

Policy Statement

Cobram Regional Care (CRC) is committed to the highest standards of care and conduct, maintaining consumer confidence, and promoting a culture of honest and ethical behaviour, legislative compliance and good governance. **This commitment is aligned with CRC's values.** The purpose of this Whistleblower Policy under the legislative requirements of the Aged Care Act 2024 is to:

- Encourage and allow individuals to make complaints or to disclose concerns about conduct relating to CRC either openly or anonymously.
- Ensure Disclosers of information (Whistleblowers) are properly and lawfully supported
- Support and protect everyone involved in a Disclosure from adverse action.
- Ensure the identity of a Discloser and the content of the Disclosure are kept confidential unless consent is provided, or the law requires otherwise.

Note – the legislative requirements and responsibilities outlined in this policy refer to those outlined under the Aged Care Act 2024 and are different to those under the Corporations Act 2001. There may however be some circumstances where disclosure could fall within the scope of both the Aged Care Act and the Corporations Act. Refer further to policy 2.11.1 Whistleblower Policy – Corporations Act 2001

1. Legislative Context¹

- 1.1 Under Part 5, Section 547 of the Aged Care Act 2024 (the Act), Whistleblower Protections have been enshrined in law to protect individuals who “call out issues”² within an aged care context.
- 1.2 Part 4, Division 1 (165) of the Act additionally states that it is a condition of an Aged Care Provider’s registration to:
- implement and maintain a complaints and feedback management system
 - manage complaints and feedback in accordance with that system
 - not victimise or discriminate against anyone for making a complaint or giving feedback
 - implement and maintain a whistleblower system, and whistleblower policy
 - manage all Disclosures that qualify for whistleblower protection in accordance with the law.
- 1.3 If a complaint or feedback is also assessed as being a Disclosure that qualifies for protection under Section 547 of the Act, CRC is required to manage that Disclosure in accordance with any requirements under these laws.
- 1.4 The legislation aims to³:
- promote quality care and the safety of older people by ensuring the whistleblower system facilitates Disclosure of information without fear of persecution, retribution or personal detriment
 - ensure that the confidentiality of Disclosures is maintained and, the anonymity of the individual making the disclosure, and others (where relevant) is protected
 - ensure that an Aged Care Provider acknowledges, assesses, manages and responds to a disclosure in a fair, transparent, accessible, safe, culturally safe and timely manner
 - ensure that disclosures contribute to continuous improvement
 - ensure that workers and any others who may have concerns are encouraged and supported to raise these concerns about aged care services.
- 1.5 The strengthened laws mean that a person who makes a report (a Discloser) will:
- be protected from any negative results that come from making the report.
 - have their identities or identifying information protected, with some exceptions – for example, where it is necessary to share information with the ACQSC or a lawyer, or to prevent a serious threat or harm to a person or people.

¹ Aged Care Act (2024) at www.legislation.gov.au

² Information about the new rights-based Aged Care Act (sourced August 2025) Australian Government Department of Health, Disability and Ageing at www.health.gov.au/our-work/aged-care-act/about#protection-for-whistleblowers

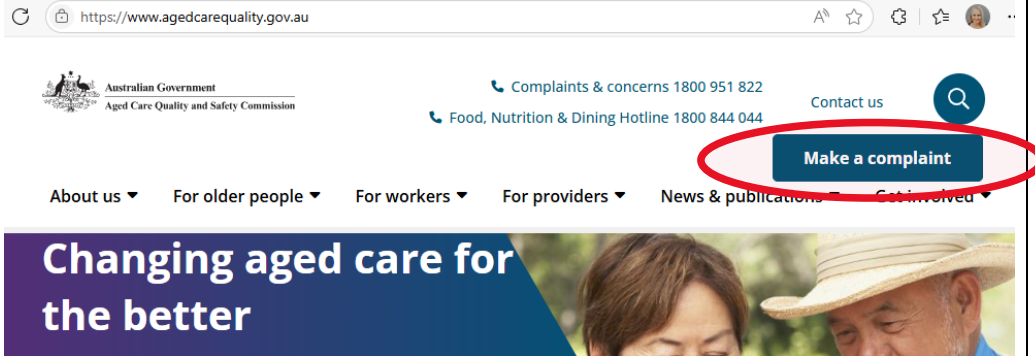
³ Aged Care Rules 2025 – Exposure Draft (2025) at www.legislation.gov.au

