Whistleblower Policy

Approver: Board
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1. Summary and Introduction

This document outlines the policy of Southern Cross Care (NSW & ACT) Limited ABN 76 131 082 374 (**SCC**) for receiving and responding to disclosures under the Aged Care Whistleblower Laws and the Corporations Act Whistleblower Laws. Key matters addressed include:

- what is a Protected Disclosure?
- who can make them?
- how to make a Protected Disclosure and to whom those disclosures must be made to obtain protections under Whistleblower Laws;
- our investigation process;
- protections provided to individuals who make a Protected Disclosure; and
- ensuring fair treatment of Disclosers and of individuals mentioned in a Protected Disclosure.

A copy of this policy is available on our website: www.sccliving.org.au.

Officers and employees of SCC can also access this policy:

- on staff intranet; and
- in the Employee Handbook and training material for new starters.

2. Why do we need a Whistleblower Policy?

SCC is committed to providing services to aged, disabled and vulnerable Australians that meets their and the community's expectations for the delivery of high quality, safe and ethical care.

Sometimes we may not meet those expectations and obligations. Consistent with our commitment to continuous improvement and effective risk management, SCC encourages a culture of openness, transparency and accountability, where people feel safe and supported to raise concerns about our operations or our delivery of those services.

The Aged Care Act and the Corporations Act both impose obligations on companies, which include SCC, about responding to disclosures made by whistleblowers. The Whistleblower Laws give protections to individuals whose disclosures meet the requirements of those laws, including protections relating to confidentiality, protection from detriment and immunity from certain legal consequences.

This policy is intended to:

- encourage the reporting of wrongdoing so issues can be identified and addressed early;
- help deter misconduct by promoting accountability and transparency;

- ensure individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- provide clear and transparent information about how disclosures are received, assessed and investigated; and
- ensure SCC meets its legal and regulatory obligations under the Whistleblower Laws.

This policy applies to staff members of SCC (including contractors and volunteers), individuals receiving funded aged care services and their families and Supporters.

3. Complaints, feedback, and Protected Disclosures

The Whistleblower Laws protect individuals who wish to raise serious concerns about the conduct of an organisation, particularly where confidentiality or anonymity may be important to Disclosers.

SCC also has feedback and complaints processes in place for receiving and responding to complaints and feedback regarding our services. These processes support open disclosure, consultation and collaboration. We encourage any person to use these processes when you consider that these may be more appropriate to resolve your concerns.

Complaints and feedback may be raised without fear of any adverse consequences or reprisal. Further information is available on SCC's website here: https://www.sccliving.org.au/feedback-complaints/ and in SCC's Feedback and Complaints Policy, which can be accessed in Resident Handbooks or on request.

Complaints may also be made to the Aged Care Quality and Safety Commission on 1800 951 822. You may also seek independent advocacy through the Older Persons Advocacy Network on 1800 700 600 and this will not impact how we manage your complaint.

A complaint or feedback may also qualify as a Protected Disclosure under the Aged Care Whistleblower Laws. Where a complaint or feedback meets the requirements for whistleblower protection under those laws, SCC must manage the matter in accordance with this policy and any requirements prescribed under the Aged Care Act, even if it was initially raised as a complaint or feedback.

4. Some important things to be aware of

While the Aged Care Act and the Corporations Act provide similar protections for whistleblowers making Protected Disclosures, the two laws operate differently. It is important to consider and identify which of the Whistleblower Laws applies to a particular matter so that the appropriate disclosure process is followed and the Discloser is able to obtain the protections under the relevant Whistleblower Laws.

The Whistleblower Laws differ regarding:
- who can make a disclosure;
- to whom a disclosure must be made; and
- what kind of disclosures qualify as Protected Disclosures and attract whistleblower protections.

Where the relevant requirements are met, a Discloser will have the protections given under the Whistleblower Laws relating to:
- anonymity and confidentiality;
- protection from criminal, civil and administrative proceedings; and

- protection from adverse treatment, reprisals or detriment as a result of making a Protected Disclosure.

The sections below explain how these requirements and protections apply, depending on what kind of a disclosure is being made.

