

Whistleblower Policy

1. Purpose

This policy outlines how Kirinari Community Services (KCS) supports and protects whistleblowers in accordance with the Corporations Act 2001 (Cth) and the Aged Care Act 2024 (Cth) The KCS Whistle-blower Protection policy aims to:

- encourage disclosures of wrongdoing.
- help deter wrongdoing, in line with the KCS risk management and governance framework.
- ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported.
- ensure disclosures are dealt with appropriately and on a timely basis.
- provide transparency around KCS' framework for receiving, handling and investigating disclosures.
- support KCS' long-term sustainability and reputation.
- meet KCS' legal and regulatory obligations.

2. Scope

This Policy applies to an individual who meets the requirements of an Eligible Whistleblower who is making a qualifying disclosure to an Eligible Recipient (see definitions below).

All permanent, fixed term, casual staff, volunteers and contractors providing services or supports are required to take full responsibility for ensuring complete understanding of the commitments outlined in this Policy.

3. Definitions

Term	Meaning
Whistleblower	An individual who discloses or reports actual or suspected misconduct or wrongdoing
Misconduct	Illegal, unacceptable or undesirable conduct or behaviour (actual or attempted) that is: dishonest, unethical, fraudulent, corrupt, non-compliant or may give rise to questionable accounting or auditing practices, may cause financial loss, or acts inconsistent with the organisation's purpose, values and code of conduct.
Eligible Whistleblower	Under the Corporations Act , an eligible whistleblower is someone who is, or was: • An officer or employee of the organisation • An individual or an employee of a person that supplies services or goods to the organisation (including volunteers) • An individual who is an associate of the organisation • A relative or dependent of any of the above or a dependent of the spouse of any of the above An eligible whistleblower can remain anonymous and still qualify for protection. Under the Aged Care Act an eligible whistleblower or discloser is any individual who: • Makes a disclosure orally or in writing (including anonymously) • Has reasonable grounds to suspect that the information indicates a contravention of the Aged Care Act by an entity • Discloses to an eligible recipient (see definition below) This means that customers, family members, carers, staff, volunteers and advocates can all qualify as whistleblowers if they meet the above criteria
Qualifying Disclosure	A whistleblower is entitled to protection under the Corporations Act 2001 (Cth) if they make a qualifying

	disclosure to an eligible recipient. A qualifying disclosure involves reporting conduct by an organisation or an employee of the organisation that represents misconduct or an improper state of affairs or circumstances, or breach of the law. This can include conduct that: • Contravenes the Corporations Act, or the ASIC Act • Constitutes an offence against another Commonwealth Law that is punishable by imprisonment for a period of 12 months. • Represents a danger to the public or financial system Under the Aged Care Act protected disclosures can apply to contravention of any provision of the Aged Care Act including issues such as abuse, neglect, poor care standards and provider misconduct.
Eligible Recipient	To qualify for protection under the Corporations Act, a whistleblower must make their disclosure to an eligible recipient including: • A Senior Manager of the organisation • An auditor or member of the audit team for the organisation • A person that the organisation has authorised to receive a disclosure (this can include a person external to the organisation) • A legal practitioner, if someone is seeking legal advice about whether the protections will apply to them. • The Australian Securities and Investment Commission (ASIC) • The Australian Prudential Regulator Authority (APRA) Under the Aged Care Act an eligible recipient includes: • The Aged Care Quality and Safety Commissioner or their staff • The Complaints Commissioner • The Secretary of the Department of Health and

	Aged Care or departmental officials • A registered aged care provider • A responsible person of the provider • An aged care worker of the provider • A police officer or • An independent aged care advocate
Responsible Person	Under the Aged Care Act a responsible person in relation to a registered provider is a person who has authority or responsibility for the management or oversight of the providers operations or services. This includes: • Directors • Board Members • Chief Executive Officer (CEO) • Senior Managers • Persons with significant influence over the providers conduct or decision making

4. Policy Statement

KCS is committed to conducting business in accordance with law, good business practice and its organisational values of connection, balance, innovation, respect and accountability.

Whistle blowing is when employees or others speak up about misconduct within KCS.

Examples of misconduct or wrongdoing include illegal acts such as theft, dealing in or use of illicit drugs, violence or threatened violence and criminal damage against property, fraud or misappropriation of funds, offering or accepting a bribe, breach of legal or regulatory duty, unethical behaviour, and any act that puts public safety at risk.