<p>2. Key Terms</p>	<p>2.1 Committee: the Committee of Management or Governing body of Cobram Regional Care (CRC).</p> <p>2.2 Complaints/Compliance Officer: An individual appointed by the organisation to receive, manage and respond to complaints. At CRC this person is the CEO/Director of Nursing.</p> <p>2.3 Discloser: Also known as a Whistleblower. A person who makes a report or provides information which is deemed a Disclosure.</p> <p>2.4 Disclosure: Information shared with an eligible Recipient (person or entity) that qualify for ‘protection’ under Section 547 of the Act (<i>refer below under Part 3</i>)</p> <p>2.5 Detrimental Conduct: Conduct that results in detriment to a person or persons, e.g.:</p> <ul style="list-style-type: none"> ➤ Dismissal of an employee ➤ Injury of an employee in their employment ➤ Alteration of an employee’s position or duties to their disadvantage ➤ Discrimination, victimisation, harassment or intimidation of a person ➤ Harm or injury to a person, including psychological harm ➤ Damage to a person’s property ➤ Damage to a person’s reputation <p>2.6 Law: The Aged Care Act 2024 (Cth)</p> <p>2.7 Recipient: An individual or entity to whom a protected Disclosure is made. <i>Approved Recipients are named under Item 3.1 Below.</i></p>
<p>3. Disclosures that qualify for Protection⁴</p>	<p>3.1 A Disclosure qualifies for ‘protection’ under Section 547 of the Act if it is made to one of the following Recipients:</p> <ul style="list-style-type: none"> ➤ An appointed Commissioner or a member of the staff of the Aged Care Quality and Safety Commission (ACQSC) ➤ An Official of the Department of Health, Disability and Ageing (DoHDA). ➤ A Registered Aged Care Provider - Cobram Regional Care (CRC) ➤ A responsible person of CRC ➤ An employee of CRC ➤ A Police Officer ➤ An independent Aged Care Advocate <p>3.2 The Disclosure may be made either orally or in writing.</p> <p>3.3 The Discloser must have reasonable grounds to suspect that an entity (for example – CRC or its employees) may have breached the law.</p> <p>3.4 Where a Disclosure is made directly to CRC, it is important that the Complaints/ Compliance Officer consider where the complaint or feedback may trigger this Whistleblower protection framework.</p>
<p>4. Protections</p>	<p>4.1 If an individual makes a Disclosure that qualifies for protection under the Act, then the legislation states that certain actions can’t be taken against them for making this Disclosure. These protections are specified in the Aged Care Act 2024.</p> <p>4.2 The individual must not be subject to any civil, criminal or administrative liability as a result of making the Disclosure</p> <p>4.3 CRC cannot take disciplinary action against an individual who makes a protected Disclosure.</p> <p>4.4 Disclosers must also be protected from any contractual remedy or contractual right being enforced against them because of their Disclosure, including actions taken by CRC for breach of their employment contract.</p> <p>4.5 The individual may still, however, be subject to any civil or criminal liability for their own conduct that may be revealed in the course of making the Disclosure.</p>



