

WHISTLERBLOWERS POLICY

1. PURPOSE

This policy is founded upon MiCare’s value principles.

The purpose of this policy is to provide a supportive work-relationship environment where wrongdoing within or by MiCare can be raised without fear of retribution.

This is achieved by:

- encouraging reporting of wrongdoing issues of legitimate concern;
- providing safe wrongdoing reporting alternatives to remove inhibitions that may impede disclosure of wrongdoings;
- establishing procedures that enable:
 - protection for those that make serious wrongdoing disclosures;
 - independent internal inquiry/investigation of disclosures made; and
 - resolution of the issue(s) identified.

Implementation of this policy is a requirement under the *Treasury Laws Amendment (Enhancing Whistleblowers Protections) Act 2019 (Cth)*

2. SCOPE

This policy applies to all MiCare’s directors, employees, volunteers, contractors and consultants.

It also applies to a person or organisation with a relationship with MiCare who reports serious wrongdoing within or by MiCare.

3. ALIGNMENT WITH VISION, MISSION AND VALUES

This policy supports MiCare’s Vision, Mission and Values by providing the framework for individuals to raise an alert of wrongdoing in a supported way that respects the rights and dignity of all parties.

4. RESPONSIBILITY

MiCare’s Chief Financial Officer has overarching responsibility for maintaining and implementing this policy.

5. DEFINITION OF TERMS

Whistleblowing is defined as:

“The disclosure by or for a witness, of actual or suspected wrongdoing in an organisation that reveals fraud, corruption, illegal activities, gross mismanagement, malpractice or any other serious wrongdoing”.

A Whistleblower is defined as:

“A person who reports serious wrongdoing in accordance with this policy. This includes current and former employees, volunteers, clients, contractors (and

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their employees), as well as associates and relatives of those employees, volunteers, clients and contractors.”

Wrongdoing is defined as misconduct or improper state of affairs that the Whistleblower has reasonable grounds to suspect, and includes:

- is fraudulent or corrupt;
- is illegal, such as theft, drug sale or use, violence, harassment, criminal damage to property or other breaches of legislation;
- is unethical, such as acting dishonestly, altering company records, wilfully making false entries in the books and records, or engaging in questionable accounting practices;
- wilfully breaching MiCare’s Code of Conduct, and other ethical statements;
- is potentially damaging to MiCare such as maladministration or substantial waste of resources;
- is seriously harmful, or potentially seriously harmful, to a MiCare’s person, such as deliberate unsafe work practices or wilful disregard to the safety of others;
- may cause serious financial or non-financial loss to MiCare to damage its reputation; or
- be otherwise seriously contrary to MiCare’s interests.

6. PROCEDURE

6.1 OVERVIEW

MiCare is committed to the highest standards of legal, ethical and moral behaviour. MiCare recognises that people that have a work, service or client relationship with MiCare are often the first to realise there may be something seriously wrong. However, they may not wish to speak up for fear of appearing disloyal, or may be concerned about being victimised or subject to other reprisals if they report the wrongdoing.

No person should be personally disadvantaged for reporting a wrongdoing. Not only is it illegal but it directly opposes MiCare’s Values.

MiCare is committed to maintaining an environment where legitimate concerns are able to be reported without fear of retaliatory action or retribution.

When a person makes such a disclosure they are entitled to expect that:

- their identity remains confidential at all times to the extent permitted by law or is practical in the circumstances;
- they will be protected from reprisal, harassment or victimisation for making the report; and
- should retaliation occur for having made the disclosure then MiCare will treat that retaliation as a serious wrongdoing under this policy.

6.2 ROLES

6.2.1 Whistleblower Governance Officers

A Whistleblower Governance Officer is a person named in Appendix 1 of this policy. The Whistleblower Governance Officers have responsibility to conduct sufficient inquiry to be satisfied that:

- A Whistleblower Protection Officer is appointed to provide support to the Whistleblower.

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- Each disclosure of wrongdoing referred to them is appropriately inquired into and/or investigated by a:
 - appropriately experienced investigator who is independent of the area where the wrongdoing is alleged to have occurred, or
 - qualified external investigator independent of MiCare, where considered necessary.
- Action taken in response to the inquiry/investigation is appropriate to the circumstances.
- Retaliatory action has not been taken against the person who made the disclosure.