“Transparent whistleblower policies are essential to good risk management and corporate governance. They help uncover misconduct that may not otherwise be detected. Often, such wrongdoing only comes to light because of individuals (acting alone or together) who are prepared to disclose it, sometimes at great personal and financial risk.” (ASIC Regulatory Guide RG 270).

KCS is committed to supporting whistleblowers report misconduct or wrongdoing and protecting them from any adverse consequences following

disclosure. While this policy is designed to support and protect all whistleblowers, formal protection under the Corporations Act can only be accessed where the disclosure relates to a qualifying disclosure.

While Kirinari does not wish to discourage the reporting of matters of genuine concern, disclosers should ensure that their disclosure complies with this policy. A discloser should have reasonable grounds to suspect the information being disclosed is accurate.

5. Making a disclosure

To qualify for whistleblower protection, the discloser must make a qualifying disclosure to an eligible recipient. A disclosure may be made to an eligible recipient internal to KCS or an eligible recipient external to KCS.

Internal Reporting

Under the Corporations legislation internal disclosures must be made to an officer or senior manager of KCS.

At KCS Disclosers are encouraged in the first instance to make their qualifying disclosure to the KCS Chief People Officer (CPO) or KCS Chairperson of the Board. Where the matter concerns the CPO, the disclosure should be made to the Chairperson of the Board. Disclosures can also be made to a member of the Audit Team. Current contact information for these officers is located at the end of this policy.

Under the Aged Care legislation internal disclosures can be made to a responsible person of KCS or an aged care worker.

External Reporting

There may be circumstances where individuals choose to report to external agencies.

For disclosures under the Corporations Act external disclosures can be made to:

- Australian Securities and Investment Commission (ASIC) – 1300 300 630.
Monday – Friday 8:30 – 5pm (local time) in each state and territory.
- Australian Prudential Regulation Authority (APRA) – 1300 558 849
Monday – Friday 9-5pm

Protected disclosures relating to breaches of the NDIS Act can be made to:

- NDIS Quality and Safeguards Commission – 1800 035 544
- National Disability Insurance Agency – 1800 800 110

Protected disclosures relating to breaches of the Aged Care Act can be made to:

- The Aged Care Quality and Safety Commissioner or their staff
- The Complaints Commissioner
- The Secretary of the Department of Health and Aged Care or departmental officials
- A police officer or
- An independent aged care advocate

Further information about how these bodies handle whistleblowing disclosures is located on their websites.

Disclosure to a legal practitioner

If you make a disclosure to a legal practitioner for the purpose of obtaining legal advice in relation to the operation of part 9.4 of the Corporations Act the disclosure will be protected under the act.

Public Interest Disclosures

Under the Corporations Act you may make a disclosure in the public interest to a member of the Parliament of the Commonwealth, the Parliament of a State or the Legislature of a Territory or a Journalist if:

- You have previously made a disclosure of that misconduct and
- At least 90 days have passed since the previous disclosure was made and
- You do not have reasonable grounds to believe that action is being, or has been taken to address the misconduct to which the previous disclosure related and
- You have reasonable grounds to believe that making a further disclosure of the conduct would be in the public interest and
- The public interest disclosure is made to:
 - A member of the Parliament of the Commonwealth, the Parliament of a State or the Legislature of a Territory or
 - A Journalist and
 - The extent of the information disclosed in the public interest disclosure is no greater than is necessary to inform the recipient of the misconduct or the improper state of affairs or circumstances.

Emergency Disclosures

Under the Corporations Act you may also make an emergency disclosure to a member of the Parliament of the Commonwealth, the Parliament of a State or the Legislature of a Territory or a Journalist if:

- You previously made a disclosure that qualifies for protection under the Corporations Act (Section 9.4) and
- You have reasonable grounds to believe that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment and
- You give the body to which the previous disclosure was made a written notification that:
 - Includes sufficient information to identify the previous disclosure and
 - State that you intend to make an emergency disclosure and
- That the emergency disclosure is made to:
 - a member of the Parliament of the Commonwealth, the Parliament of a State or the Legislature of a Territory or
 - a Journalist and
 - the extent of the information disclosed in the emergency disclosure is no greater than is necessary to inform the recipient of the substantial and imminent danger

It is important to be aware of the criteria for claiming protection for public interest disclosures and emergency disclosures. A discloser should contact an independent legal advisor before making any public interest disclosure or emergency disclosure.