5. What kind of disclosures are protected disclosures?

5.1 Protected Disclosures under the Aged Care Act

The Aged Care Act provides protections for **'Disclosers'** (which includes the individuals in paragraph 6.1 of this policy), if that individual:

- makes the disclosure in writing or orally (and the disclosure may be anonymous);
- has reasonable grounds to suspect that the information they disclose indicates that SCC has contravened a provision of the Aged Care Act; and
- the disclosure is made to a person under paragraphs 7.1 or 7.2 below (an **Eligible Recipient**).

5.2 Protected Disclosures under the Corporations Act

For a matter to be a Protected Disclosure under the Corporations Act, it must be made by an individual named in paragraph 6.2 below (also a **Discloser**), to an Eligible Recipient named in paragraphs 7.1 and 7.3. The disclosure must be information which the individual has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances, in relation to SCC, or our business (including relating to an officer or employee of SCC). It includes conduct which the individual has reasonable grounds to suspect was engaged in by an entity or person named in this paragraph, and which:

- breaches the Corporations Act, the Australian Securities and Investments Commission Act 2001 (Cth), the Banking Act 1959 (Cth), the Financial Sector (Data Collection) Act 2001 (Cth), the Insurance Act 1973 (Cth), the Life Insurance Act 1995 (Cth), the National Consumer Credit Protection Act 2009 (Cth), the Superannuation Act or the Taxation Administration Act 1953 (Cth);
- is an offence against any other law of the Commonwealth of Australia that is punishable by imprisonment for a period of 12 months or more; or
- indicates a significant risk to public safety or the stability of, or confidence in, the financial system (even if it does not involve a breach of a particular law).

A Protected Disclosure includes conduct that may not involve breaking a particular law. Some examples include misconduct or serious wrongdoing that the Discloser reasonably believes:

- is dishonest, illegal, fraudulent, corrupt or unsafe;
- involves irregular use of company funds or practices (including misleading accounting or financial reporting practices);
- is impeding internal controls, or internal or external audit processes;
- involves misuse of our business information;
- is damaging to our business, financial position or reputation;
- poses a significant risk to the stability of the financial system;
- endangers the health and safety of any employee or member of the public; or
- poses a significant risk to the environment.

5.3 What is not a Protected Disclosure?

This policy and the Whistleblower Laws do not apply to a disclosure which is solely about a personal work-related grievance, where the grievance:

- concerns an individual's current or former employment with SCC, and has (or tends to have) implications for them personally;
- has no significant implications for SCC that do not relate to the employee or former employee; and
- does not concern actual or alleged conduct described in paragraph 5.1 or paragraph 5.2 and does not breach laws against whistleblower-related victimisation.

A personal work-related grievance may include the following:

- an interpersonal conflict between one employee and another employee;
- a decision relating to the terms and conditions of an individual's engagement, or to their engagement, transfer or promotion; and
- a decision to suspend or terminate an individual's engagement, or otherwise to discipline them.

For work related grievances refer to Grievance & Dispute Resolution Policy.

6. Who can make Protected Disclosures?

6.1 Who can make a Protected Disclosure under the Aged Care Act?

Any individual can make a Protected Disclosure under the Aged Care Act as long as all of the conditions set out in paragraph 5.1 above are met.

Individuals who can make Protected Disclosures include, but are not limited to:

- the Aged Care Workers of SCC, including its managers;
- SCC's officers; and
- individuals who receive aged care services from SCC, and their families, other loved ones, authorised representatives and Supporters.

6.2 Who can make a Protected Disclosure under the Corporations Act?

Any of the following individuals can make a Protected Disclosure under the Corporations Act:

- a current, or former, employee or officer of SCC (including permanent, part time, fixed term or temporary employees, interns, secondees, managers, and directors);
- a supplier of services or goods to SCC (whether paid or unpaid), including their employees (for example, current and former contractors, consultants, service providers and business partners); and
- a relative, dependant or spouse of an individual described in the above paragraphs (for example, relatives, dependants or spouses of current and former employees, contractors, consultants, service providers, suppliers and business partners).