MiCare provides three internal Whistleblower Governance Officers and two external Whistleblower Officers.

The internal Whistleblower Governance Officers are:

- General Manager Aged and Migrant Services;
- Quality, Risk and Compliance Manager (Residential); and
- Chief Financial Officer.

If the report contains allegations against an executive, including any of these officers, or the Whistleblower has a reasonable belief that this process would not be sufficiently independent, the external Whistleblower Governance Officers are available:

- Chair of the Board of Directors; and
- Chair of Board Finance, Audit & IT Committee (FAIT)

The Whistleblower Governance Officers have direct, unfettered access to independent financial, legal and operational advisers as required, and a direct line of reporting to the Chief Executive Officer or the Board, as may be required to satisfy the objectives of this policy.

6.2.2 Whistleblower Protection Officers

The Whistleblower Protection Officer is a senior manager or employee appointed by a Whistleblower Governance Officer to provide protection to the Whistleblower according to this policy.

The Whistleblower Protection Officer will have a direct reporting line to an Executive Leader from an area of the organisation that is independent of line management in the area that is the subject of the reported wrongdoing. The Whistleblower Protection Officer will provide mentoring and other support deemed necessary by the Whistleblower Protection Officer.

The Whistleblower Protection Officer is responsible for keeping the Whistleblower informed of the progress and outcomes of the inquiry/investigation subject to considerations of privacy of those against whom the allegations have been made.

6.2.3 Investigator

The investigator is appointed by the Whistleblower Governance Officer and may be internal or external to MiCare.

The internal investigator must have internal independence from line management of the area affected by the wrongdoing disclosure.

The investigator may second the expertise of other officers within MiCare to assist in the investigation and may seek the advice of internal or external experts as required.

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6.2.4 Whistleblower

A person considering making a whistleblower report is obliged to act in good faith and have reasonable grounds for believing the disclosure is a reportable wrongdoing.

This policy is intended to apply to reports of wrongdoing which are serious in nature.

Trivial or vexatious matters with no substance will be treated in the same manner as a false report and may constitute wrongdoing. Unsubstantiated allegations which are found to have been made maliciously, or knowingly to be false, will be viewed seriously and may be subject to disciplinary action including dismissal.

Similarly, personal work based grievances are not protected by this policy and must be dealt with through normal management practices.

A Whistleblower must provide information to assist any inquiry/investigation of the wrongdoing disclosed.

Even though a Whistleblower may be implicated in the wrongdoing they must not be subjected to any actual or threatened retaliatory action or victimisation in reprisal for making a report under this policy.

It is important to note that making a report may not protect the Whistleblower from the consequences flowing from involvement in the wrongdoing itself. A person's liability for their own conduct is not affected by their reporting of that conduct under this policy.

However, active cooperation in the investigation, an admission and remorse may be taken into account when considering disciplinary or other action.

6.3 REPORTING AND DISCLOSURE

6.3.1 Standard Reporting Procedure

A – Internal Whistleblowers (directors, employees, volunteers, contractors or consultants)

It is possible a suspicion of wrongdoing may arise from a misunderstanding and is not in fact wrongdoing, or is a matter where communication is restrained by confidentiality requirements or other legitimate reasons. Accordingly, any employee, volunteer or contractor that detects, or has reasonable grounds for suspecting wrongdoing, is encouraged to raise any concerns verbally or in writing with their supervisor or their supervisor's manager and seek advice on the best way to progress the disclosure. Where this is not appropriate, an alternative reporting mechanism is available.

B – External Whistleblowers (other people with a relationship with MiCare)

A person with a relationship with MiCare includes clients and suppliers. Where such a person observes possible wrongdoing but is reluctant to report it for fear of retribution, they are encouraged to report their concerns verbally or in writing to a higher level of management than the person in MiCare that they ordinarily deal with. There may be a simple explanation that they had not considered. Where this is not appropriate, an alternative reporting mechanism is available.

