

HUME CITY COUNCIL

# Whistleblower Policy A&DS

Policy reference No:	POL/312
File No:	HCC15/190
Strategic objective:	S04.1: A high performing organisation that prioritises continuous improvement, safety and accountability
Adopted by Council:	27 April 2026
Re-Adopted:	
Date for review:	27 April 2027
Responsible officer:	Manager, Community Health & Wellbeing
Department:	Community Health and Wellbeing

# 1 Policy Statement

- 1.1 The Aged and Disability Services (A&DS) business unit of Hume City Council is committed to delivering aged care services that are safe, high-quality, and grounded in integrity. As a Registered Provider, Council recognises that an open and accountable culture is essential to the wellbeing of the people we support
- 1.2 In accordance with the *Aged Care Act 2024 (Act)* and the *Aged Care Rules 2025 (Rules)*, Council maintains a whistleblower policy that enables individuals, including staff, clients, carers, families, volunteers, and stakeholders to raise concerns confidentially and without fear of reprisal or detriment. All disclosures will be taken seriously, managed with care in a timely and impartial manner to support continuous improvement and accountability across our services. Council will take all reasonable steps to reduce the risk that a discloser (or another person) will be subjected to detriment because of a qualifying disclosure, consistent with the Act.

# 2 Purpose

2.1 This policy sets out the whistleblower protections available under the Act, the obligations of Council as a Registered Provider, and the process for making and managing qualifying disclosures. It operates alongside the A&DS Complaints System and supports a culture of transparency, safety, and speaking up.

## 2.2 Legislative Protections

**2.2.1** Part 5 of Chapter 7 of the Act sets out whistleblower protections that are applicable to Council. In particular, the following provisions of the Act underpin this policy:

- Section 547 – Disclosures qualifying for protection
- Section 548 - Protections
- Section 549 - Recipient to take steps to preserve anonymity
- Section 550 - Confidentiality of identity of disclosers
- Section 551 - Victimisation prohibited
- Section 553 – Registered Providers’ obligations in relation to disclosers

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### 3 Scope

- 3.1 This policy applies to certain disclosures made in relation to Council's Funded Aged Care Services delivered by A&DS under the Act, including:
  - Commonwealth Home Support Program (CHSP) and
  - Support at Home (SAH).
- 3.2 This policy only applies to those parts of Council's business that involve the delivery of Funded Aged Care Services.
- 3.3 It applies to all A&DS officers, team leaders, managers, Responsible Persons, contractors, students, volunteers, external health professionals and suppliers.

### 4 Objective

- 4.1 This policy aims to ensure A&DS meets its obligations under the Act, the Rules, and Council's Code of Conduct, while fostering a workplace culture in which concerns can be raised safely, promptly, and without fear of victimisation.
- 4.2 In pursuing this objective, A&DS commits to:
  - 4.2.1 Providing accessible and clearly communicated information on whistleblower rights and protections.
  - 4.2.2 Delivering annual training and regular team communications on this policy.
  - 4.2.3 Managing all disclosures consistently, confidentially, and in accordance with the Act and Rules.
  - 4.2.4 Taking appropriate action in response to substantiated disclosures, including remediation and system improvement.
- 4.3 **Rights of Older Australians**
  - 4.3.1 Older Australians have a right to safe, respectful, and high-quality care. The Aged Care Code of Conduct requires all Registered Providers and Aged Care Workers to uphold those rights by acting with honesty, transparency, and integrity; treating individuals with respect and dignity, and valuing their diversity; and keeping people safe from harm, abuse, and neglect. This policy supports those obligations by empowered and protecting anyone who identifies a risk to those rights to speak up.

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## 5 Policy Implementation

### 5.1 Who may make a disclosure?

**5.1.1** The Act provides protections for ‘**Disclosers**’ which includes the people in paragraph 3.3 of this policy, as well as any other person if that individual:

- a) makes the disclosure in writing or orally (which may be anonymous);
- b) has reasonable grounds to suspect that the information they have disclosed indicates that a Registered Provider has contravened a provision of the Act; and
- c) the disclosure is made to a person under paragraph 5.2.

