

Whistleblower Policy and Procedure

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1 POLICY STATEMENT

BASSCARE does not tolerate improper conduct by employees, Board members, contractors or volunteers, and is committed to protecting and supporting those who disclose improper conduct. We are committed to addressing and investigating reported misconduct and rectifying proven wrongdoing. If a person makes a disclosure of Improper Conduct to BASSCARE and that person is not entitled to Whistleblower Protections, BASSCARE will nevertheless take all reasonable steps to protect that person from detrimental action being taken against them.

2 PURPOSE

The purpose of this procedure is to:

- Encourage disclosures of wrongdoing
- Help deter wrongdoing, in line with our risk management and governance framework
- Provide information about who can make and receive a Whistleblower Disclosure
- Provide information about what disclosures attract Whistleblower Protections
- Ensure individuals who disclose Improper Conduct can do so safely, securely and with confidence that they will be protected and supported
- Ensure whistleblower's reports (disclosures) are dealt with appropriately and in a timely manner
- Provide transparency around our process for receiving, handling and investigating disclosures
- meet BASSCARE's legal and regulatory obligations.

3 SCOPE

This procedure applies to all staff, Board, Contractors, Students and Volunteers across Residential Care, Home Care, Retirement Living, Independent Living Units, NDIS and Corporate Services.

4 OVERVIEW

This policy is endorsed by the Executive Leadership Team and the Board to ensure it supports simple and clear reporting and resolution processes in response to the identification of illegal, inappropriate or unethical conduct.

5 DEFINITIONS

Term	Definition
ACQSC	Aged Care Quality and Safety Commission
ASIC	The Australian Securities and Investments Commission.
APRA	Australian Prudential Regulation Agency
SIRS	Serious Incident Response Scheme
Whistleblower Disclosure	A disclosure of Improper Conduct made by an individual that attracts statutory Whistleblower Protections.
Whistleblower Laws	A law of the Commonwealth or a State or Territory that provides statutory Whistleblower Protections that are relevant to BASSCARE operations and business.
Whistleblower Protections	The Statutory Whistleblower protections given under State or Federal Law
Whistleblower	A person who makes a disclosure of Improper Conduct (in good faith) where that disclosure attracts statutory Whistleblower Protections.

6 PROCEDURE

Any person can report Improper Conduct to BASSCARE or a relevant authority. However, a person making such a disclosure will only receive statutory Whistleblower Protections if they make a disclosure of Improper Conduct; and are the type of person who can make a Whistleblower Disclosure under an applicable Commonwealth whistleblower scheme.

Anyone who is or has been any of the following in BASSCARE can be a whistleblower:

- An Officer or Board member of BASSCARE
- An employee (e.g. current and former employees who are permanent, part-time, fixed-term or temporary, casuals, interns, managers)
- A supplier of services or goods (whether paid or unpaid), including their employees (e.g. current and former contractors, consultants, service providers and business partners)
- An associate of BASSCARE
- A relative, dependent or spouse of current and former employees, contractors and associates
- A BASSCARE client, their family members and their supporters.

7 DISCLOSURES THAT DO TRIGGER WHISTLEBLOWER PROTECTIONS

A person qualifies for protection as a whistleblower under the Corporations Act and/or the Aged Care Act if they are an eligible whistleblower, as listed above and

A person (the discloser) can make a Whistleblower Disclosure if the discloser has reasonable grounds to suspect that the information they are disclosing concerns Improper Conduct and

They have made a report relating to a 'disclosable matter' directly to an 'eligible recipient' (See below Who Can a Whistleblower Report to?) or to a body prescribed by regulation

They have made a report to a legal practitioner for the purposes of obtaining legal advice or legal representation about the operation of the whistleblower provisions in the Corporations Act, or

They have made an 'emergency disclosure' or 'public interest disclosure'