What if a disclosure is made to someone who is not an eligible recipient

If a disclosure that would otherwise qualify for whistleblower protection is made to a person who is not an eligible recipient for example a colleague or supervisor who is not an officer or senior manager of KCS, the person to whom the disclosure is made must:

- keep the disclosure strictly confidential,
- not disclose the identity of the discloser,
- not victimise the discloser and
- direct the discloser to this policy and encourage them to make the disclosure to an eligible recipient under the policy so that the discloser obtains the benefits of the whistleblower protections.

6. Anonymity

You do not have to disclose your identity to qualify for protection under the Corporations Act or Aged Care Act. As a discloser you can:

- choose to remain anonymous while making a disclosure, during subsequent discussions obtaining further information regarding the disclosure, during the investigation process and at the completion of the investigation.
- Refuse to answer questions that you feel may reveal your identity at any time.

KCS encourage disclosers who wish to remain anonymous to maintain ongoing communication with us so that we can ask follow-up questions or provide feedback.

KCS acknowledge that there may be some practical impacts on the conduct of an investigation where the discloser remains anonymous.

7. Identity Protection

Where a disclosure is made that qualifies for whistleblower protection, KCS has a legal obligation to protect the confidentiality of the discloser's identity. This includes protection of information that is likely to lead to the identification of the discloser.

The exception to this obligation is if a person discloses the identity of the discloser:

- to ASIC, APRA or a member of the Australian Federal Police
- to a legal practitioner for the purposes of obtaining legal advice or representation about the whistleblower provisions in the Corporations Act
- to a person or body prescribed by regulation, or
- with the consent of the discloser.

KCS can disclose the information contained in the disclosure with or without the disclosers consent if:

- The information doesn't include the discloser's identity
- KCS has taken all reasonable steps to reduce the risk that the discloser will be identified from the information, and
- It is reasonably necessary for investigating the issues raised in the disclosure

KCS have the following measures in place to protect the identity of a discloser:

- Where possible the discloser will be contacted to help identify aspects of their disclosure which may inadvertently identify them

- Disclosures will be handled and investigated by trained staff
- Secure record keeping and information sharing processes
- Access to information relating to a disclosure will only be accessible to those directly involved in managing and investigating the disclosure.
- A restricted number of people who are directly involved in handling the disclosure will be aware of the disclosers identity or information that could be identifying (with the disclosers consent).

Disclosers should be aware that in practice it may be possible for people to guess their identity if:

- They have mentioned to other people that they are considering making a disclosure.
- They are one of a small number of people with access to the information / knowledge of the misconduct.
- Their disclosure relates to information they have previously been told in confidence.

A discloser can lodge a complaint with the KCS Board Chairperson if they feel that their confidentiality as a discloser has been breached. They can also make a complaint to an external regulator such as ASIC, APRA or the ATO if they believe a breach of their confidentiality has occurred.

8. Protection against detrimental conduct

Disclosers who qualify for whistleblower protection are also entitled to be protected from the repercussions of making a disclosure under this policy. KCS is committed to protecting disclosers from detrimental conduct such as:

- dismissal or alteration of the discloser's position or duties to their disadvantage
- harm or injury (including psychological harm)
- discrimination, harassment, intimidation or victimisation of the discloser, and
- damage to person, property, reputation or business or financial position.

KCS will do everything possible to protect a discloser from detrimental conduct including:

- Taking administrative action that is reasonable to protect a discloser from detriment including but not limited to: moving a discloser from their immediate workplace to work in another location, reassigning

them to another role at the same level, relocating or reassigning other staff involved in the disclosure.

- Making available EAP support services, including counselling.
- Ensuring management are aware of their responsibilities in maintaining the confidentiality of a disclosure, addressing the risks of isolation or harassment, managing conflicts and ensuring fairness when managing the performance of, or taking other management action related to a discloser
- If a discloser believes that they have been subject to detrimental conduct or that detrimental conduct is imminent, the discloser should contact the eligible recipient to whom the disclosure was made so that appropriate action is taken.

KCS will not tolerate any attempts to retaliate against a discloser. KCS will investigate reports of detrimental acts. If substantiated, those who have engaged in detrimental acts towards others will be subject to management action including disciplinary action up to dismissal.