6.3 Anonymous disclosures

- An individual does not need to give their name or any other identifying information when making a Protected Disclosure. If a Discloser does provide their name, SCC is still required to protect the Discloser's identity and the confidentiality of the information in responding to the disclosure.
- An individual also does not have to disclose the names of any other individuals that the Protected Disclosure relates to.
- SCC may be limited in how it responds to a Protected Disclosure, if it does not have the Discloser's name or the names of any affected or involved individuals. For example, if we need to ask further clarifying information to decide if the disclosure is a Protected Disclosure or to undertake an investigation and we cannot ask those questions, our assessment and response

may be limited.

7. Who can receive Protected Disclosures?

7.1 Stopline

SCC has engaged the services of an independent third party service, **Stopline**, to receive Protected Disclosures, whether anonymously or otherwise. Stopline is a secure reporting channel and can be contacted at any time, including outside business hours.

Stopline's contact details are as follows:

- Phone: 1300 30 45 50
- Email: southerncrosscare@stopline.com.au
- Web: http://southerncrosscare.stoplinereport.com
- Post: C/- Stopline Locked Bag 8 Hawthorn VIC Australia 3122

Using Stopline will assist us to maintain the Discloser's anonymity if that is desired and is our preferred method for receiving Protected Disclosures. However, the Whistleblower Laws also set out other bodies and individuals to whom a disclosure can be made (we have called these bodies and individuals **Eligible Recipients**).

7.2 Eligible Recipients under the Aged Care Act

Disclosures made to the following Eligible Recipients may qualify as Protected Disclosures under the Aged Care Act:

- the Aged Care Quality and Safety Commissioner, the Complaints Commissioner or a member of the staff of the Aged Care Quality and Safety Commission;
- the System Governor (Secretary to the Department of Health, Disability and Ageing) or an official of the Department;
- SCC;
- a Responsible Person of SCC (which includes its directors);
- an Aged Care Worker of SCC;
- a police officer; or
- an Independent Aged Care Advocate.

A disclosure may also be made to a lawyer to obtain legal advice or representation relating to the operation of the Aged Care Whistleblower Laws. The disclosure is protected even if the lawyer concludes that it does not qualify as a Protected Disclosure.

7.3 Eligible Recipients under the Corporations Act

To qualify for whistleblower protection under the Corporations Act Whistleblower Laws, a disclosure must be made to one of the following Eligible Recipients:

(a) ASIC;
(b) APRA (in relation to breaches of the Superannuation Act);
(c) another Commonwealth authority that is prescribed to receive Protected Disclosures;
(d) a director, company secretary or senior manager of SCC;
(e) an auditor or member of an audit team conducting an audit of SCC;
(f) an actuary of SCC;
(g) one of the following whistleblower officers nominated by us to receive Protected Disclosures:

Position	Contact Details
CEO	(02) 9790 9414 ceo@sccliving.org.au
Board	scc.chair@sccliving.org.au
Chief People, Property & Legal Officer	(02) 9183 8008 privacy@sccliving.org.au

A disclosure may also be made to a lawyer to obtain legal advice or representation relating to the operation of the whistleblower provisions in the Corporations Act. This disclosure is protected even if the lawyer concludes that it is not a Protected Disclosure.

8. Some special provisions relating to Corporations Act Whistleblower Laws – Public interest Disclosures and Emergency Disclosures

A Discloser must not disclose the information that is the subject of a Protected Disclosure made under the Corporations Act Whistleblower Laws to a member of parliament or a journalist, unless it is a Public Interest Disclosure or an Emergency Disclosure. Failure to follow these requirements may mean that the Discloser will lose the protections of the Corporations Act Whistleblower Laws.

We recommend that an independent lawyer be contacted before making a Public Interest Disclosure or an Emergency Disclosure, to ensure that the disclosure qualifies for the protections for whistleblowers under the Corporations Act .

