

Review Details

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DETAILS OF CHANGES

Date of Revision	Revision Description
2/11/2025	Newly developed

PLANNED REVIEW

Date of Next Review	Revision Description
10/12/2026	

Related Legislations and Standards

- Aged Care Act 2024 (Cwth)
- Aged Care Code of Conduct
- Aged Care Quality and Safety Commission Act 2018
- Aged Care Rights Statement
- Fair Work Act 2009 (Cwth)
- Fair Work Regulation 2009 (Cwth)
- Fees and Payment Principles 2014
- Financial Management and Accountability Act 1997 (Cwth)
- Health Care Act 2008 (SA)
- Information Principles 2014
- Privacy Act 1988 (Cwth)
- Public Interest Disclosure Act 2013
- Quality of Care Principles 2014
- Records Principles 2014
- Superannuation Industry (Supervision) Act 1993
- South Australia Association Incorporation Act 1985
- Strengthened Aged Care Standards
- Taxation Administration Act 1953
- User Rights Principles 2014
- Work Health and Safety Act 1998
- Work Health and Safety Regulation 2012

Related Policies and Procedures

- Code of Conduct Policy
- Compliance Policy
- Conflict of Interest Policy
- Consumer Right Policy
- Continue Improvement and Quality Assurance Policy
- Equity, Inclusion & Respect Policy
- Feedback and Complaints Management Policy

- Financial Management Policy & Procedure
- Health and Well-being Workplace Policy
- Governance Policy
- Privacy and Confidentiality Policy
- Risk Management Policy
- Sexual Harassment Policy
- Transparency and Accountability Policy

Contents

PART A – POLICY	4
1 INTRODUCTION	4
2 PURPOSE	4
3 SCOPE	4
4. POLICY PRINCIPLES	4
4.1 Higher standard	4
4.2 Speak up and report it!	4
4.3 Our expectations of Workers	4
4.4 Our responsibility to Whistle-blowers	4
4.5 Confidentiality and Consent	5
5 REPORTABLE CONDUCT	5
5.1 Who can make a report?	5
5.2 What is Reportable Conduct?	5
5.3 What is not Reportable Conduct?	5
5.4 What information do I need to make a report?	6
5.5 How can I make a report?	6
6 PROTECTION	7
6.1 How will I be protected if I speak up about Reportable Conduct?	7
6.2 How will VIWA / ACC ensure confidentiality?	7
6.3 False reports or disclosures	8
7 HANDLING AND INVESTIGATION A DISCLOSURE	8
8 MONITORING AND ASSURANCE	9
PART B – PROCEDURE	10
1 ROLES AND RESPONSIBILITIES	10
1.1 Whistle-Blower Program Team (WP Team)	10
1.2 Whistle-Blower Protection Officer	10
1.4 Workers	11
2 PROCEDURE	11
2.1 How do I make a report?	11
2.2 How are reports investigated?	11
2.3 Outcome of an investigation	12

PART A – POLICY

1 INTRODUCTION

ViWA / ACC is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

ViWA / ACC recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.

2 PURPOSE

The purpose of this Policy aims to

- Encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct.
- Provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected with the organisation.
- Enable ViWA / ACC to deal with reports from whistle-blower in a way that will protect the identity of the whistle-blower and provide for secure storage of the information.
- Ensure that any reportable conduct is identified and dealt with appropriately
- Ensure that individuals who disclose wrong doing can do so safely, securely and with confidence that they will be protected and supported; and
- Help to ensure that ViWA / ACC maintain the highest standards of ethical behaviour and integrity.

3 SCOPE

- 3.1 This policy applies to all employees, contractors and including employees of contractor, suppliers and consultants.

Within this Policy all of the mentioned above people are represented by the term “**workers**”.

- 3.2 Although they are under no obligation to do so, any associate, family member or dependant of any person in the above groups of people may also speak up. If they do choose to speak up in line with this Policy, we will extend to them the relevant rights and protections under this Policy.

4. POLICY PRINCIPLES

4.1 Higher standard

This Policy is designed to comply with ViWA / ACC’s legal obligations. If anything in this Policy is inconsistent with any law imposed on ViWA / ACC, that legal obligation or the “higher standard” will prevail over this Policy.