### 5.2 Who a Disclosure Can Be Made To

**5.2.1** A disclosure that satisfies paragraph 5.1 may qualify for protection if made verbally or in writing (anonymously or not) to any of the following:

- a) an Aged Care Quality and Safety Commissioner, the Complaints Commissioner or a member of the Commission's staff
- b) the System Governor (Secretary of the Department) or an official of the Department
- c) Hume City Council
- d) a Responsible Person of Council
- e) an aged care worker of Council, including direct care workers and Care Partners
- f) a police officer
- g) an independent aged care advocate, including external advocates or the person's representative or family member

### 5.3 How to make a disclosure

**5.3.1** Disclosures may be made verbally or in writing to a person referred to in paragraph 5.2.1 and may be submitted anonymously or with identifying information.

**5.3.2** Where Council receives a protected disclosure, it will take all reasonable steps to preserve the anonymity of a discloser where this is requested.

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### 5.4 Confidentiality for Disclosers under the Aged Care Act

**5.4.1** Where a disclosure is protected under the Act, the law prohibits persons receiving a disclosure from disclosing the identity of a Discloser or disclosing information that is likely to lead to the identification of the Discloser where the identification is not authorised under the Act.

**5.4.2** The person who receives the disclosure (including Aged Care Workers or Responsible Persons), may only disclose the identity of a Discloser or information that is likely to lead to the identification of the Discloser with the Discloser's consent, or if there is no consent, to any of the following:

- a) the Aged Care Quality and Safety Commissioner, the Complaints Commissioner of the Commission or a member of the staff of the Commission;
- b) the System Governor (Secretary to the Department), or an official of the Department;
- c) the Inspector-General of Aged Care;
- d) a police officer;
- e) a lawyer the purpose of obtaining legal advice or legal representation in relation to the operation of whistleblower laws in the Act;
- f) a Court, Tribunal or Royal Commission;
- g) where the disclosure is necessary to lessen or prevent a serious threat to the safety, health or wellbeing of one or more individuals;
- h) where the Discloser elects to have the disclosure managed or dealt with as a complaint or feedback under the Act; or
- i) if both of the following apply:
  - the confidential information is in the public domain before the disclosure is made; and
  - the original disclosure of the confidential information into the public domain (before the disclosure is made) was not in contravention of the requirement to ensure the confidentiality of the identity of the Discloser or to ensure that information that is likely to lead to disclosure of the identification of the Discloser.

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**5.4.3** A person (including an Aged Care Worker or Responsible Person) may disclose the existence of the protected matters (without disclosing the identity of the Discloser) if it is necessary for the purpose of dealing with the matter. However, they must take all reasonable steps to reduce the risk of disclosing the Discloser's identity.

### 5.5 What protections will a whistleblower receive?

**5.5.1** Council is committed to protecting and supporting whistleblowers who report a Disclosable Matter according to this policy. If you report a Disclosable Matter, the following protections are in place to protect you:

- a) protection from detrimental acts or omissions (see paragraph 5.6);
- b) compensation and other remedies (see paragraph 5.7);
- c) civil, criminal and administrative liability protection (see paragraph 5.8); and
- d) fair treatment (see paragraph 5.8.2).

**5.5.2** Those protections apply not only to internal disclosures, but to disclosure to lawyers, regulatory and other external bodies.

**5.5.3** You may still qualify for protection even if your disclosure turns out to be incorrect, or unable to be substantiated.

### 5.6 Protection from detrimental acts or omissions

**5.6.1** If you report a Disclosable Matter under this policy, there are legal protections for protecting you (or any other person) from detriment in relation to your report.

**5.6.2** Your position and duty within our business will not be altered to your detriment or disadvantage as a result of making your report. You will not be otherwise dismissed, demoted, harassed, discriminated against, or subject to bias as a result of making your report.

**5.6.3** A person cannot engage in conduct that causes detriment to you (or another person), in relation to your report, if the:

- a) person believes or suspects that you (or another person) made, may have made, proposes to make or could make a report that qualifies for whistleblower protection; and

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b) belief or suspicion is the reason, or part of the reason, for the conduct.

**5.6.4** A person cannot make a threat to cause detriment to you (or another person) in relation to your report. A threat may be express or implied, or conditional or unconditional. If you or another person have been threatened, it is not a requirement for you or the other person to actually fear that the threat will be carried out.