Assessing and controlling the risk of detriment

KCS will assess and control for the risk to detriment by:

- Risk identification – KCS will assess whether anyone may have a motive to cause detriment.
- Risk analysis and evaluation – KCS will analyse and evaluate the likelihood of each risk and evaluate the severity of potential consequences.
- Risk Control – KCS will develop and implement strategies to prevent or contain risks.
- Risk monitoring – KCS will monitor and re-assess the risk of detriment where required. The risk of detriment may increase or change as an investigation progresses or even after an investigation is finalised.

What does not qualify as detrimental conduct

The following are examples that do not qualify as detrimental conduct:

- Administrative action that is reasonable for the purposes of protecting a discloser from detriment (e.g. moving a discloser who has made a disclosure about their immediate work area to another office to prevent them from detriment.
- Managing a discloser's unsatisfactory work performance, if the action is in line with the KCS Performance Management Policy.

9. Investigation of disclosures

On receipt of a disclosure, Kirinari will assess whether the disclosure qualifies for protection under this policy and whether a formal, in-depth investigation is required.

Subject to the confidentiality protections outlined in this policy, this assessment will be undertaken by the Company Secretary, or in the case where the disclosure relates to the Company Secretary, the assessment will be undertaken by the KCS Board Chairperson.

The Company Secretary will assess and use information provided in the disclosure to decide the best course of action to take, including whether an investigation is required and if so, the appropriate investigation process including:

- The nature and scope of the investigation.
- Who will conduct the investigation and whether this needs to be an external investigator.
- The nature of any technical, financial or legal advice that may be required and
- A timeframe for the investigation having regard to the level of risk.

The investigation will not be conducted by a person who may be the subject of the disclosure or who has inappropriate links (actual or perceived) to the persons who are the subject of the investigation.

The investigation will be undertaken in a manner that protects the confidentiality of the discloser and will be conducted in an independent manner based on principles of fairness and objectivity.

KCS will endeavour to complete any investigation within three (3) months.

On the conclusion of the investigation, a report will be provided to the Company Secretary outlining the investigation process, outcomes and recommended actions. The Company Secretary will have oversight of the implementation of the actions and provide a report to the Board. All reports must be prepared in a manner that protects the confidentiality of the discloser.

NB: The ability to assess and investigate disclosures made anonymously or where the discloser has refused to provide a means of contacting them may be limited depending on the level of information provided in the disclosure.

Treatment of individuals mentioned in a disclosure

To ensure the fair treatment of individuals mentioned in a disclosure, KCS has adopted the following measures and mechanisms (as applicable):

- disclosures will be handled confidentially when it is practical and appropriate in the circumstances.

- when an investigation needs to be undertaken, the process will be objective, fair and independent.
- an employee who is the subject of a disclosure will be advised about the subject matter of the disclosure as and when required by principles of natural justice and procedural fairness and before any actions are taken (e.g., if the disclosure will be the subject of an investigation); and
- an employee who is the subject of a disclosure will be provided with access to support services (e.g. counselling).

Will the discloser be kept informed

Subject to privacy and confidentiality requirements the discloser will be kept informed of:

- when the investigation process has begun,
- relevant progress of the investigation and
- the outcome of the investigation

to the extent that is legally permissible and appropriate to do so.

10. Appeals

Either the discloser or a person implicated (“appellant”), may appeal to a member of the KCS Board within 10 business days of receiving confirmation of the outcome of the investigation. The appeal must be in writing.

KCS is not obligated to reopen an investigation and can conclude a review if it finds that the investigation was conducted properly, or new information is either not available or would not change the findings of the investigation.

Appeals will be heard by two (2) KCS Directors who have had no prior involvement in the investigation. The appeal will involve a review of the original finding, including the report and all documentary evidence. The appellant will have the opportunity to meet with the reviewers to raise and justify their concerns about the original finding and to present any new evidence.

A discloser may lodge a complaint with a regulator such as ASIC, APRA or the ATO if they are not satisfied with the outcome of the investigation.

11. Immunities available to a discloser

KCS want people to speak up about misconduct. Anyone who makes a disclosure:

- with reasonable grounds for suspecting misconduct has or may occur and
- has not engaged in serious misconduct or illegal conduct relating to the disclosure,

will be provided with immunity from disciplinary action.