Improper conduct includes any of the following

- corrupt conduct, including misuse of position for personal gain
- conduct involving a substantial mismanagement of public or company resources
- conduct involving a substantial risk to public health or safety or the environment
- Detrimental Action (or threats of Detrimental Action) taken against a Whistleblower, or someone who is suspected of or who may be planning to make a Whistleblower Disclosure or who is cooperating with an investigation of a Whistleblower Disclosure
- a breach of the Corporations Act 2001 (Cth)
- a breach of the Aged Care Act 2024 (Cth)
- misconduct or an improper state of affairs in BASSCARE business or operations, such as:

- failure to comply with a legal duty
- gross mismanagement or waste
- dishonest or unethical behaviour by an individual that broadly affects BASSCARE business or operations
- any matter about which a regulator should know about to perform its duty
- a serious breach of BASSCARE Code of Conduct that broadly affects BASSCARE business or operations; or
- fraud or other types of criminal behaviour

A disclosure made on reasonable grounds can still qualify for whistleblower protections even if subsequent investigations show the disclosure to be incorrect.

If an individual makes a disclosure that qualifies for protection the individual is not subject to any civil, criminal or administrative liability for making the disclosure.

WHAT CAN BE REPORTED BY A WHISTLEBLOWER?

The following types of wrongdoing can be reported:

- Physical, psychological or other abuse of a consumer of our service
- Receiving gifts or monies from a consumer of our service without the permission of a senior manager
- Illegal conduct, such as theft, dealing in, or use of illicit drugs, violence or threatened violence, and criminal damage against property
- Fraud, money laundering or misappropriation of funds
- Offering or accepting a bribe
- Financial irregularities
- Failure to comply with or a breach of legal or regulatory requirements
- Engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure or is believed or suspected to have made, or be planning to make, a disclosure.

Disclosable matters include conduct that may not involve a contravention of a particular law. Information that indicates a significant risk to public safety or the stability of, or confidence in the financial system is also a disclosable matter, even if it does not involve a breach of a particular law.

8 DISCLOSURES THAT DO NOT TRIGGER WHISTLEBLOWER PROTECTIONS

8.1 Disclosures not based on 'reasonable grounds'

For Whistleblower Protections to apply, a person making a disclosure must have 'reasonable grounds' to suspect Improper Conduct. As a general rule, a mere allegation made without supporting information is unlikely to be a disclosure based on 'reasonable grounds'.

8.2 False disclosures

Any deliberate false disclosure of Improper Conduct (where the discloser knows the information to be untrue), whether under this procedure or otherwise, will be treated as a serious disciplinary matter. Such false disclosures do not trigger Whistleblower Protections.

8.3 Personal work-related grievances

As a general rule, disclosures about a 'personal work-related grievance' are not disclosures of Improper Conduct and do not benefit from statutory Whistleblower Protections.

A 'personal work-related grievance' is a matter relating to the discloser's employment (or former employment) having implications for the discloser personally but which does not;

- have significant implications for BASSCARE; or
- relate to Improper Conduct.

Examples of matters that generally constitute personal work-related grievance include:

- an interpersonal conflict between the discloser and another employee
- a decision relating to the engagement, transfer or promotion of the discloser
- a decision relating to the terms and conditions of engagement of the discloser
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Personal work-related grievances are managed in accordance with the BASSCARE Grievance Resolution Procedure

8.4 Consumer Complaints and Incidents

Complaints from a client or their family or their supporters about an 'incident of wrongdoing' may not qualify as a 'whistleblower disclosure' and receive the associated legal protections. Complaints are managed in accordance with the BASSCARE Feedback and Complaints Management procedure. A reportable incident (as defined under the Serious Incident Response Scheme (SIRS)) is managed in accordance with the BASSCARE Incident Management procedure

9 WHO CAN RECEIVE WHISTLEBLOWER DISCLOSURES

A whistleblower needs to report concerns to one of the eligible recipients below to qualify for protection as a whistleblower. A whistleblower can report a disclosure to any eligible recipient in person, by telephone, email or letter at any time.

9.1 Internal Disclosure Recipients

Reporting to a BASSCARE employee:

When considering who to report to, it is essential that you are aware that any eligible recipient who is implicated in a disclosure cannot be involved in any aspect of receiving, handling or investigating the disclosure.