<p>5. Preserving the anonymity/ confidentiality of a Discloser</p>	<p>5.1 If person makes a Disclosure that qualifies for protection under the Act to an entity; and the Discloser requests anonymity; the Recipient must take all reasonable steps given the circumstances to preserve their anonymity. This applies to all Recipients including ACQSC, CRC and other entities reported to.</p> <p>5.2 CRC is committed to ensuring Disclosures are treated with the strictest confidence and respect, and that the Discloser is treated fairly and does not suffer any detriment or reprisal.</p> <p>5.3 There is no requirement for a Discloser to identify themselves when making a Disclosure if that is what they choose.</p> <p>5.4 The identity of the Discloser will not be disclosed by CRC unless:</p> <ul style="list-style-type: none"> ➤ consent is obtained to disclose their identity; or ➤ it is necessary to prevent a serious threat to health or safety or; ➤ the Disclosure is required by law <p>5.5 CRC will take all reasonable steps to maintain the confidentiality of a Discloser and protect them. These steps may include:</p> <ul style="list-style-type: none"> ➤ Restricting the number of people who are made aware of the Discloser’s identity for the purpose of handling and investigating the matter ➤ Redacting personal or identifying information ➤ Storing electronic material related to the Disclosure securely and using secure channels of communication for handling and investigating the matter ➤ Limiting access to information relating to the Disclosure to only those directly involved in handling and investigating it. ➤ Providing awareness training to those involved in an investigation to ensure they understand their obligations in relation to maintaining confidentiality. ➤ Permanently deidentifying or deleting any personal information seven (7) years after a Disclosure is made or investigation closed (whichever is later), unless otherwise required. <p>5.6 Failure by any Recipient (individual or entity) to protect the identity/confidentiality of a Discloser can result in penalties under the Act.</p>
<p>6. Detrimental Conduct Prohibited</p>	<p>6.1 CRC strictly prohibits all Detrimental Conduct against Disclosers and will take all reasonable steps to protect them from Detrimental Conduct.</p> <p>6.2 Detrimental Conduct as defined above means any actual or threatened conduct that could cause a detriment to the Discloser as a result of their making a Disclosure, as defined within this policy.</p> <p>6.3 CRC also strictly prohibits all forms of Detrimental Conduct against people who are involved in an investigation of a Disclosure.</p>
<p>7. Investigating Disclosures</p>	<p>7.1 Where a Disclosure is made to CRC, these Disclosures are documented and investigated promptly. Refer also to policy 2.6 Feedback and Complaints Management</p> <p>7.2 CRC takes all reports of potential wrongdoing seriously. All reports will be assessed and based on the nature and circumstances of the Disclosure; and a decision made as to whether an investigation is required.</p> <p>7.3 Any investigation will be conducted in a timely, fair and objective manner, and independent from any person to whom the report relates. Investigations will generally be overseen by the Complaints/Compliance Officer.</p> <p>7.4 Other people, including employees or external advisers, may also be asked to assist or run the investigation. Where possible, the Discloser will be informed how CRC is responding to their report, including whether an investigation will be conducted.</p> <p>7.5 Unless there are confidentiality or other reasons not to do so, employees who are the subject of a report of wrongdoing will be informed of the matters raised in the report at an appropriate time, and will be given a chance to respond to any allegations made against them. They will also be advised of the outcome of any investigation.</p>

