JG WHISTLEBLOWER POLICY

Purpose

This Policy supports a culture of integrity, accountability, and transparency at Aequra by providing a clear framework for reporting wrongdoing. It outlines how disclosures can be made safely and confidentially, the protections available to whistleblowers under the Corporations Act 2001, the Aged Care Act 2024 and Aged Care Rules 2025, and the processes Aequra follows to investigate concerns and uphold legal and ethical standards. The Policy complements other internal mechanisms such as complaints handling, incident management (including SIRS), and grievance procedures.

Scope and Applicability

This Policy applies to all Aequra employees, contractors, directors, volunteers, suppliers, and associates, as well as former staff and certain relatives. It covers disclosures about suspected misconduct, breaches of law, reportable incidents, or unsafe practices involving Aequra, its officers, or employees, including conduct impacting older persons in care. While personal employment grievances are generally excluded, matters involving broader legal or ethical concerns, resident safety, systemic risk, or serious misconduct may still qualify as disclosable matters.

Older Person Outcome

An effective whistleblower framework contributes directly to safer, higher-quality aged care by enabling early detection of misconduct or risk. It supports residents' rights to feel safe, heard, and respected, and aligns with the Strengthened Aged Care Quality Standards, particularly governance, feedback, and complaints requirements.

Organisation Statement

Aequra's Board and Executive are committed to lawful, ethical conduct and zero tolerance for misconduct or retaliation. Aequra will support and protect anyone who raises concerns in good faith or on reasonable grounds, ensuring confidentiality, fair treatment, and timely action. This Policy reflects Aequra's values of honesty, accountability, and care, and reinforces governance systems for ensuring safe, high-quality aged care.

Aged Care Standards

- Standard 2: The Organisation

1. Key Concepts & Definitions.

For the purposes of this Policy and in accordance with the law, key terms are defined as follows:

Term	Definitions
Older Person / Older People /	"Older people and consumers including residents and clients" refer to individuals receiving aged care services, including Aboriginal and Torres Strait Islander (ATSI) peoples and those from Culturally and Linguistically Diverse

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Consumers / Residents/ Clients	(CALD) backgrounds. This inclusive definition ensures that the diverse needs, preferences, and identities of all individuals are recognised and met within aged care services. While 'older people' generally refers to those advanced in age, specific eligibility criteria vary across services.
Whistleblower	A person who, whether anonymously or not, **discloses or reports** information about actual or suspected misconduct, improper state of affairs, or any wrongdoing within or related misconduct • In this Policy, "whistleblower" is generally used to refer to an **eligible** whistleblower – see Scope – who makes a disclosure that qualifies for protection under the Corporations Act or other applicable laws.)
Disclosable Matters	Information about conduct that is deemed **reportable** under this Policy and the law. This includes any conduct that the discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, in relation to Aequra. It also covers information indicating that Aequra, or an officer or employee of Aequra, has engaged in conduct that constitutes an offence under Commonwealth or state law, or a breach of legislation punishable by 12 months or more imprisonment, or conduct that represents a danger to the public or the financial system. • *Examples:* fraud, theft, bribery, misuse of company assets, serious breaches of Aged Care Quality Standards or the Aged Care Act, criminal damage to property, offering or accepting a bribe, systemic financial mismanagement, or deliberate concealment of any such misconduct.
Misconduct	Illegal, unacceptable, unethical or other undesirable conduct or behavior. This includes actual or attempted conduct that is dishonest, fraudulent, corrupt, or unethical; that violates laws or regulations or Aequra's policies; that may involve bribery or corruption; that may cause financial loss or reputational damage to the organisation; or that is otherwise inconsistent with Aequra's purpose, values, and Code of Conduct. • In the context of this Policy, misconduct also encompasses **gross mismanagement**, serious negligence, or repeated breaches of administrative requirements that pose risks to the organisation or its consumers.
Eligible Whistleblower	Individuals who are eligible for protection when making a disclosure under the Corporations Act whistleblower regime. This includes current and former employees of Aequra, officers (including directors and company secretaries), contractors, suppliers of goods or services (and their employees), associates of the company, as well as a spouse, relative or dependent of any of those persons. • For disclosures relating to aged care reportable incidents, current or former staff, volunteers, and current or former consumers, their family members, carers or representatives are also protected under the Aged Care Act's whistleblower provisions.
Eligible Recipient	Persons or authorities who are authorised to receive a whistleblower disclosure that qualifies for protection. Within Aequra, eligible recipients include any **Aequra Board Director**, the **Chief Executive Officer (CEO)**, or the **Chief Financial Officer (CFO)** and **Chief Operations Officer (COO)** (or any person designated from time to time as a Whistleblower Investigation Officer or Whistleblower Protection Officer for Aequra). • Disclosures can also be made to certain external bodies and persons, such as **regulators** (ASIC, ACQSC, the Australian Charities and Not-for-profits Commission (if applicable), the Australian Taxation Office for tax-related disclosures, or other prescribed Commonwealth authorities), to a **legal practitioner** for the purpose of obtaining legal advice, or, in limited circumstances, to a journalist or Member of Parliament under a *public interest or emergency disclosure*. A disclosure must be made to an eligible recipient to attract legal protection.
Detriment (Victimisation)	Any actual or threatened harm or damage suffered by a person because of their actual or suspected involvement in a whistleblowing disclosure. Detrimental acts can be direct or indirect and include (but are not limited to) dismissal or demotion; disciplinary action; harassment or intimidation; discrimination; alterations to the person's role or duties to their disadvantage; harm or injury (including psychological harm); damage to property, reputation or financial position; or **any form of retaliation** that causes disadvantage to the person. Under the law, it is strictly **prohibited** for anyone to cause detriment to a whistleblower (or someone assisting a whistleblower) because of the disclosure, and substantial civil and criminal penalties apply for such victimisation.
Confidentiality	Refers to the legal requirement and organisational commitment to keep the identity of the whistleblower (and information likely to identify them) confidential, subject to limited exceptions. • With few exceptions, it is illegal for an eligible recipient or any other person who knows about a protected disclosure to reveal a whistleblower's identity without their consent. Those exceptions generally include reporting to regulators (ASIC, AHPRA, or the Police) or to a lawyer for legal advice, or as otherwise required by law (for example, if ordered by a court). Aequra will protect confidentiality as outlined in **Eligible Whistleblower Protections** below.