4.2 Speak up and report it!

We encourage **Workers** at ViWA / ACC to report any concerns in line with our policies and procedures.

4.3 Our expectations of Workers

ViWA / ACC expects **Workers** to act honestly and ethically and to make any report on reasonable grounds.

4.4 Our responsibility to Whistle-blowers

Our obligations to **Workers** are spelled out in this Policy, but in particular in Section 6 “Protection”.

4.5 Confidentiality and Consent

ViWA / ACC will maintain confidentiality of all reports and protect the identify of reporters to the fullest extent possible. While ViWA / ACC encourages the Whistle-blowers to identify themselves to the Whistle-Blower Protection Officer or they may opt to report their concern anonymously.

5 REPORTABLE CONDUCT

5.1 Who can make a report?

A whistle-blower is a person who, whether anonymously or not, attempt to report misconduct or dishonest or illegal activity that has occurred in connection with ViWA / ACC and wishes to avail themselves of protection against reprisal for having made the report.

A whistle-blower may be a current or former **Worker** with ViWA / ACC.

5.2 What is Reportable Conduct?

5.2.1 A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:

- a. ViWA / ACC; or
- b. A related body corporate of ViWA / ACC

5.2.2 Reportable Conduct is any past, present or likely future activity, behaviour or state of affairs considered to be:

- a. Dishonest;
- b. Corrupt (including soliciting, accepting or offering a bribe, or facilitating payments or other such benefits);
- c. Fraudulent;
- d. Illegal (including theft, drug sale or use, violence or threatened violence, or property damage);
- e. In breach of regulation, internal policy or code (such as our Code of Conduct);
- f. Improper conduct relating to accounting, internal controls, compliance, actuarial, audit or other matters of concern to the whistle-blower;
- g. A serious impropriety or an improper state of affairs or circumstances;
- h. Endangering health or safety;
- i. Damaging or substantially risking damage to the environment;
- j. A serious mismanagement of ViWA / ACC's resources;
- k. Detrimental to ViWA / ACC's financial position or reputation;
- l. Maladministration (an act or omission of a serious nature that is negligent, unjust, oppressive discriminatory or is based on improper motives);
- m. Concealing reportable conduct.

5.2.3 Reportable Conduct usually relates to the conduct of employees, or members of Committee of Management, but it can also relate to the actions of a third party, such as a funder, customer / client, supplier or service provider.

5.3 What is not Reportable Conduct?

5.3.1 While everybody is encouraged to speak up and report any concerns to ViWA / ACC, not all types of conduct are intended to be covered by this Policy or by the protections under the South Australian Association Incorporation Act 1985. This Policy does not apply to

personal work-related grievances (see 5.3.2, 5.3.3 and 5.3.4), unless the grievance includes victimisation due to whistle-blowing. Those matters are dealt with under other policies.

5.3.2 Personal work-related grievance are those that relate to the discloser's current or former employment with ViWA / ACC that might have implications for the discloser personally but do not:

- a. Have any other significant implications for ViWA /ACC (or another entity); or
- b. Relate to any conduct or alleged conduct about a disclosable matter (as set out in 5.2.2)

5.3.3 Personal work-related grievances include grievances such as interpersonal conflicts, decisions about promotions, decisions that do not involve a breach of workplace laws, or terms and conditions of employment.

5.3.4 However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistle-blowing.

5.4 What information do I need to make a report?

5.4.1 To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.

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

- a. Date;
- b. Time;
- c. Location;
- d. Name of person(s) involved;
- e. Possible witnesses to the events; and
- f. Evidence of the events (e.g documents, emails).

5.4.3 In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

5.5 How can I make a report?

5.5.1 A report must be made to: Whistle-Blower Protection Officer or email to officials@viwa.org.au

5.5.2 ViWA / ACC will also protect individuals who have made a report in connection with:

- a. To the Australian Securities and Investment Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) or another Commonwealth regulatory body prescribed in legislation;
- b. To a legal practitioner for the purposes of obtaining legal advice or legal representation about whistle-blower protection; or
- c. That qualifies as an emergency or public interest disclosure under the South Australia Association Incorporation Act 1985. It is important that you understand the criteria for making a public interest or emergency disclosure and you may wish to consult an independent legal adviser before making a public interest or emergency disclosure.