<p>8. CRC Obligations</p>	<p>8.1 Under the Act, as a Provider of aged care services, CRC must also meet other requirements in relation to this policy and must:</p> <ul style="list-style-type: none"> ➤ Prepare and keep up to date a Whistleblower policy (<i>this policy</i>) ➤ Publish the policy in an accessible document ➤ Give a copy of the policy to workers and responsible persons ➤ Give the policy to the following: <ul style="list-style-type: none"> ○ Care recipients/consumers ○ Representatives or supporters of consumers or other individuals who request the policy ➤ Further support individuals if required, to understand the policy, to translate the policy into another language or present the policy in an alternative format. ➤ Help individuals to understand how the whistleblower system works ➤ Communicate regularly, and at least monthly, the policy to staff, care recipients and other stakeholders ➤ Communicate to all stakeholders that disclosures that qualify for protection under section 547 of the Act are welcome.
<p>9. Training</p>	<p>9.1 All employees and responsible persons are provided with information and training in complaints and whistleblower protections and in the application of this policy. Refer also to <u>2.6.1.2 Whistleblower Procedure - Aged Care Act 2024</u></p> <p>9.2 Training must include⁵:</p> <ul style="list-style-type: none"> ➤ how to handle personal information and data; and ➤ how to recognise and respond to Disclosures that qualify for protection under Section 547 of the Act; and ➤ managing relationships and communicating with Disclosers; and ➤ when and how to escalate Disclosures in the system; and ➤ their roles and responsibilities in the system; and ➤ the penalties for contravening Subsection 550(1) of the Act (confidentiality of identity of disclosers) <p>9.3 Training must be undertaken:</p> <ul style="list-style-type: none"> ➤ on commencement of employment ➤ annually within the mandatory training program ➤ when there is a change to how the system works that affects the person's roles and responsibilities in the system ➤ when there is a change to the person's role that affects the person's roles and responsibilities in the system <p>9.4 Employee and consumer handbooks, provided on commencement also outline the complaints management and whistleblower protections.</p>
<p>10. Interaction with the Corporations Act 2001</p>	<p>10.1 There may be some circumstances where a Disclosure could fall within the scope of both the Aged Care Act and the Corporations Act. For example: a Disclosure about conduct which breaches the Aged Care Act and carries a penalty of imprisonment for 12 or more months.</p> <p>10.2 In general, Whistleblower protections under the Aged Care Act should be treated as separate to Whistleblower protections under the Corporations Act 2001. Those protections apply to Disclosures about different types of conduct, made to different entities, and carry different obligations, protections, and exemptions.</p> <p>10.3 If an individual makes a Disclosure in accordance with the Corporations Act, the Corporations Act policy (with the relevant obligations and protections) should be followed. Refer further to policy <u>2.11.8 Whistleblower Policy - Corporations Act 2001</u></p> <p>10.4 If the individual makes a Disclosure in accordance with the Aged Care Act, the Aged Care Act policy (this policy) must be followed.</p>

<p>11. Disclosers who suspect a contravention of the Act</p>	<p>11.1 If an individual who makes a Disclosure (a Discloser) suspects that there has been a contravention of the Act in relation to their Disclosure, they can complain to the Complaints Commissioner, an official of the Aged Care Quality and Safety Commission.</p> <p>11.2 For example – the Discloser may believe:</p> <ul style="list-style-type: none"> ➤ their identity/anonymity has not been protected ➤ they were subject to Detrimental Conduct as a result of their Disclosure ➤ the Recipient made express or implied threats of Detrimental Conduct after the Disclosure was made <p>11.3 The Act gives the Complaints Commissioner the power to issue registered providers with a required action notice in relation to any matter raised in a complaint received by the Commission. This includes where the Discloser suspects that there has been a contravention of the Act in relation to their Disclosure.</p> <p>11.4 Contact: Aged Care Quality and Safety Commission Phone: 1800 951 822 Address: GPO Box 9819, Melbourne Website: www.agedcarequality.gov.au</p> <p>11.5 If making an online complaint, there is a blue ‘make a complaint’ button at the top of the screen and the user will be prompted through the process:</p>  <p>11.6 Remedies by court order for contraventions of the Act can include injunctions, compensation (including exemplary damages), and reinstatement of employment.</p>
<p>12. Responsibility for Policy Compliance and Review</p>	<p>12.1 The Complaints/Compliance Officer CRC is responsible for:</p> <ul style="list-style-type: none"> ➤ the overall administration of this Policy ➤ monitoring the implementation of this Policy and reviewing the Policy's suitability and effectiveness on an ongoing basis. ➤ ensuring eligible Recipients within the organisation (including Committee members and the Executive team) are trained with explicit reference to their separate obligations under each regime. ➤ ensuring all stakeholders including employees, consumers, representatives are provided with information on complaints management and Whistleblower protections. ➤ seeking to protect a Discloser from Detrimental Conduct ➤ assisting a Discloser in maintaining wellbeing ➤ maintaining Discloser confidentiality, including as required by law
<p>Review</p>	<p><i>This policy is reviewed every three years, or more frequently in response to identified risk, or where legislative or best-practice changes require amendment.</i></p>