Term	Definitions
Principles of Natural Justice (Procedural Fairness)	This refers to the procedural principles to be followed in any investigation of a disclosure, to ensure fairness to all parties. It means that decision-makers will be impartial, those accused of wrongdoing will be given a right to respond to allegations before any final decision or action is taken, and investigations will be conducted based on evidence and without bias. Applying natural justice ensures that while whistleblowers are protected, individuals who are the subject of allegations are also treated fairly and not presumed guilty without a proper inquiry.

2. Disclosures

Aequra encourages any person who is aware of possible wrongdoing to **make a disclosure** under this Policy so that issues can be identified and addressed.

2.1 Who can disclose

- Disclosures are encouraged from anyone connected to Aequra—staff, contractors, volunteers, residents/clients, families, or external parties. For disclosures to attract legal protection, they must be made by an **eligible whistleblower to an eligible recipient and relate to a disclosable matter under relevant legislation**.

2.2 What to disclose:

- Reportable issues include suspected misconduct, fraud, unlawful activity, serious breaches of care standards, reportable incidents, or risks to safety or public interest. Examples include:
  - Theft, bribery, or misuse of funds
  - Abuse or neglect of residents or serious failures to respond to incidents
  - Systemic breaches of the Aged Care Act, Aged Care Rules, Code of Conduct, or Quality Standards
  - Deliberate concealment, falsification of records, or obstruction of regulatory processes (e.g., ACQSC, SIRS)
- Whistleblowers should provide as much detail as possible (who, what, when, where, evidence), but a genuine or reasonable suspicion is sufficient for protection even if details are incomplete or later unsubstantiated

2.3 How to make a disclosure :

Internal reporting:

- CEO, CFO, COO
- Any Aequra Board Director
- Designated Whistleblower Protection Officer(s) or Whistleblower Investigation Officer(s)

Disclosures may be made in person, by phone, email, letter, or via any confidential reporting channel made available by Aequra (e.g., a dedicated whistleblower inbox or hotline). Managers not listed as eligible recipients must promptly and confidentially refer any disclosures to an eligible recipient.
Special cases – where the disclosure involves:

- CEO or senior executives → report directly to the Board Chair or another Board Director.
- A Director or the Board as a whole → report to an alternate Director, external auditor, legal counsel, or a regulator (e.g., ACQSC, ASIC) for independent handling.

