

## Purpose

Abound Communities does not tolerate Improper Conduct by employees, Board members, contractors or volunteers, and is committed to protect and support those who disclose Improper Conduct (Whistleblowers).

The purpose of this procedure is to:

- a) provide information about who can make and receive a Whistleblower Disclosure;
- b) provide information about what disclosures attract Whistleblower Protections;
- c) ensure individuals who disclose Improper Conduct can do so safely, securely and with confidence that they will be protected and supported;
- d) To ensure that Abound Communities is not discredited in the Media; and
- e) meet Abound Communities legal and regulatory obligations.

This procedure is an important part of Abound Communities risk management framework and should be read in conjunction with Abound Communities Code of Conduct Policy.

## Who Must Comply

All staff including Board members, Contractors, and Volunteers.

## Procedure

Any person can report Improper Conduct to Abound Communities or a relevant authority. However, a person making such a disclosure will only receive statutory Whistleblower Protections if they make a disclosure of Improper Conduct; and are the type of person who can make a Whistleblower Disclosure under an applicable Commonwealth whistleblower scheme.

In the Commonwealth jurisdiction, a person can make a disclosure that receives Whistleblower Protections if they are a person who is, or has been:

- an officer or board member of Abound Communities;
- an employee of Abound Communities
- an individual who supplies services or goods to Abound Communities (whether paid or unpaid);
- an officer, director or secretary of a body corporate related to Abound Communities;
- a relative, spouse or dependent of any of the above individuals; or
- a consumer and their family.

If a person makes a disclosure of Improper Conduct to Abound communities and that person is not entitled to Whistleblower Protections, Abound Communities will nevertheless take all reasonable steps to protect that person from detrimental action being taken against them.

## **Disclosures that DO trigger Whistleblower Protections**

A person (the discloser) can make a Whistleblower Disclosure if the discloser has reasonable grounds to suspect that the information, they are disclosing concerns Improper Conduct.

While Abound Communities encourages the making of any disclosure about conduct that is not in keeping with Abound Communities values and Code of Conduct, only disclosures of Improper Conduct (or suspected Improper Conduct) attract statutory Whistleblower Protections.

Improper conduct includes any of the following:

- corrupt conduct, including misuse of position for personal gain;
- conduct involving a substantial mismanagement of public or company resources;
- conduct involving a substantial risk to public health or safety or the environment;

- Detrimental Action (or threats of Detrimental Action) taken against a Whistleblower, or someone who is suspected of or who may be planning to make a Whistleblower Disclosure or who is cooperating with an investigation of a Whistleblower Disclosure;
- a breach of the *Corporations Act 2001* (Cth);
- a breach of the *Aged Care Act 2024* (Cth);
- misconduct or an improper state of affairs in Abound Communities business or operations, such as:
  - failure to comply with a legal duty;
  - gross mismanagement or waste;
  - dishonest or unethical behaviour by an individual that broadly affects Abound Communities business or operations ;
- any matter about which a regulator should know about to perform its duty;
- a serious breach of Abound Communities Code of Conduct that broadly affects Abound Communities business or operations; or
- fraud or other types of criminal behaviour.

A disclosure made on reasonable grounds can still qualify for whistleblower protections even if subsequent investigations show the disclosure to be incorrect.

## **Disclosures that DO NOT trigger Whistleblower Protections**

### **Disclosures not based on ‘reasonable grounds’**

For Whistleblower Protections to apply, a person making a disclosure must have ‘reasonable grounds’ to suspect Improper Conduct. As a general rule, a mere allegation made without supporting information is unlikely to be a disclosure based on ‘reasonable grounds’.

### **False disclosures**

A false disclosure of Improper Conduct could have significant effects on Abound Communities reputation and the reputation of other individuals. In addition, a false disclosure could waste valuable resources.

Any deliberate false disclosure of Improper Conduct (where the discloser knows the information to be untrue), whether under this procedure or otherwise, will be treated as a serious disciplinary matter. Such false disclosures do not trigger Whistleblower Protections.

### **Personal work-related grievances**

As a general rule, disclosures about a ‘personal work-related grievance’ are **not** disclosures of Improper Conduct and do **not** benefit from statutory Whistleblower Protections.

A ‘personal work-related grievance’ is a matter relating to the discloser’s employment (or former employment) having implications for the discloser personally but which does not;

- have significant implications for Abound Communities; or
- relate to Improper Conduct.