If you make a disclosure that qualifies for protection under the Act:

- You are not subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure.
- No contractual or other remedy may be enforced, and no contractual or other right may be exercised against you on the basis of the disclosure.
- The information is not admissible in evidence against the whistle-blower in criminal proceedings or in proceedings for the imposition of a penalty, other than proceedings in respect of the falsity of the information.

Note: Except as provided for by the Act, it does not prevent a whistle-blower being subject to any civil, criminal or administrative liability for conduct of the whistle-blower that is revealed by the disclosure

Disclosers who qualify for whistleblower protection are entitled to seek compensation and other remedies through the courts if the discloser has suffered loss, damage or injury as a result of a disclosure and KCS has failed to prevent another person from causing the detriment. Disclosers are encouraged to seek independent legal advice on their options.

12. Consequences of making a false disclosure

Anyone who makes a disclosure knowing it to be false or misleading may be subject to disciplinary action, including dismissal. The disciplinary action will depend on the severity, nature and circumstances of the false disclosure.

13. Work related grievances

Generally, disclosures that relate solely to personal work-related grievances do not qualify for protection under the Corporations Act 2001 (Cth).

Personal work-related grievances are those that relate to the discloser's current or former employment and have, or tend to have, implications for the discloser personally, but do not have any other significant implications for KCS, or do not relate to any conduct or alleged conduct about a disclosable matter. Some examples of personal work-related grievances include:

- an interpersonal conflict between the discloser and another employee
- a decision that does not involve a breach of workplace laws
- a decision about the engagement, transfer or promotion of the discloser
- a decision about the terms and conditions of engagement of the discloser
- a decision to suspend or terminate the engagement of the discloser, or otherwise discipline the discloser

A personal work-related grievance may still qualify for protection under the *Corporations Act 2001* where:

- it includes information about misconduct, or information about misconduct includes, or is accompanied by, a personal work-related grievance (known as a mixed report)
- KCS has breached employment or other laws punishable by imprisonment for a period of at least 12 months, engaged in conduct that represents a danger to the public, or the disclosure relates to information that suggests misconduct beyond the discloser's personal circumstances
- the discloser suffers from or is threatened with detriment for making a disclosure or
- the discloser seeks legal advice or legal representation about the whistleblower protections under the Corporations Act 2001.

Personal work-related grievances are managed in accordance with the KCS Staff Member Grievance Management Policy.

14. Training

KCS will provide training to all employees on the Whistleblower Policy.

Additional specialist training may also be provided to officers and senior managers to ensure they are aware of their obligations as eligible recipients.

KCS will maintain compliance with mandatory monthly communication obligations to staff regarding whistleblower protections under the Aged Care Act.

This policy will also be published on the KCS Resource Centre.

15. Contact Information for Eligible Recipients

KCS Chief People Officer

danny.mcguigan@kirinari.com.au

Board Chairperson

jan.wyatt-brown@kirinari.com.au

External Auditor

Findex Albury

Ph (02) 60 211111

16. Responsibilities

The KCS Board is responsible for the design, implementation and administration of the KCS Whistleblower Policy.

Board Directors are responsible for ensuring the policy achieves its purpose through underlying procedure and work processes.

The Board Chairperson is responsible for providing support and advice to Directors in the use of the Kirinari Whistleblower Policy and to monitor the Policy in operation.

17. Accreditation standards

Aged Care Quality Standards

- Standard 2: The Organisation

National Disability Insurance Scheme Practice Standards

- Core Module 2: Provider Governance and Operational Management

National Community Housing Standards

- Section 7: Human Resource Management

18. Regulations, Policies, Procedures relevant to this policy

Legislation

- Aged Care Act 2024 (Cth)
- Corporations Act 2001 (Cth)
- Fair Work Act 2009 (Cth)
- Privacy Act 1988 (Cth)

KCS Policies

- Code of Conduct
- Staff Member Grievance Management

Related documents

- ASIC Regulatory Guide 270 Whistleblower Policies

Document control

Once download or printed this document is no longer controlled. Refer to Kirinari Resource Centre for the current version.			
Business Unit	KCS Board	Version	4
Date Approved	09/10/2025	Approved By	KCS Board
Next Review Date	09/10/2027	Applies To	All Staff