- 5.5.3 While ViWA / ACC encourages you to identify yourself to the Whistle-Blower Protection Officer, you may opt to report your concern anonymously such as by adopting a pseudonym.

6 PROTECTION

6.1 How will I be protected if I speak up about Reportable Conduct?

- 6.1.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, ViWA / ACC will support and protect you and anyone else assisting in the investigation.
- 6.1.2 ViWA / ACC will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Example of a detriment include:
- a. Retaliation, dismissal, suspension, demotion or termination of your role;
 - b. Bullying, harassment, threats or intimidation;
 - c. Discrimination, subject to current or future bias or derogatory treatment;
 - d. Harm or injury;
 - e. Damage or threats to your property, business, financial position or reputation; or
 - f. Revealing yours identify as a whistle-blower without your consent or contrary to law;
 - g. Threatening to carry out any of the above actions.
- 6.1.3 This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.
- 6.1.4 This protection also applies to individuals conducting, assisting or participating in an investigation. You will be able to be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.
- 6.1.5 Any found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.
- 6.1.6 If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to the Whistle-Blower Protection Officer or an external body under this Policy. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.
- 6.1.7 Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and / or termination of engagement or contracts, as applicable. They may also be subject to civil and criminal penalties.
- 6.1.8 You may also be entitled to the following legal protections for making a report:
- a. Protection from civil, criminal or administrative legal action;
 - b. Protection from having to give evidence in legal proceedings; and / or
 - c. Compensation or other legal remedy.

6.2 How will ViWA / ACC ensure confidentiality?

- 6.2.1 A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. ViWA / ACC will do all it can to protect confidentiality.

- 6.2.2 However, we encourage all individual to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. ViWA / ACC will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures.
- 6.2.3 You may choose to report your concerns anonymously. However, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:
- a. You consent in writing to the disclosure;
 - b. The disclosure is made to ASIC, APRA or the Police;
 - c. The disclosure is made to a legal practitioner for the purpose of obtaining advice;
 - d. The disclosure is authorised under the South Australia Association Incorporation Act 1985; and or
 - e. Disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.
- 6.2.4 We encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.
- 6.2.5 It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. ViWA / ACC may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

6.3 False reports or disclosures

- 6.3.1 Protected Disclosures must be made on reasonable grounds. Anyone who knowingly makes a false report / disclosure of Reportable Conduct may be subject to disciplinary action, including dismissal.
- 6.3.2 The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

7 HANDLING AND INVESTIGATION A DISCLOSURE

- 7.1.1 Upon receiving a Protected Disclosure, within 7 days, ViWA will endeavour to assess the disclosure to determine whether:
- a. It qualifies for protection; and
 - b. A formal, in-depth investigation is required.
- 7.1.2 ViWA / ACC will endeavour provide the discloser with regular updates
- 7.1.3 ViWA / ACC will not be able to investigate a disclosure if it is unable to contact the discloser
- 7.1.4 ViWA / ACC will handle and investigate Protected Disclosures in accordance with the Whistle-Blowing Procedure below.

8 MONITORING AND ASSURANCE

- 8.1 This Policy will be distributed and available to all Workers via viwa.org.au
- 8.2 To ensure effective protection under the Policy, the responsible team will monitor and review this Policy annually.

PART B – PROCEDURE

1 ROLES AND RESPONSIBILITIES

1.1 Whistle-Blower Program Team (WP Team)

The Whistle-Blower Program Team comprised of the Chair of Committee of Management, Business Manager and Whistle-Blower Protection Officer. The Team is responsible for:

- a. Assisting the Whistle-Blower Protection Officer in the assessment and oversight of whistle-blower reports.
- b. Providing advice and support to reporters
- c. Maintaining a secure and restricted record of all report made under this Policy and Procedure
- d. Arranging role-specific training as and when required.
- e. Determining whether and how a report should be investigated
- f. Appointing a Whistle-Blower Investigator where an investigator is deemed appropriate