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6.3.2 Alternative Reporting Procedure

Alternative reporting channels are available where:

- the normal reporting channel is considered inappropriate;
- MiCare's line management was notified but failed to deal with it; or
- the person or organisation disclosing wrongdoing is concerned about possible retaliation.

In any of these circumstances, an internal Whistleblower (director, employees, volunteer, contractor or consultant) may provide the report of wrongdoing to:

- a Whistleblower Governance Officer; or
- the Chief Executive Officer.

6.3.3 Anonymous Reporting

Anonymous reports of wrongdoing are accepted and supported under this policy.

Anonymous reports have significant limitations that inhibit a proper and appropriate inquiry or investigation. These limitations include the inability to provide feedback on the outcome and/or to gather additional particulars to assist the inquiry/investigation. Specific protection mechanisms cannot be provided. A Whistleblower Protection Officer will not be appointed for anonymous reports.

6.3.4 Additional Reporting Options Under the *Aged Care Act (2024)*

The *Aged Care Act (2024)* provides further disclosing options for Whistleblowers, with the following groups qualifying the Whistleblower for protection:

- the Aged Care Commissioner or a member of the staff of the Aged Care Quality and Safety Commission
- the System Governor (being the Secretary of the Department of Health and Aged Care)
- an official of the Department of Health and Aged Care
- a registered provider
- a responsible person of the registered provider
- an aged care worker of a registered provider
- a police officer.

6.4 PROTECTION OF WHISTLEBLOWERS

Not all disclosures of serious wrongdoing are protected at law. To meet MiCare's philosophy of accepting tip-offs from anyone, MiCare's adopts the principle of providing protection to people or organisations with a relationship with MiCare:

- to the extent of protection at law; and
- beyond legal protection wherever it is practical in the circumstances.

6.5 CONFIDENTIALITY OF WHISTLEBLOWER'S IDENTITY AND WHISTLEBLOWING REPORTS

If a person or organisation makes a report of alleged or suspected wrongdoing under this policy, MiCare will endeavour to protect that

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person's or organisation's identity from disclosure. This may not occur if confidentiality is not a practical option.

Generally, MiCare will not disclose the person's or organisation's identity unless:

- the person or organisation making the report consents to the disclosure;
- the disclosure is required or authorised by law; and/or
- the disclosure is necessary to further the investigation.

When a report is investigated it may be necessary to reveal its substance to people such as other MiCare's personnel, external persons involved in the investigation process and, in appropriate circumstances, law enforcement agencies.

At some point in time it may also be necessary to disclose the fact and the substance of a report to a person who may be the subject of the report. Although confidentiality is maintained, in some circumstances, the source of the reported issue may be obvious to a person who is the subject of a report.

MiCare will also take reasonable precautions to store any records relating to a report of wrongdoing securely and to permit access by authorised persons only.

Unauthorised disclosure of information relating to a report, the identity of a person or organisation that has made a report of wrongdoing or information from which the identity of the reporting person or organisation could be inferred will be regarded seriously and may result in disciplinary action, which may include dismissal.

6.6 RETALIATION

MiCare is committed to protecting and respecting the rights of a person or organisation that reports wrongdoing in good faith. MiCare will not tolerate any retaliatory action or threats of retaliatory action against any person or organisation that has made or is believed to have made a report of wrongdoing, or against that person's colleagues, employer (if a contractor or supplier) or relatives.

For example, the person (or organisation, where appropriate) must not be disadvantaged or victimised for having made the report by:

- dismissal or termination of services or supply;
- demotion;
- any form of discrimination or harassment;
- current or future bias;
- threats of any of the above.

Any such retaliatory action or victimisation in reprisal for a report being made under this policy will be treated as serious misconduct and will result in disciplinary action, which may include dismissal.

If a person or organisation has made a report and believes that retaliatory action or victimisation has occurred or been threatened, that person or organisation has the right to make a submission to the External Whistleblower Governance Officers designated in this policy to receive reports of suspected wrongdoing. The external governance officers are independent of management and will arbitrate the matter.

