

Whistleblower Protections in Aged Care

If you are ever in an uncomfortable situation at work where you see someone doing the wrong thing, it's good to know that you are protected when you speak up about it. This handout will help you understand your rights under the Aged Care Act 2024, as they relate to what are known as 'Whistleblower Protections'.

Whistleblower protections ensure that everyone can speak up about concerns without fear, and this helps us maintain the highest standards of care every day.

What is a Whistleblower?

A whistleblower is anyone who reports concerns or wrongdoing in their workplace, especially if those concerns relate to breaches of aged care laws, unsafe practices, or mistreatment.

In the home care context, this could mean raising issues about poor care, neglect, unsafe working conditions, or breaches of a participant's rights.

By speaking up, whistleblowers help keep participants and our aged care sector safe and accountable.

Who is protected?

The Aged Care Act 2024 protects a wide range of people, including all aged care workers (full-time, part-time, casual, and agency staff), as well as volunteers, participants, their families and supporters. The Whistleblower Protections also extend to anyone who raises concerns on behalf of a participant, such as friends, family members, or advocates.

This protection does not grant immunity to you for any misconduct that you were involved in that is revealed in the disclosure. This means a person is still legally responsible for their own actions that may be uncovered during the process.

What am I protected against?

Whistleblowers are protected from any disciplinary action, and civil, criminal or administrative liability for making a disclosure. This means:

- **Knowing you have a Right to Report:** You can report concerns about people or organisations not following aged care laws, without fear of punishment.
- **Protection from Retaliation:** You cannot be dismissed, victimised, or treated unfairly for making a disclosure. This includes protection from harassment, intimidation, and psychological harm.
- **Anonymous Reporting:** You are allowed to make your report anonymously. Your identity or any information that could identify you will be protected wherever possible.
- **Protection for Participants and their Supporters:** These protections also apply to older people and their supporters who raise concerns about the care they receive.

What can be reported?

You can report any issue that affects the safety, well-being, or rights of participants. Common examples include:

- Neglect, abuse, or mistreatment of participants
- Breach of a participant's privacy or dignity
- Unsafe working conditions for staff, or allowing unsafe living conditions for participants
- Fraud or misuse of funds
- Failure to follow aged care regulations
- Bullying, harassment, or discrimination in the workplace

All aged care providers are required to have systems in place for managing complaints and whistleblower disclosures. This includes training staff about their rights and ensuring that reporting channels are clear and accessible.

Providers must investigate concerns promptly and are legally obligated to protect whistleblowers from retaliation, ensuring that the processes are fair and transparent.

How and where to report

Making a disclosure is straightforward, and you can ask to remain anonymous throughout the process. You can make a report in person, by phone, or in writing to:

- The Aged Care Quality and Safety Commission
- Department of Health, Disability and Ageing
- A registered aged care provider or a responsible person of a registered provider
- Another aged care worker of a registered provider
- A police officer
- An independent aged care advocate

Confidentiality and anonymity

Your identity will be protected and only shared if absolutely necessary (for example, if required by law or for a proper investigation). In most cases, you can remain anonymous. Providers must keep all disclosures confidential and cannot share information without your consent unless required by law.

A strong 'speak up' culture in aged care means everyone feels safe to raise concerns, knowing they will be listened to and protected.

Supporting each other to speak up makes a big difference, so don't be afraid to raise a concern if you have one.

Support and Further Information:

If you need more help or want to learn more about your Whistleblower rights, you can contact:

- Aged Care Quality and Safety Commission: 1800 951 822 | www.agedcarequality.gov.au
- Department of Health, Disability and Ageing: 1800 020 103 | www.health.gov.au
- Advocacy Services: Older Persons Advocacy Network (OPAN): 1800 700 600 | opan.org.au

Ask your provider for induction materials, training sessions, and online modules on whistleblower protections.



Scan to watch a short and helpful explainer video for this topic!



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