1.2 Whistle-Blower Protection Officer

The Whistle-Blower Protection Officer is responsible for:

- a. Receiving whistle-blower reports and protecting the interests of reporters
- b. Determining whether the report falls within the scope of the Policy
- c. Updating reporters on progress and details of outcomes to the fullest extent possible
- d. Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters.
- e. Immediately reporting concerns in relation to any detrimental conduct to the Chairperson (provided that the concerns do not relate to them)
- f. Determining the appropriate courses of action to remediate or act on the investigation
- g. Reporting matters to relevant authorities
- h. Making recommendations to prevent future instances of reportable misconduct
- i. Completing any training mandated by the Whistle-Blower Program Team
- j. Seeking to ensure the integrity of the Whistle-Blower Program is maintained.

1.3 Whistle-Blower Investigator

The Whistle-Blower Investigator is responsible for:

- a. Investigating reports in accordance with this Policy and Procedure
- b. Maintaining to the fullest extent possible confidentiality of the identity of and reports received by reporters
- c. Gathering evidence and taking steps to protect or preserve evidence
- d. Making findings based on a fair and objective assessment of the evidence gathered during the investigation, and formalising this in a report
- e. Keeping comprehensive records about the investigation
- f. Making recommendations to the Whistle-Blowing Protection Officer about how to implement the strategy in relation to how reported misconduct can be stopped, prevented and or mitigated in future.

- g. Reporting back to the Whistle-Blower Protection Officer on the progress of their investigation 7 days after the report and every 14 days thereafter
- h. Complying with the directions of the Whistle-Blower Protection Officer in relation to any further follow up and reporting action and requirement, including the implementation of any recommendations.

1.4 Workers

The **Workers** are responsible for reporting misconduct or dishonest or illegal activity that has occurred or is suspected with ViWA / ACC as quickly as possible, whether anonymously or otherwise.

2 PROCEDURE

2.1 How do I make a report?

- 2.1.1 Whistle-Blowing protections will only apply to reports of Reportable Conduct made in accordance with this Policy and Procedure.
- 2.1.2 Where you have reasonable grounds to suspect that an individual has engaged in Reportable Conduct, you should report the matter to any person authorised by ViWA / ACC to receive Whistle-Blower disclosures. Authorised personnel are any members of the Committee of Management and senior staff members.
- 2.1.3 If you are not comfortable or able to report Reportable Conduct internally, you may report it to ASIC.

2.2 How are reports investigated?

- 2.2.1 After receiving your report, ViWA / ACC will:
 - a. Access the report of Reportable Conduct;
 - b. Consider whether there are any conflicts of interest prior to investigating;
 - c. Determine whether external authorities need to be notified;
 - d. Determine whether and how to investigate; and
 - e. Appoint a Whistle-Blowing Investigator if appropriate.
- 2.2.2 If an investigation is deemed necessary, it will be conducted fairly, objectively and in a timely manner. The investigation process will vary depending on the nature of the Reportable Conduct and the amount of information provided.
- 2.2.3 Any individuals who are accused of misconduct in a report (a Respondent) will have an opportunity to respond to allegations before any adverse findings are made and before any disciplinary action (if appropriate) is taken.
- 2.2.4 ViWA / ACC may need to speak with a Whistle-Blower as part of an investigation. If the identity of the Whistle-blower is known, ViWA / ACC will endeavour to keep them informed about the status of an investigation.
- 2.2.5 If there is insufficient information to warrant further investigation, or the initial investigation immediately identifies there is no case to answer, the individual who reported the Reportable Conduct will be notified at the earliest possible opportunity.

2.3 Outcome of an investigation

- 2.3.1 At the conclusion of the investigation, a report will be prepared outlining:
 - a. A finding of all relevant facts
 - b. A determination as to whether the allegation(s) have been substantiated or otherwise;
 - c. The action that will be taken which may include disciplinary action and or dismissal.
- 2.3.2 The disciplinary action will be dependent on the severity, nature and circumstances of the Reportable Conduct.
- 2.3.3 Where possible and appropriate, having regard to ViWA / ACC privacy and confidentiality obligations, the Whistle-Blower will be informed of the outcome of any investigation into their concerns.