
- All disciplinary action will be proportionate to the seriousness of the breach.

Documentation

Throughout the course of the investigation conversations, interviews, communications and relevant documents will be recorded and stored. Upon completion, an investigation report will be prepared and filed. The investigation report will include:

- The allegations;
- A statement of facts and the corroborating evidence;
- Conclusions reached by the investigation; and
- Recommended amendments to organisational policies and procedures to avoid future wrongdoings of a similar nature.

All documents relating to Whistleblowing reports and investigations must be kept securely and confidentially, and access to documents granted only when necessary.

The Whistleblower will be kept informed of the progress and outcomes of the investigation.

Support and protection for Whistleblowers

New Aged Care is committed to protecting anyone who makes a Qualifying Disclosure under this Whistleblower Protection Policy. Whistleblowers found to have made Qualifying Disclosures in good faith, according to organisational procedures and based on reasonable grounds will receive support and protection as below:

- The confidentiality of a Whistleblower's identity will be kept confidential as required, unless disclosure of their identity is:
 - Consented to by the whistleblower, or;
 - Required by law (for example, to a regulatory authority to protect health and safety);
- The Whistleblower can elect for their Qualifying Disclosure to be handled as a complaint or feedback and can withdraw their Qualifying Disclosure at any time (unless it has already been acted on);
- The Whistleblower will have the right to request positive action for the purposes of protection, such as relocation (where possible) or a leave of absence while the matter is under investigation;
- The WPO will be responsible for ensuring that the Whistleblower receives any necessary support and referrals, and that they are not subject to any form of negative employment-related consequence as a result of reporting;
- The Whistleblower will be able to request an interpreter or other translation aids for reporting their Qualifying Disclosure and obtaining appropriate support;
- If an act of reprisal is alleged, the Whistleblower will have the automatic right of appeal to an independent appeal body;
- The Whistleblower will not be subject to any civil, criminal or administrative liability for making the disclosure;

- No contractual or other remedy or right can be exercised against the Whistleblower for their Qualifying Disclosure;
- If the Whistleblower believes that they have been subjected to reprisal, they may lodge an internal complaint with the WPO or escalate directly to the Aged Care Quality and Safety Commission; and
- A contract to which the Whistleblower is a party may not be terminated on the basis that the disclosure constitutes a breach of the contract

Protection from Victimisation

New Aged Care strictly prohibits any conduct that causes or threatens detriment, including dismissal, demotion, harassment, discrimination, disadvantage or harm, because a person has made, may make or intends to make a Qualifying Disclosure.

A ‘threat’ may be express or implied, conditional or unconditional and liability does not require proof that the person feared the threat would be carried out.

Note: reasonable administrative action taken to protect a person from detriment is not victimisation.

Review

Based on the recommendations made by the investigation report, the Executive Team will review, evaluate and amend relevant organisational policy annually in order to avoid future wrongdoing and increase organisational transparency.

False reporting

If it is discovered that the Whistleblower knowingly and intentionally fabricated an accusation against an employee or associate of the organisation, for their own personal gain or with malicious intent, they may be subject to disciplinary action which may include dismissal, termination of services or cancellation of client relationship.