Examples of matters that generally constitute a personal work-related grievance include:

- an interpersonal conflict between the discloser and another employee;
- a decision relating to the engagement, transfer or promotion of the discloser;
- a decision relating to the terms and conditions of engagement of the discloser;
- a decision to suspend or terminate the engagement of the discloser, or otherwise to discipline the discloser.

Personal work-related grievances are managed in accordance with Abound Communities Grievance Resolution Procedure

## Consumer Complaints and Incidents

Similarly, complaints from a consumer or their family about an 'incident of wrongdoing' may not qualify as a 'whistleblower disclosure' and receive the associated legal protections. Complaints are managed in accordance with the Abound Communities Feedback and Complaints Management procedure. A reportable incident (as defined under the Serious Incident Response Scheme (SIRS)) are managed in accordance with the Abound Communities Incident Management procedure

## Individuals and bodies that can receive Whistleblower Disclosures

Abound Communities encourages the prompt disclosure of any actual, suspected or potential Improper Conduct to any member of Abound Communities executive, leadership or management team.

Disclosures made directly to the following individuals attract Whistleblower Protections:

- A Board member of Abound Communities.
- The CEO; or
- Executives of Abound Communities.
- An Aged Care Worker

Disclosures to these individuals can be made through any effective communication channel, including by email, telephone, internal or external mail, or by direct verbal communication.

Disclosures attracting Whistleblower Protections can also be made directly to:

- The Australian Securities and Investments Commission (ASIC) (note - disclosure to ASIC does **not** require prior disclosure to Abound Communities);
- The Aged Care Quality and Safety Commission (ACQSC) (note - disclosure to ACQSC does not require prior disclosure to Abound Communities);
- The Department of Health, Disability and Ageing (DHDA)
- The Australian Prudential Regulation Authority (APRA) (note - disclosure to APRA does not require prior disclosure to Abound Communities);
- a legal practitioner for the purposes of obtaining legal advice or legal representation in relation to the Whistleblower Protections;
- Police officer;
- An independent Aged Care Advocate;
- in specific circumstances, a journalist or parliamentarian (of the Commonwealth or a State or Territory).

Information about making a disclosure to ASIC, a journalist or parliamentarian is available on the ASIC website: <https://asic.gov.au>

Information about making a disclosure to ACQSC, is available on the ACQSC website: <https://www.agedcarequality.gov.au/>

Information about making a disclosure to AAPRA, is available on the APRA website: <https://www.apra.gov.au/>

If an individual makes a disclosure that qualifies for protection the individual is not subject to any civil, criminal or administrative liability for making the disclosure.

## Making a Disclosure

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

- date;
- time;
- location;

- name of person(s) involved;
- possible witnesses to the events; and
- evidence of the events (e.g. documents, emails).

Disclosures to any staff or Board member of Abound Communities can be made through any effective communication channel, including by email, telephone, internal or external mail, or by direct verbal communication

A disclosure of Improper Conduct to Abound Communities via the Whistleblower form on the [Abound Communities website](#) can be made anonymously (or using a pseudonym).

In addition, a 'confidential disclosure' can be made to [whistleblower@aboundcommunities.org.au](mailto:whistleblower@aboundcommunities.org.au) in which case the discloser's identity is known to the Board Chair, but the discloser's details are not shared with management of Abound Communities.

Abound Communities will take reasonable steps to preserve anonymity of an individual that makes a disclosure that qualifies for protection and the individual requests they remain anonymous. Confidentiality of the discloser and any information that is likely to lead to the identification of the discloser will be upheld, whether the information is obtained directly or indirectly because of the qualifying disclosure. The confidentiality will be authorised under s550(2) of the Aged Care Act 2024.

Individuals who wish to make an anonymous, de-identified or 'confidential' disclosure must be aware of the following:

- a) while Abound Communities will not investigate the identity of an anonymous Whistleblower, the nature of the information provided may identify the individual;
- b) Abound Communities, its members and employees will not be liable if the identity of an anonymous, de-identified or confidential Whistleblower is, or becomes ascertainable as a consequence of any investigation, or through the actions of the Whistleblower;
- c) Abound Communities may not be able to fully investigate an anonymous, de-identified or confidential disclosure; and
- d) Abound Communities cannot enforce Whistleblower Protections if the identity of the Whistleblower is unknown.

For the above reasons, Abound Communities encourages Whistleblowers to identify themselves when making a disclosure and to assist in any investigation.

## **Victimisation is prohibited**

Abound Communities will not engage in conduct that causes detriment or threatens to cause detriment to an individual or another entity based on the belief that the individual has, may have or intends to make a disclosure that qualifies for protection.