To make a **Public Interest Disclosure**:

- a Protected Disclosure must have previously been made to a Regulator in paragraphs 7.3(a) –(c) and at least 90 days must have passed since that disclosure;
- after that 90-day period, written notice must be given to the Regulator who received that previous disclosure, which:
  (a) includes sufficient information to identify the Protected Disclosure; and
  (b) states that the Discloser intends making a Public Interest Disclosure;
- there must be no reasonable grounds available to the Discloser to believe that action is being, or has been, taken to address the matters relating to the previous Protected Disclosure;
- there must be reasonable grounds to believe that making a further disclosure to a member of parliament or journalist would be in the public interest; and
- information disclosed to the member of parliament or a journalist must be limited to what is reasonably necessary to inform him or her of the substance of the Protected Disclosure.

To make an **Emergency Disclosure**:

- there must be reasonable grounds to believe that the Protected Disclosure concerns a substantial and imminent danger to the health or safety of one or more persons or to the natural environment;
- the Protected Disclosure must have been previously notified to a Regulator specified in paragraphs 7.3(a) –(c) and written notice must subsequently be given to that Regulator, which:
  (a) includes sufficient information to identify the Protected Disclosure; and
  (b) states that the Discloser intends to make an Emergency Disclosure; and
- information disclosed to a member of parliament or a journalist must be limited to what is

reasonably necessary to inform them of the substantial and imminent danger.

It is important that the above criteria for making a Public Interest Disclosure or an Emergency Disclosure are understood and the requirements of the Corporations Act Whistleblower Laws are followed. We recommend that legal advice regarding these requirements is obtained.

9. Handling and investigating a Protected Disclosure

Any Protected Disclosure made to Stopline or a SCC employee or officer, will receive a response confirming that the information has been received.

Disclosers should not attempt to investigate any Protected Disclosure themselves.

SCC will need to assess the information received to determine:

- whether it qualifies for protection under the Whistleblower Laws; and
- whether a formal investigation is required.

Our process and timing may vary depending on the nature of the Protected Disclosure. These are the key steps generally involved if we consider that an investigation is required:

(a) Promptly after receiving the information, we may: decide to conduct an internal investigation into the substance of the matter; or appoint an external investigator to determine whether there is evidence to support the matters raised in the disclosure.
(b) We may also take such other steps as we consider reasonably appropriate to properly assess the information and to determine appropriate outcomes.
(c) Disclosers may be asked to provide additional information to assist any assessment or investigation, including a description of the facts and circumstances of the alleged breach of the Aged Care Act (under the Aged Care Whistleblower Laws) or of the misconduct or improper state of affairs or circumstances (under the Corporations Act Whistleblower Laws).
(d) We will decide what steps should be taken by SCC to address any verified breach of the Aged Care Act or misconduct or improper state of affairs or circumstances, as applicable.
(e) To the extent possible, Disclosers will receive feedback on the progress or outcome of the assessment or investigation (subject to privacy and confidentiality restrictions). The frequency and timeframe may vary depending on the nature of the disclosure.

10. What protections does a whistleblower receive?

If a disclosure is a Protected Disclosure, the following kinds of protections apply:

- identity protection (confidentiality) (see paragraph 11);
- protection from detrimental acts or omissions (see paragraph 12);
- compensation and other remedies (see paragraph 13); and
- protection from civil, criminal and administrative liability (see paragraph 14).

Those protections apply not only to disclosures to SCC, but to disclosure to lawyers, regulatory and other external bodies, and to the Public Interest Disclosures and Emergency Disclosures made under the Corporations Act Whistleblower Laws described in this section.

Protection may still apply even if a disclosure turns out to be incorrect or is unable to be substantiated.

11. Identity protection under Whistleblower Laws (anonymity and confidentiality)

11.1 Anonymity and confidentiality

A disclosure can be made anonymously and still be protected under the Corporations Act and the Aged Care Act.

A Discloser may choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. A Discloser may refuse to answer questions if responding could reveal their identity at any time, including during follow-up conversations. Where anonymity is required, consideration should be given to how ongoing two-way communications with SCC can occur, so that SCC can ask follow-up questions or provide feedback.

Where a Discloser wishes to remain anonymous, the most practical way to protect anonymity is to either contact us via Stopline (see paragraph 7.1 above) or use an anonymised email address. If further communication is required to investigate a disclosure, SCC will advise how this can occur while maintaining anonymity.

