



Whistleblower Program

What is a Whistleblower Disclosure?

A “disclosure qualifying for protection” is the term used in the Aged Care Act 2024 (Cth) and it means effectively the same thing as “whistleblower disclosure”. In this Program, when we say “whistleblower disclosure” we also mean “a disclosure qualifying for protection”.

Blowing the whistle is different from making an everyday complaint or reporting a minor incident. A whistleblower report (also called a “whistleblower disclosure”) is a special kind of disclosure that meets three sets of criteria:

- the disclosure must be made to an **eligible recipient**
- the disclosure must be made orally or in writing
- the disclosure must be about wrongdoing with respect to Barunga Village and must meet the additional criteria below (**eligible content**).

Note: with regard to these criteria there are some differences between the requirements in the Aged Care Act and the requirements in the Corporations Act. These differences are noted in the relevant sections below.

Eligible Recipient

To qualify as a whistleblower disclosure, a disclosure must be made to one or more of these people or agencies:

- the Quality and Safety Commissioner or a member of their staff
- a registered aged care provider (i.e. Barunga Village)
- one of the provider’s responsible persons (including any person responsible for day-to-day operation of the service and any person who holds a nursing qualification and is responsible for nursing services, whether or not such persons are employed by the provider)
- an officer or senior manager of the provider or a related body corporate

- an aged care worker of the provider
- another person authorised by the provider to receive reports of wrongdoing (e.g. the Whistleblower Protection Officer)
- an independent aged care advocate
- if the disclosure is reported to another person in accordance with the Aged Care Rules 2025
- a police officer
- an auditor, or a member of an audit team conducting an audit, of the provider or a related body corporate (if the disclosure is made under the Corporations Act)
- an actuary of the provider or a related body corporate (if the disclosure is made under the Corporations Act)
- the Australian Securities and Investments Commission (ASIC) (if the disclosure is made under the Corporations Act)
- the Australian Prudential Regulation Authority (APRA) (if the disclosure is made under the Corporations Act)
- a legal practitioner for the purpose of obtaining legal advice or legal representation in relation to whistleblower laws (if the disclosure is made under the Corporations Act).

A disclosure may be made to a journalist or member of Parliament if it qualifies as a “public interest disclosure” or “emergency disclosure”. See Public Interest and Emergency Disclosure below.

A disclosure may be made to the Commissioner of Taxation if it qualifies as a “tax-related disclosure”. See Tax-Related Disclosure below.

Eligible Content

To qualify as a whistleblower disclosure, a disclosure must be about wrongdoing with respect to Barunga Village. The person making the report must have reasonable grounds to suspect that the wrongdoing has occurred.

“Wrongdoing” means:

- a contravention of a provision of the Aged Care Act 2024 (Cth)
- misconduct or an improper state of affairs or circumstances in relation to Barunga Village or a related body corporate.

Examples of Conduct that May Qualify as Wrongdoing

- Reportable incidents (as defined under the SIRS and including elder abuse, assault, theft and neglect)
- Dishonest and/or unethical conduct
- Fraud, forgery, misappropriation, misuse, misdirection, misapplication, maladministration or waste of funds
- Gross mismanagement
- Conflicts of interest that are not declared or managed appropriately, nepotism, favouritism
- Theft, embezzlement, tax evasion
- Corruption, taking or offering bribes or secret commissions
- Dishonesty involving influence such as blackmail
- Coercion, harassment or discrimination by, or affecting, any of our staff, volunteers, contractors or associate providers
- Abuse of public trust
- Misleading or deceptive conduct of any kind, including conduct or representations that amount to improper or misleading accounting or financial reporting practices by or affecting Barunga Village
- Other criminally prosecutable offences
- Failure to report, or concealment of, an indictable offence
- Conduct that poses an unreasonable danger to the health or safety of others
- Failure to act in accordance with applicable professional and ethical standards
- A significant threat to the environment
- A significant breach of the terms of any contract that binds Barunga Village
- Other serious acts such as refusing to carry out lawful and/or reasonable actions under a contract
- Other serious misconduct that may materially damage Barunga Village reputation, or may otherwise be detrimental to Barunga Village
- Any other act that would otherwise be considered by a reasonable person to be serious improper conduct, or an improper state of affairs or circumstances

Wrongdoing would also include a deliberate attempt to conceal any of the actions described above.

Examples of Conduct That Should Not Be Reported Under This Whistleblower Program

- Mismanagement of the budget for the end of financial year celebration that does not involve misconduct such as fraud or embezzlement or nepotism.
- Failure by a staff member to meet the personal expectations of a consumer or their supporter, family members or carers (where the failure does not also constitute misconduct or a SIRS

reportable incident, or involve a contravention of any provisions of the Aged Care Act).

- A personal work-related grievance that has no serious implications for Barunga Village (see below).

Grievances and complaints that do not qualify for whistleblower protections should be managed under our [Incident Management and Internal Reporting Procedures](#).

Personal Work-Related Grievances

A “personal work-related grievance” is a grievance about a matter that relates to the discloser’s employment or former employment and has implications for them personally. Examples are:

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

Generally, a disclosure about a personal work-related grievance will not be considered a whistleblower disclosure.

However, where a personal work-related grievance involves a contravention of any of the provisions of the Aged Care Act or has serious implications for Barunga Village, it may be considered a whistleblower disclosure. Also, if the disclosure is about the victimisation of a whistleblower it may be considered a whistleblower disclosure.

An employee who has a personal work-related grievance that does not relate to a contravention of any of the provisions of the Aged Care Act or have significant implications for Barunga Village should use our [Internal Grievance Procedures](#). They may also wish to seek independent legal advice about their rights and protections under laws such as employment and contract law.

Special Forms of Disclosure: Public Interest Disclosure, Emergency Disclosure and Tax-Related Disclosure

These forms of disclosure are subject to complex laws. Before making such a disclosure, a whistleblower should seek legal advice.

Public Interest and Emergency Disclosure

Usually, a whistleblower disclosure would only be protected if it was made to one of the “eligible recipients” listed above. However, mechanisms of Public Interest Disclosure and Emergency Disclosure allow a whistleblower to receive protection for a disclosure made to a member of Parliament (of the Commonwealth or a state or territory), or a journalist working in a professional capacity.

The protections are only available if the whistleblower disclosure has already been made to ASIC, APRA or other prescribed Commonwealth authority, and several other conditions are also met. Refer to the Corporations Act 2001 (Cth) Part 9.4AAA for more information.

Tax-Related Disclosure

Under the Taxation Administration Act 1953 (Cth), whistleblower protections are available to eligible whistleblowers who make a disclosure to the Commissioner of Taxation or one of the other eligible recipients, provided the disclosure relates to taxation affairs. Refer to Part IVD of the Taxation Administration Act.