Whistleblowers can report to

- Board director of BASSCARE – whistleblower@basscare.org.au
- The CEO – ceo@basscare.org.au
- Executives of BASSCARE – either executiveteam@basscare.org.au or individually as per table 1

Name	Email
Helen Brightman	EGMHomeCommunityandCustomer@basscare.org.au
Trevor Watson	EGMResidentialandRetirementLiving@basscare.org.au
Peter Veale	EGMInformationandCommunicationsTechnology@basscare.org.au
Alison Elliott	EGMQualityandContinuousImprovement@basscare.org.au
Edward Xuereb	EGMPropertyandDevelopments@basscare.org.au
Sue Franklin	EGMPeopleandCulture@basscare.org.au
Jennifer Aird	CFO@basscare.org.au

Table 1

AND,

- An Aged Care Worker

NOTE: Disclosures to these individuals can be made through any effective communication channel including email, teams, telephone, or direct verbal communication.

Non-senior management who receives a disclosure are advised to report it to a senior management member, with the discloser's permission, or to advise the whistleblower to report it to senior management. Emails can be sent to whistleblower@basscare.org.au

Reporting anonymously:

You may make a report anonymously through our website form via the Contact us page.

NOTE: You may choose to report concerns anonymously to protect your identity. However, please be aware that anonymous reports may limit our ability to contact you for further details or clarification, which can affect the thoroughness and timeliness of any investigation or response. Providing contact information, even confidentially, can greatly assist in resolving the matter effectively. Regardless of anonymity, all reports will be taken seriously and handled with the utmost confidentiality and protection under our whistleblower policy.

We strongly encourage reporters to provide their identity when making a disclosure so that we can fully understand the situation and follow up directly if necessary. Confidential reporting allows us to maintain your privacy and protect your identity while enabling effective communication to resolve the concern. Rest assured, all information you provide will be handled with the strictest confidentiality, and protections against retaliation are in place. If you still prefer to report anonymously, that option remains available; however, providing contact details confidentially will help us take timely and thorough action

Confidentiality of the discloser and any information that is likely to lead to the identification of the discloser will be upheld, whether the information is obtained directly or indirectly because of the qualifying disclosure. Confidentiality will be authorised under s550(2) of the Aged Care Act 2024.

Individuals who wish to make an anonymous, de-identified or 'confidential' disclosure must be aware of the following:

- a) BASSCARE will not investigate the identity of an anonymous Whistleblower, the nature of the information provided may identify the individual
- b) BASSCARE, its directors and employees will not be liable if the identity of an anonymous, de-identified or confidential Whistleblower is, or becomes ascertainable as a consequence of any investigation, or through the actions of the Whistleblower
- c) BASSCARE may not be able to fully investigate an anonymous, de-identified or confidential disclosure; and
- d) BASSCARE cannot enforce Whistleblower Protections if the identity of the Whistleblower is unknown.

For the above reasons, BASSCARE encourages Whistleblowers to identify themselves when making a disclosure and to assist in any investigation.

9.2 External Disclosure Recipients

Disclosures attracting Whistleblower Protections can also be made directly to:

- The Australian Securities and Investments Commission (ASIC) (note - disclosure to ASIC does **not** require prior disclosure to BASSCARE);
- The Aged Care Quality and Safety Commission (ACQSC) (note - disclosure to ACQSC does not require prior disclosure to BASSCARE);
- The Department of Health, Disability and Ageing (DHDA) (note - disclosure to DHDA does not require prior disclosure to BASSCARE);
- The Australian Prudential Regulation Authority (APRA) (note - disclosure to APRA does not require prior disclosure to BASSCARE);
- a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to Whistleblower Protections;
- Police officer
- An independent Aged Care Advocate
- in specific circumstances, a journalist or parliamentarian (of the Commonwealth or a State or Territory); or

Information about making a disclosure to ASIC, a journalist or parliamentarian is available on the ASIC website: <https://asic.gov.au>

Information about making a disclosure to ACQSC, is available on the ACQSC website: <https://www.agedcarequality.gov.au/>

Information about making a disclosure to APRA, is available on the APRA website: <https://www.apra.gov.au/>

Whistleblowers can also report other misconduct to ASIC and if not in their remit, ASIC may refer the whistleblower to another regulator or law enforcer.