A Discloser is not required to use their real name when making a disclosure and may choose a fictitious name (that is, a name that is made up). This may be appropriate where the Discloser's identity is known to the Eligible Recipient, but the Discloser prefers that their identity not be disclosed to others.

All information disclosed, including the identity of a Discloser (where that identity is known), will remain confidential to the extent required by law.

Where a Protected Disclosure is made, an Eligible Recipient must not disclose the identity of the Discloser, or information that is likely to lead to the identification of the Discloser (whether obtained directly or indirectly because of the disclosure) unless an exception under the Whistleblower Laws applies.

We must take reasonable steps to ensure that Eligible Recipients are aware of the requirements for anonymity and confidentiality under the Whistleblower Laws.

11.2 Exceptions to anonymity and confidentiality under the Aged Care Act

An Eligible Recipient who receives a Protected Disclosure under the Aged Care Whistleblower Laws, can reveal the Discloser's identity (and that of other persons named in the disclosure) as well as the nature of the disclosure:

- if the Discloser consents;
- to the Aged Care Quality and Safety Commissioner or a member of the staff of the Aged Care Quality and Safety Commission;
- to the System Governor (Secretary to the Department of Health, Disability and Ageing) or an official of the Department;
- to the Inspector-General of Aged Care;
- to a police officer;
- to a lawyer, for the purposes of obtaining legal advice or legal representation about the application of the aged care Whistleblower Laws;
- to a court, tribunal or a Royal Commission;
- where a Discloser decides to have a disclosure treated as a complaint or feedback under our Feedback and Complaints Policy (see paragraph 3 above);

- if the disclosure is necessary to lessen or prevent a serious threat to the safety, health or wellbeing of one or more individuals; or
- if the information was publicly known (and not confidential) before the disclosure was made.

11.3 Exceptions to anonymity and confidentiality under the Corporations Act

If an Eligible Recipient receives a Protected Disclosure under the Corporations Act Whistleblower Laws, the Eligible Recipient may disclose the identity of the Discloser, or information that may lead to the identification of the Discloser:

- with the consent of the Discloser;
- to ASIC, APRA or a member of the AFP or (for tax-related disclosures) to the Tax Commissioner;
- to a lawyer to obtain legal advice or representation regarding the Protected Disclosure; or
- to a person or body prescribed by regulations.

11.4 Protecting confidentiality and anonymity

It is illegal for a person to disclose the identity of a Discloser, or information that is likely to lead to the identification of a Discloser, except in the circumstances under this paragraph 11. A complaint about a breach of confidentiality may be made to Stopline or a Regulator.

Measures that SCC will take to protect the identity of a Discloser and the confidentiality of the information provided include the following:

- where possible, consultation will occur with the Discloser to identify any aspects of the information that could inadvertently identify the Discloser;
- disclosures will only be handled and investigated by qualified staff;
- all paper and electronic documents and other materials relating to the disclosure will be stored securely;
- access to information relating to the disclosure will be limited to those directly involved in managing and investigating the disclosure; and
- each person who is involved in handling and investigating a disclosure will be reminded about the confidentiality requirements, including that an unauthorised disclosure of a Discloser's identity may be a criminal offence.

11.5 Permitted disclosures

We can disclose the information provided in a Protected Disclosure if we:

- do not disclose the identity of the Discloser;
- we have taken all reasonable steps to reduce the risk that the identity of the Discloser will be evident from the information; and
- it is reasonably necessary to investigate the issues raised in the disclosure.

12. Protection from detrimental acts or omissions

The Whistleblower Laws protect Disclosers from detrimental acts or omissions, or the threat of them, as a result of making the Protected Disclosure.

This means that a person cannot engage in conduct that causes detriment to the Discloser (or another individual), in relation to a Protected Disclosure, if:

- the person believes or suspects that an individual (or another person) made, may have made, proposes to make or could make a disclosure that qualifies for whistleblower protection; and
- the belief or suspicion is the reason, or part of the reason, for the conduct that causes detriment.

A person must not make a threat to cause detriment to a Discloser (or another person) in relation to a Protected Disclosure. A threat may be express or implied, and may be conditional or unconditional. Where a threat has been made, it is not necessary for the Discloser or any other individual to actually fear that the threat will be carried out for the conduct to constitute a breach of the Whistleblower Laws.