External Reporting:

Whistleblowers have the right to make a disclosure directly to certain external entities **without** reporting internally, especially if they feel internal reporting is not safe or appropriate. External avenues that qualify for protection include:

- **Regulators:** You may report misconduct to regulatory bodies such as the **Australian Securities and Investments Commission (ASIC)** or the **Australian Prudential Regulation Authority (APRA)** (especially for financial or corporate misconduct). ASIC in particular is the regulator for whistleblower matters in companies and has facilities to receive reports confidentially. (For example, ASIC can be contacted via its online misconduct reporting form or by mail at GPO Box 9827 in your capital city).
- **Aged Care Regulator:** For matters relating to the quality and safety of aged care (e.g. abuse of a resident, serious incidents in a facility), disclosures can be made to the **Aged Care Quality and Safety Commission (ACQSC)**.
- **Other Agencies:** If applicable, other agencies can include the **Australian Charities and Not-for-Profits Commission (ACNC)** (if Aequra is a registered charity), the **Australian Taxation Office (ATO)** (for tax-related misconduct), or law enforcement such as the **Australian Federal Police (AFP)** or local police (especially if the matter is criminal in nature).

    - **Company Auditor or Actuary:** Under the Corporations Act, Aequra's external auditor (and members of the audit team) or actuary (if any) are also eligible recipients for disclosures. Whistleblowers may choose to contact the external auditor to report concerns, particularly about financial or accounting matters, and such disclosures are protected.
    - **Legal Advice:** A disclosure made **to a lawyer** for the purpose of obtaining legal advice or legal representation about whistleblowing is protected. This means you can consult a lawyer (e.g., an independent legal advisor) about your concern or about whether it qualifies under whistleblower law, and that conversation is confidential and protected.

2.4 Anonymous & Confidential Disclosures:

Anonymous disclosures are accepted and protected; using an anonymous email or phone channel is encouraged to enable follow-up. Aequra will protect the identity of whistleblowers and information likely to identify them, except where disclosure is required or permitted by law (e.g., to regulators or a court), and will limit access to information on a strict need-to-know basis.

2.5 Recording Disclosures:

Verbal disclosures are documented by the receiver; the whistleblower may be asked to confirm accuracy where possible. All records are kept securely with restricted access, consistent with privacy and records requirements.

3. Eligible Whistleblower Protections

Protections under this Policy mirror legal protections in the Corporations Act, Aged Care Act 2024, and Aged Care Rules 2025.

3.1 Confidentiality

Identity and identifying information are kept confidential; unauthorised disclosure may lead to disciplinary and legal consequences.

3.2 Protection from Detriment

Aequra prohibits any form of retaliation (e.g., dismissal, bullying, threats) against whistleblowers or those assisting investigations. If you face negative treatment, report it immediately—Aequra will act to protect you.
Examples of support may include:

- Adjusted work duties or location
- Access to EAP or counselling
- Monitoring and follow-up support

3.3 Fair Treatment

Individuals named in a disclosure are treated fairly, with a chance to respond during the investigation. Investigations are impartial, and no assumptions of guilt are made.

3.4 Legal Immunity

Whistleblowers are not liable for making a protected disclosure (e.g., cannot be sued or prosecuted just for reporting). However, this does not shield you from consequences if you were personally involved in the misconduct.

3.5 Right to Compensation

If you suffer loss due to retaliation, you may be entitled to compensation under the law. Aequra encourages raising concerns early to prevent harm.

3.6 No Penalty for Speaking Up

No adverse action will be taken against someone who raises a concern in good faith, even if it's unproven.

4. Reporting Integrity

The existing provisions on good faith, false/malicious reports, personal grievances and Board oversight are sound and can remain largely unchanged, with a small emphasis that genuine but mistaken disclosures remain protected.

4.1 False or Malicious Reports

Knowingly false or malicious reports are a serious breach. They undermine trust and may result in disciplinary action. However, genuine mistakes or unsubstantiated concerns made in good faith will still be protected.

4.2 Personal Grievances

Ordinary workplace issues (e.g., interpersonal conflict, rostering concerns) are not covered unless they involve misconduct. These should be directed to HR. If misconduct is involved, the matter may be escalated under this Policy.

4.3 Acting in Good Faith

While not a legal requirement, Aequra expects ethical conduct from everyone involved. This includes being truthful, respectful, and constructive. Misuse of the system for personal agendas is not acceptable.