## **Investigation by Abound Communities**

Investigations conducted by Abound Communities will, as far as possible, be thorough, objective and fair, while preserving the confidentiality of any investigation.

Abound Communities will, where it considers it necessary, seek external advice and assistance in an investigation.

On receipt of a Whistleblower Disclosure, Abound Communities will comply with any notification requirements of a State Whistleblower Law. The Chair of the Abound Communities Board will be notified as soon as practicable of any disclosure of Improper Conduct.

## The Whistleblower Protections

The Whistleblower Protections are enforceable primarily under the *Corporations Act 2001* (Cth).

The following table sets out the protections given under the Corporations Act, which apply whether a disclosure is made to Abound Communities or to an external agency such as ASIC or ACQSC.

Protection	Details
<b>Some immunities</b>	Whistleblowers have immunity from civil, criminal or administrative liability (such as disciplinary action) for making a Whistleblower Disclosure. <i>N.B. These immunities do not prevent the Whistleblower being subject to any civil, criminal or administrative liability for their own misconduct revealed by their disclosure.</i>
<b>Inadmissible information</b>	Information received from certain Whistleblower Disclosures will not be admissible into evidence against the Whistleblower in criminal proceedings or in proceedings for the imposition of a penalty, unless the proceedings relate to the falsity of the information.
<b>No enforcement or exercise of certain rights or remedies</b>	No contractual or other remedies or rights may be enforced or exercised against a Whistleblower on the basis of a proper Whistleblower Disclosure. <i>N.B. This protection against the enforcement or exercise of certain rights does not prevent the Whistleblower being subject to any civil, criminal or administrative liability for their own misconduct revealed by their disclosure.</i>
<b>No termination of contract</b>	A contract cannot be terminated on the basis that a proper Whistleblower Disclosure constitutes a breach of contract.
<b>Confidentiality obligations</b>	Subject to certain exceptions (discussed below), the identity of the Whistleblower must be kept confidential. The obligation of confidentiality extends to information that <b>may</b> identify the Whistleblower. A breach of confidentiality obligations may give rise to civil or criminal charges. Significant penalties apply.
<b>Prohibition of Detrimental Action</b>	Detrimental Action must not be taken or threatened against a Whistleblower because a person believes or suspects that a proper Whistleblower Disclosure has or may be made. The taking or threatening of Detrimental Action may give rise to civil or criminal charges. Significant penalties apply.
<b>Compensation and other Orders</b>	If a Whistleblower has Detrimental Action taken against them, the person may seek a court order for compensation, an injunction, an apology, reinstatement of their employment or, in certain circumstances, exemplary damages.

In addition to these statutory protections, Abound Communities will take the following steps to protect Whistleblowers:

## Detrimental Action

All staff and volunteers are expected to be aware that criminal penalties may apply if an individual takes or threatens to take Detrimental Action against a person. Detrimental Action means:

- a) actions causing injury, loss or damage;
- b) intimidation or harassment; or
- c) discrimination, disadvantage or adverse treatment, taken or threatened against another person because of, or in the belief that:
  - i. the other person or anyone else has made, or intends to make, a Whistleblower Disclosure; or
  - i. the other person or anyone else has cooperated, or intends to cooperate, with an investigation of a Whistleblower Disclosure; or
  - ii. for either of the above reasons, the person incites or permits someone else to take or threaten to take Detrimental Action against the other person.

Any person who believes that Detrimental Action has been taken (or threatened) against them should report the matter to police or to a Federal Agency such as ASIC or ACQSC or they should seek independent legal advice.

If Abound Communities becomes aware that Detrimental Action has, or may have been taken against an individual, it will consider referring the matter to police or an appropriate agency.

## Welfare Support

If Abound Communities becomes aware of any Detrimental Action taken or threatened against a person engaged by Abound Communities, or that such a person is concerned about possible Detrimental Action being taken against them, the CEO (or their delegate) will determine, in consultation with the affected individual (and where appropriate, a relevant external agency, such as ASIC the steps Abound Communities can take to avoid, reduce or eliminate the risk of Detrimental Action being taken against the person. For employees this may include transferring the employee in accordance with applicable legislation.

Welfare support will be provided to the affected individual as required. Employees requiring welfare support will (if appropriate) be referred to the Abound Communities Employee Assistance Program. The CEO or their delegate may (if appropriate and in consultation with a relevant external agency, provide or arrange other appropriate welfare support to the affected employee.