10 HOW TO MAKE A DISCLOSURE

For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that there is as much information as possible. This includes any known details about the events underlying the report such as the:

- date
- time
- location
- name of person(s) involved
- possible witnesses to the events and
- evidence of the events (e.g. documents, emails).

Contact details of eligible recipients in BASSCARE are included in the Internal Telephone Directory (available on the document management system and in the Employee Handbook provided during onboarding stage).

11 Investigation by BASSCARE

Investigations conducted by BASSCARE will, as far as possible, be thorough, objective and fair, while preserving the confidentiality of any investigation.

BASSCARE will, where it considers it necessary, seek external advice and assistance in an investigation.

On receipt of a Whistleblower Disclosure, BASSCARE will comply with any notification requirements of a State Whistleblower Law.

The Chair of the BASSCARE Board will be notified as soon as practicable of any disclosure of Improper Conduct.

12 PROTECTIONS FOR WHISTLEBLOWERS

BASSCARE will not engage in conduct that causes detriment or threatens to cause detriment to an individual or another entity based on the belief that the individual has, may have or intends to make a disclosure that qualifies for pretention.

12.1 Protections include:

- Identity protection whereby BASSCARE cannot disclose the identity of a whistleblower or information that is likely to lead to their identity. This means no person can engage in actions or make a threat towards a whistleblower because of their disclosure or planned disclosure. (See Confidentiality Obligations below).
- Protection from detriment, whereby the following are prohibited under law:
 - dismissal of an employee or termination of contract
 - injury of an employee in his or her employment
 - changes to an employee's position or duties that disadvantage them
 - discrimination between an employee and other employees of the same employer
 - harassment or intimidation of a person
 - harm or injury to a person, including psychological harm

- o damage to a person's property
- o damage to a person's reputation
- o damage to a person's business or financial position or
- o any other damage to a person

This does not prevent the Whistleblower being subject to any civil, criminal or administrative liability for their own misconduct revealed by their disclosure.

The taking or threatening of Detrimental Action may give rise to civil or criminal charges. Significant penalties apply.

If a Whistleblower has Detrimental Action taken against them, the person may seek a court order for compensation, an injunction, an apology, reinstatement of their employment or, in certain circumstances, exemplary damages.

Any person who believes that Detrimental Action has been taken (or threatened) against them should report the matter to police or to a Federal Agency such as ASIC or ACQSC or they should seek independent legal advice.

If BASSCARE becomes aware that Detrimental Action has, or may have been taken against an individual, it will consider referring the matter to police or an appropriate agency.

If BASSCARE becomes aware of any Detrimental Action taken or threatened against a person engaged by BASSCARE, or that such a person is concerned about possible Detrimental Action being taken against them, the CEO (or their delegate) will determine, in consultation with the affected individual (and where appropriate, a relevant external agency, such as ASIC the steps BASSCARE can take to avoid, reduce or eliminate the risk of Detrimental Action being taken against the person. For employees this may include transferring the employee in accordance with applicable legislation.

Welfare support will be provided to the affected individual as required. Employees requiring welfare support will (if appropriate) be referred to the BASSCARE Employee Assistance Program. The CEO or their delegate may (if appropriate, and in consultation with a relevant external agency, provide or arrange other appropriate welfare support to the affected employee.

In addition to its obligations under relevant legislation concerning Whistleblowers, BASSCARE has legislative and administrative obligations to ensure the health and wellbeing of employees under occupational health and safety legislation. BASSCARE will comply with these obligations in supporting Whistleblowers and individuals who cooperate with an investigation of a Whistleblower Disclosure.