**5.6.5** Examples of detrimental conduct that is prohibited under the law in relation to a person who has made a Protected Disclosure includes:

- a) dismissal of an employee;
- b) injury of an employee in his or her employment;
- c) alteration of an employee's position or duties to his or her disadvantage;
- d) discrimination between an employee and other employees of the same employer;
- e) harassment or intimidation of a person;
- f) harm or injury to a person, including psychological harm;
- g) damage to a person's property;
- h) damage to a person's reputation;
- i) damage to a person's business or financial position; or
- j) any other damage to a person.

**5.6.6** Examples of actions that are not detrimental conduct include:

- a) administrative action that is reasonable for the purpose of protecting a Discloser from detriment (for example, moving a Discloser who has made a disclosure about their immediate work area to another location to prevent them from detriment); and
- b) managing a Discloser's unsatisfactory work performance, if the action is in line with Council's performance management framework.

**5.6.7** To the extent it is reasonable and practical to do so, we will monitor and manage the behaviour of any people who are involved in your report.

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- 5.6.8** We will take all reasonable precautions to ensure that you (and your colleagues and relatives) are not harmed, injured, intimidated, harassed, bullied or victimised by any of our employees, officers, contractors, suppliers, consultants and directors.
- 5.6.9** We will consider any reasonable requests for additional protections that you may make or we consider necessary for your protection (for example, leave of absence during any investigation).
- 5.6.10** If you believe you have suffered detriment, you may seek independent legal advice or contact regulatory bodies such as the ACQSC.
- 5.6.11** An employee who causes, or threatens to cause, detriment to any suspected whistleblower (being a person whom the employee suspects has reported or will report a Disclosable Matter) may be subject to disciplinary action under Council's disciplinary policy. The employee may also be subject to court orders under the Act, including an order to:
- a) require the employee to compensate the suspected whistleblower, or any other person, for loss, damage or injury as a result of the detrimental conduct;
  - b) grant an injunction to prevent, stop or remedy the effects of the detrimental conduct;
  - c) reinstate to the same position or a position at a comparable level, the suspected whistleblower who was terminated from a particular position; or
  - d) require the employee to pay exemplary damages to the suspected whistleblower or to any other person.

### 5.7 Compensation and other remedies

- 5.7.1** You (or any other employee or person) can seek compensation and other remedies through the courts for suffering loss, damage or injury because you reported a Disclosable Matter under this policy.
- 5.7.2** You should seek independent legal advice on compensation or other remedies that may be available.

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### 5.8 Civil, criminal and administrative liability protection

**5.8.1** You are protected from the following in relation to Protected Disclosure under this policy and the Act:

- a) civil liability (for example, any legal action against you for breach of an employment contract, duty of confidentiality or another contractual obligation);
- b) criminal liability (for example, attempted prosecution of you for unlawfully releasing information, or other use of your report against you in a prosecution (other than for making a false disclosure)); and
- c) administrative liability (for example, disciplinary action for making the report).

**5.8.2** The above protections do not grant immunity for any misconduct you have engaged in that is revealed in your report. For more information, you should seek independent legal advice before making your report.

### 5.9 Ensuring fair treatment of individuals mentioned in a disclosure

**5.9.1** Measures that we will take to ensure fair treatment of our employees who are mentioned in any report of a Disclosable Matter under this policy, or who are the subject of any such report, include the following:

- a) disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
- b) each disclosure will be assessed and may be the subject of an investigation;
- c) an employee who is the subject of a disclosure will be advised about the subject matter of the disclosure where required by principles of natural justice and procedural fairness, and before any actions are taken; and
- d) an employee who is the subject of a disclosure may use Council's employee assistance program (EAP).

### 5.10 Assessment and Investigation

**5.10.1** If you report a Disclosable Matter under paragraph 5.2 to a person who works in Council, you will be notified within 7 business days that your report has been received.