4.4 Oversight

The Aequra Board receives regular reports (excluding identities) on disclosures and investigations. The Policy is reviewed at least every three years or in line with legal changes.

5. Process Guidance

Through the following process, Aequra demonstrates how we handle whistleblower disclosures – from initial report to final outcome – in a manner that supports whistleblowers, protects them from adverse consequences, and ensures fair, prompt resolution of issues. The key steps in our whistleblowing process are:

5.1 Education & Awareness:

- All staff and stakeholders receive training on this Policy, including what to report, how to report it, and the protections available. Awareness promotes a culture of speaking up.

5.2 Making a Disclosure:

- Disclosures can be made verbally or in writing—internally or externally—as outlined in Section 2. Upon receiving a disclosure, Aequra will acknowledge it (if contact is known), explain next steps, and provide a copy of this Policy.

5.3 Preliminary Assessment:

- Aequra will assess whether the report qualifies as a disclosable matter. If not, it may be referred to the People & Culture Team or another pathway. If it qualifies, Aequra will assess any immediate risks and prepare for investigation.
    - For instance, do we need to take urgent action to prevent harm (such as suspend certain activities or reassign someone)? Do we need to put in place protection measures for the whistleblower (if identity known) right away? These considerations are part of the initial response.

5.4 Appointing an Investigator:

An appropriate investigator—internal or external—will be appointed. The investigator must be impartial, have relevant expertise, and operate under strict confidentiality.

5.5 Conducting the Investigation:

Investigations are fair, objective, and discreet.

- Evidence is gathered (e.g., interviews, documents).
    - The whistleblower's identity is protected unless they consent to disclosure.
    - Those accused will be given a chance to respond before any findings are finalised.
    - If criminal conduct is suspected, the matter may be referred to the police.

5.6 Interim Protections

- If needed, temporary measures may be taken—e.g., reassigning staff, providing leave, or protecting the whistleblower's work environment. These are neutral steps to safeguard the process and involved parties.

5.7 Updates to Whistleblowers

- Aequra will provide general updates to the whistleblower (if known), including when the investigation starts, any major developments, and the outcome (in broad terms, respecting privacy and confidentiality).

5.8 Investigation Outcomes

All outcomes are documented and reviewed by the Board if serious. Possible outcomes include:

- **Substantiated** – Misconduct confirmed; Aequra takes corrective action (e.g., disciplinary action, process changes, reporting to authorities).
- **Not substantiated** – No sufficient evidence; no further action taken.
- **Inconclusive** – Investigation cannot proceed (e.g., lack of information); case may be reopened later if more evidence arises.

5.9 Escalation & Reporting to Authorities

- Serious cases involving senior staff or systemic issues are escalated to the Board. Aequra may also report matters to regulators (e.g., ACQSC, ASIC) or police where required.

5.10 Ongoing Protection & Support

- Aequra continues to monitor the whistleblower's welfare during and after the investigation. Support may include counselling, changes to duties, or escalation if concerns persist.

5.11 Secure Record-Keeping

- All reports and investigation records are securely stored and only accessible to authorised staff. Records are retained for at least seven years in line with legal and organisational requirements.

5.12 Board Oversight

- The Board is regularly informed of disclosures and outcomes (without identities).

References

- ACQSC Managing Whistleblower Disclosures Policy October 2025

Relevant Legislation

- Aged Care Act 2024
- Aged Care Rules 2025
- Code of Conduct for Aged Care
- Corporations Act 2001
- Privacy Act 1988
- Strengthened Aged Care Quality Standards
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019
- Whistleblower Protection Bill 2025 (No.2)

Relevant Policies

- JG Feedback Management Policy
- JG Incidents & SIRS Management Policy
- JG Grievance Management Policy
- JG Open Disclosure Policy

Key Words for Search

Whistleblower	Privacy	Complaints	Grievance

Review History

Date of Update	Outline of Change
08 May 2020	• Created
07 December 2021	• Reviewed with no changes

02 October 2024	• Reviewed with no changes
31 December 2024	• Reviewed with no changes
15 May 2025	• Major revision to incorporate legislative updates and process guidance ◦ SMEs: Operations Manager
29 October 2025	• Minor update to include contemporary references from ACQSC and Aged Care Rules 2025.

Version Control

Approver	Owner	Date Approved	Document Expiry Date
Chief Operating Officer	Operations	1 July 2025	30 June 2028