- Compensation and other remedies, whereby a whistleblower can seek compensation and other remedies through the courts if:
 - o They suffer loss, damage or injury because of a disclosure and
 - o BASSCARE failed to take responsible precautions and exercise due diligence to prevent detrimental conduct
- Civil, criminal and administrative liability protection, whereby a whistleblower is protected from any of the following in relation to their disclosure:
 - o civil liability (e.g. any legal action against the whistleblower for breach of an employment contract, duty of confidentiality or another contractual obligation)

- o criminal liability (e.g. attempted prosecution of the whistleblower for unlawfully releasing information, or other use of the disclosure against the whistleblower in a prosecution, other than for making a false disclosure) and administrative liability (e.g. disciplinary action for making the disclosure).
- o *Note that the protections do not grant immunity for any misconduct a whistleblower has engaged in that is revealed in their disclosure.*
- Information received from certain Whistleblower Disclosures will not be admissible into evidence against the Whistleblower in criminal proceedings or in proceedings for the imposition of a penalty, unless the proceedings relate to the falsity of the information.

12.2 Confidentiality Obligations

BASSCARE is committed to protecting the confidentiality of a Whistleblower's identity in accordance with applicable law.

Whistleblowers are cautioned that any rights to confidentiality are not absolute, and that in general, the identity of a Whistleblower, or information that might reveal the identity of a Whistleblower may be disclosed within BASSCARE in accordance with law for the purposes of investigating a disclosure.

In addition, and despite the best efforts of BASSCARE to protect a Whistleblower's identity, people may be able to guess the Whistleblower's identity.

NOTE – if the Whistleblower Disclosure has been made directly to an external agency BASSCARE may not be aware of the disclosure or the identity of the Whistleblower. In those circumstances, a Whistleblower should seek advice from the relevant external agency before revealing their identity or their disclosure to BASSCARE.

12.3 Other Actions that may occur concurrently

Nothing in this procedure prevents BASSCARE from managing a Whistleblower's unsatisfactory work performance if the action is in line with BASSCARE's performance management framework.

If disciplinary action is being contemplated in relation to an employee who is known (by BASSCARE) to have made a Whistleblower Disclosure (or who is known to be cooperating with an investigation into Improper Conduct), the CEO (or their delegate) will make the final decision as to whether disciplinary or other performance management action will be taken.

In all cases where disciplinary or other action is being contemplated in relation to an employee who is known to have made a Whistleblower Disclosure, the CEO (or their delegate) must be satisfied that the following can be demonstrated:

- a) the fact that the employee has made a Whistleblower Disclosure (or is cooperating with an investigation) is not a substantial reason for the taking of the action against the employee;
- b) there are good and sufficient grounds that would fully justify action against any other person in the same circumstances; and
- c) there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The CEO (or their delegate) will thoroughly document the process including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure (or for cooperating with an investigation). The CEO (or their delegate) will clearly advise the individual of the proposed action to be taken, and of any mitigating factors that have been considered.

13 COMPLAINTS ABOUT THE PROCESS

A Whistleblower who wishes to complain about the handling of their disclosure by BASSCARE should raise the matter with the individual to whom they made the original complaint or by following the BASSCARE Staff Grievance/Complaints procedure. If that is not practicable, or the complaint is not resolved, the matter should be raised directly with ASIC or the ACQSC.

14 ENSURING THIS POLICY IS ACCESSIBLE TO ALL STAKEHOLDERS

BASSCARE ensures all staff members and other stakeholders are aware of and have access to our whistleblower policy through:

- Holding Senior Leadership Team briefing sessions
- Discussing the policy in team meetings
- Posting the policy on the BASSCARE Policy Platform
- Making a copy available in the Staff Break Rooms
- Providing a printout on request
- Including the policy in the employee handbook
- Incorporating the policy in employee orientation information and training for new staff members
- Posting a reminder on employees pay slips
- CEO quarterly update emails

15 RELATED DOCUMENTS

Code of Conduct

Grievance Policy and Procedure

Incident Management Policy and Procedure

Feedback and Complaints Management Policy and Procedure

16 LEGISLATION

Corporations Act 2001 (Cth)

Aged Care Act 2024 (Cth)

Aged Care Rules 2025

Privacy Act 1988 (Cth)