**5.10.2** You should not attempt to investigate any Disclosable Matter yourself.

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- 5.10.3** Council will assess your report to determine:
- whether it qualifies for protection; and
  - whether a formal investigation is required.
- 5.10.4** We will respond to any report of a Disclosable Matter where we believe that it was made on reasonable grounds.
- 5.10.5** Whilst our process and timing may vary depending on the nature of the Disclosable Matter, these are the key steps generally involved if we investigate a report of a Disclosable Matter:
- Within 14 business days after receiving your report, we may:
    - conduct an internal investigation into the substance of your report; or
    - appoint an external investigator to determine whether there is evidence to support the matters raised in your report.
- 5.10.6** We may also take such other steps as we consider reasonably appropriate to properly assess your report and to determine appropriate outcomes.
- 5.10.7** You may be asked to provide additional information to assist any assessment or investigation of your report, including a description of the facts and circumstances of the misconduct or improper state of affairs or circumstances.
- 5.10.8** We will decide what steps should be taken to address any verified misconduct or improper state of affairs or circumstances.
- 5.10.9** You will receive feedback on the progress or outcome of the assessment or investigation (subject to privacy and confidentiality restrictions).
- 5.10.10** Without your consent, we cannot disclose information that is likely to lead to your identification as part of our investigation process, unless:
- the information does not include your identity;
  - we remove all information relating to your identity or other information that is likely to lead to your identification (for example, your name, position title and other identifying details); and
  - it is reasonably necessary for investigating the issues raised in your report.
- 5.10.11** We acknowledge the limitations of our investigation process. We may not be able to undertake an investigation if we are not able to contact you (for example, if the report is made anonymously and you have refused to provide, or have not provided, a means of contacting you).

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- 5.10.12** We will provide you with regular updates if you can be contacted (including through anonymous channels). The frequency and timeframe may vary depending on the nature of your report.
- 5.10.13** The method for documenting and reporting the findings from an investigation will depend on the nature of the report. Those findings will be documented and reported to those responsible for oversight of this policy. In doing so, we will preserve confidentiality.
- 5.10.14** At the end of the investigation, you will be informed of the outcome of the investigation, unless circumstances are such that it may not be appropriate to provide details of the outcome to you.

### 5.11 Relationship to Complaints and Feedback

- 5.11.1** Whistleblower disclosures are distinct from Complaints and feedback and are subject to a separate process with additional protections, confidentiality requirements, and governance oversight.
- 5.11.2** Where a disclosure is received through the standard Complaints system and is identified as qualifying for whistleblower protection, it will be transitioned to the whistleblower process. Where a person makes a protected disclosure but elects to have it handled through the Complaints system, Council must honour that election.
- 5.11.3** All disclosures will be recorded and investigated by designated personnel only. Access to records and investigation data is restricted to authorised personnel and retained in accordance with applicable recordkeeping legislation.

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## 6 Definitions and Abbreviations

A&DS	Aged and Disability Services, a business unit of Council
ACQSC	Aged Care Quality & Safety Commission
Act	<i>Aged Care Act 2024</i> (Cth)
Aged Care Worker	of Hume City Council means: (a) an individual employed or otherwise engaged (including as a volunteer) by Council to deliver Funded Aged Care Services; or (b) an individual who: (i) is employed or otherwise engaged (including as a volunteer) by an associated provider of Council; and (ii) is engaging in conduct under the associated provider's arrangement with Council relating to Council's's delivery of Funded Aged Care Services
CHSP	Commonwealth Home Support Program
Complaint	Any expression of dissatisfaction, however made, about the standard of service, actions or lack of action by the organisation
Department	Department of Health, Disability and Ageing
Disclosable Matter	A disclosure meeting the requirements of paragraph 5.1.1 of this policy
Discloser	A person referred to in paragraph 5.1.1 of this policy
Funded Aged Care Services	Has the same meaning as in the Act
Responsible Person	means any person who: (a) is responsible for the executive decisions of the Registered Provider. A person who is responsible for the executive decisions of a Registered Provider includes a member of its board; (b) has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the Registered Provider; (d) has responsibility for overall management of the nursing services delivered by the Registered Provider, and who is a registered nurse; and (ii) is responsible for the day-to-day operations of a service delivery branch of the Registered Provider
SAH	Support At Home
Registered	An entity that is registered as a registered provider under the

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Provider	Act, and for the purposes of this policy HCC is a registered provider under the Act
Rules	<i>Aged Care Rules 2025 (Cth)</i>

## 7 Related Documents

- 7.1 Aged Care Act 2024
- 7.2 Aged Care Rules 2025
- 7.3 Aged Care Code of Conduct
- 7.4 Risk & Incident Framework 2026 (HCC internal document)
- 7.5 Complaints and Feedback Policy (HCC internal document)
- 7.6 ACQSC Whistleblower Protection

*The Aged Care Act requires that a registered provider's whistleblower system is reviewed at least every 12 months.*

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