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6.7 INVESTIGATION OF WRONGDOING ALLEGATIONS

All reports of alleged or suspected wrongdoing made under this policy to a Whistleblower Governance Officer will be properly assessed, and if appropriate, independently investigated, with the objective of gathering evidence relating to the claims made by the Whistleblower. That evidence may substantiate or refute the claims made.

The Investigation Officer will be responsible for ensuring the proper conduct of the investigation and for keeping the Whistleblower Governance Officer and the Whistleblower Protection Officer informed of progress.

The investigation will not be conducted by a person who may be the subject of the investigation or has significant links or connections (actual or perceived) to the person(s) or practice(s) under investigation.

The Investigation Officer (either internal or external) is appointed by a Whistleblower Governance Officer.

Investigations must be conducted in a fair, independent and timely manner in accordance with an established investigation procedure. This means investigations must be independent from the business unit concerned, the Whistleblower and any person who is a subject of the wrongdoing report.

6.8 MANAGEMENT OF A PERSON AGAINST WHOM A REPORT IS MADE

MiCare recognises that individuals against whom a report is made must also be supported during the handling and investigation of the wrongdoing report. MiCare takes reasonable steps to treat fairly the person who is the subject of a report, particularly during the assessment and investigation process in accordance with an established investigation procedure.

Where a person is identified as being suspected of possible wrongdoing, but preliminary inquiries determines that the suspicion is baseless or unfounded and that no formal investigation is warranted, then the Whistleblower will be informed of this outcome and the matter concluded. The Whistleblowing Governance Officer will decide whether or not the person named in the allegation should be informed that a suspicion was raised and found to be baseless upon preliminary review. This decision will be based on a desire to preserve the integrity of a person so named, so as to enable workplace harmony to continue unfettered and to protect the Whistleblower if it was a bona fide disclosure.

Where an investigation does not substantiate the report, the fact that the investigation has been carried out, the results of the investigation and the identity of the person who is the subject of the report must be handled confidentially.

Generally, an Investigation Officer must ensure that the person who is the subject of any report where an investigation is commenced:

- is informed of the substance of the allegations;
- is given a reasonable opportunity to answer the allegations before any investigation is finalised;
- is informed about the substance of any adverse comments that may be included in any report arising from the investigation before it is finalised; and
- has their response set out fairly in the Investigator's report.

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Where the allegations in a disclosure report have been investigated and the person who is the subject of the report is aware of the allegations or the fact of the investigation, then the Investigation Officer must formally advise the person of the outcome of the investigation.

MiCare will give its full support to a person who is the subject of a report where the allegations contained in the report are found to be wrong.

6.9 BREACH

Any breach of this Policy may result in disciplinary action that could result in severance from the organisation.

6.10 AUTHORITY

This Policy is approved by MiCare's Senior Management Team and reviewed by the Board Finance, Audit & IT Committee.

References/ Related Documents

- Aged Care Act (2024)
- Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Cth)
- Delegation of Authority Policy
- Comments and Complaints Policy
- Code of Conduct
- Employee Disciplinary Procedure
- Dispute and Grievance Policy

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APPENDIX 1

Whistleblower Governance Officers

The internal Whistleblower Governance Officers are:

Internal Whistleblower Governance Officers	Contact Number
Despina Haralambopoulos General Manager Aged and Migrant Services	0417 127 643
Tess McGrath General Manager People Services	0499 247 627
Graeme Wickenden Chief Financial Officer	0439 304 224

If the report contains allegations against an executive including either of these officers or the Whistleblower has a reasonable belief that this avenue would not be sufficiently independent, the external Whistleblower Governance Officers are:

External Whistleblower Governance Officers	Contact Details
Jos van de Ven Chair of the Board of Directors	0408 673 475
Ha Hoang Chair of Board Finance, Audit & IT Committee (FAIT)	0421 375 480
Richard Mendelsohn Director	03 9728 7484

If the normal reporting channel is considered inappropriate due to MiCare's line management being notified but failing to deal with the matter, or the person or organisation disclosing wrongdoing is concerned about possible retaliation, the wrongdoing can be reported to the Alternate Whistleblower Officer.

Alternate Whistleblower Governance Officer	Contact Details
Penni Michael Chief Executive Officer	0491 690 454

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