In addition to its obligations under relevant legislation concerning Whistleblowers, Abound Communities has legislative and administrative obligations to ensure the health and wellbeing of employees under occupational health and safety legislation. Abound Communities will comply with these obligations in supporting Whistleblowers and individuals who cooperate with an investigation of a Whistleblower Disclosure.

## Confidentiality

Abound Communities is committed to protecting the confidentiality of a Whistleblower's identity in accordance with applicable law.

Whistleblowers are cautioned that any rights to confidentiality are not absolute, and that in general, the identity of a Whistleblower, or information that might reveal the identity of a Whistleblower may be disclosed within Abound Communities in accordance with law for the purposes of investigating a disclosure.

In addition, and despite the best efforts of Abound Communities to protect a Whistleblower's identity, people may be able to guess the Whistleblower's identity.

**NOTE** – if the Whistleblower Disclosure has been made directly to an external agency Abound Communities may not be aware of the disclosure or the identity of the Whistleblower. In those circumstances, a Whistleblower should seek advice from the relevant external agency before revealing their identity or their disclosure to Abound Communities.



## Disciplinary Action where a person has made a Whistleblower Disclosure

Nothing in this procedure prevents Abound Communities from managing a Whistleblower's unsatisfactory work performance if the action is in line with Abound Communities performance management framework.

If disciplinary action is being contemplated in relation to an employee who is known (by Abound Communities) to have made a Whistleblower Disclosure (or who is known to be cooperating with an investigation into Improper Conduct), the CEO (or their delegate) will make the final decision as to whether disciplinary or other performance management action will be taken.

In all cases where disciplinary or other action is being contemplated in relation to an employee who is known to have made a Whistleblower Disclosure, the CEO (or their delegate) must be satisfied that the following can be demonstrated:

- a) the fact that the employee has made a Whistleblower Disclosure (or is cooperating with an investigation) is not a substantial reason for the taking of the action against the employee;
- b) there are good and sufficient grounds that would fully justify action against any other person in the same circumstances; and
- c) there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The CEO (or their delegate) will thoroughly document the process including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure (or for cooperating with an investigation). The CEO (or their delegate) will clearly advise the individual of the proposed action to be taken, and of any mitigating factors that have been considered.

## Complaints about process

A Whistleblower who wishes to complain about the handling of their disclosure by Abound Communities should raise the matter with the individual to whom they made the original complaint or via the Abound Communities whistleblower email or website form. If that is not practicable, or the complaint is not resolved, the matter should be raised directly with ASIC or the ACQSC.

## Definitions

Term	Definition
<b>ACQSC</b>	Aged Care Quality and Safety Commission
<b>ASIC</b>	The Australian Securities and Investments Commission.
<b>APRA</b>	Australian Prudential Regulation Agency
<b>Whistleblower email</b>	The Abound Communities Whistleblower email is an email channel that receives complaints about serious wrongdoing by Abound Communities and its officers, employees, and agents. The email address goes directly to the Board Chair of Abound Communities.
<b>Whistleblower website form</b>	The Abound Communities Whistleblower website form is an anonymous electronic form that can receive complaints about serious wrongdoing by Abound Communities and its officers, employees, and agents. The form is forwarded to the Abound Communities Board Chair.
<b>SIRS</b>	Serious Incident Response Scheme
<b>Whistleblower Disclosure</b>	A disclosure of Improper Conduct made by an individual that attracts statutory Whistleblower Protections.
<b>Whistleblower Laws</b>	A law of the Commonwealth or a State or Territory that provides statutory Whistleblower Protections that are relevant to Abound Communities operations and business.
<b>Whistleblower Protections</b>	Statutory Whistleblower protections given under State or Federal Law
<b>Whistleblower</b>	A person who makes a disclosure of Improper Conduct (in good faith) where that disclosure attracts statutory Whistleblower Protections.

---

## Links to Related Documents

[Abound Communities Code of Conduct](#)

[Abound Communities Risk Management Policy](#)

[Abound Communities Declaration of Material Interests Procedure](#)

[Abound Communities Grievance Resolution Procedure](#)

[Abound Communities Incident management Procedure.](#)

[Abound Communities Feedback and Complaints Management Procedure](#)

## Key Legislation, Acts, Standards & References

[Corporations Act 2001 \(Cth\)](#)

[Aged Care Act 2024 \(Cth\)](#)

[Interest Disclosures Act 2012 \(Vic\)](#)

Approval by the Board:	8 April 2024
Review Date:	April 2027 changes to legislation July 2025
Version Number:	3
Version Tracking:	