Examples of detrimental conduct towards an individual who has made a Protected Disclosure that is prohibited under the Whistleblower Laws include:

- dismissal of an employee;
- injury of an employee in his or her employment;
- alteration of an employee's position or duties to his or her disadvantage;
- discrimination between an employee and other employees of the same employer;
- harassment or intimidation of an individual;
- harm or injury to an individual, including psychological harm;
- damage to an individual’s property;
- damage to an individual’s reputation;
- damage to an individual’s business or financial position; or
- any other damage to an individual.

Examples of actions that are not detrimental conduct include:

- administrative action that is reasonable for the purpose of protecting a Discloser from detriment (for example, moving a Discloser who has made a disclosure about their immediate work area to another location to protect them from detriment); and
- managing a Discloser’s unsatisfactory work performance, if the action is in line with SCC’s performance management framework.

To the extent it is reasonable and practical to do so, we will monitor and manage the behaviour of any individuals who are involved in a Protected Disclosure (this may include Aged Care Workers).

We will take all reasonable precautions to ensure that a Discloser (and their colleagues and relatives, including any person receiving aged care services) are not harmed, injured, intimidated, harassed, bullied or victimised by any of our employees, officers, contractors, suppliers, consultants and directors.

We will consider any reasonable requests for additional protections that a Discloser may make or we consider necessary for a Discloser’s protection (for example, leave of absence during any investigation).

An employee who causes, or threatens to cause, detriment to any suspected whistleblower (being an individual whom the employee suspects has made or will make a Protected Disclosure) may be subject to disciplinary action under our Disciplinary Policy. The detrimental action may also be a breach of the Whistleblower Laws and the employee may be subject to action by a court or by a Regulator and may be subject to civil penalties.

13. Compensation and other remedies

A Discloser (or any other employee or person) can seek compensation and other remedies through the courts:

- for suffering loss, damage or injury because they made a Protected Disclosure under the Whistleblower Laws; or
- if SCC failed to take reasonable precautions and exercise due diligence to prevent the detrimental conduct.

A Discloser should seek independent legal advice on compensation or other remedies that may be available.

14. Civil, criminal and administrative liability protection

A Discloser is protected from any of the following in relation to a Protected Disclosure under the Whistleblower Laws:

- civil liability (for example, any legal action against an individual for breach of an employment contract, duty of confidentiality or another contractual obligation);
- criminal liability (for example, attempted prosecution of an individual for unlawfully releasing information, or other use of the information against the Discloser in a prosecution (other than for making a false disclosure); and
- administrative liability (for example, disciplinary action for making the Protected Disclosure).

The above protections do not grant immunity for any misconduct the Discloser has engaged in that is revealed in the Protected Disclosure. For more information, a Discloser should seek independent legal advice before making a disclosure.

15. Ensuring fair treatment of individuals mentioned in a disclosure

Measures that we will take to ensure fair treatment of Disclosers or of our employees, officers or any other person mentioned in a Protected Disclosure under this policy, or who are the subject of any such Protected Disclosure, include the following:

- disclosures will be handled confidentially, when it is practical and appropriate in the circumstances;
- each disclosure will be assessed and may be the subject of an investigation;
- an employee who is the subject of a disclosure will be advised about the subject matter of the disclosure where required by principles of natural justice and procedural fairness, and before any actions are taken; and
- an employee who is the subject of a disclosure may use SCC's EAP services which provide confidential counselling support to employees.

In some cases, we may not be able to investigate a disclosure or may only be able to undertake a limited investigation. This may occur, for example if the disclosure is made anonymously and we do not have a way to contact the Discloser to obtain further information.

How we document and report on findings from an investigation will depend on the nature of the Protected Disclosure. Findings will be documented and reported to the SCC board of directors, relevant executives, and to Regulators where required by law. In doing so, we will preserve confidentiality by taking measures described in paragraph 11.4.

Where possible and appropriate, we will inform the Discloser of the outcome of the investigation. In some circumstances, we may not be able to provide details (for example, due to privacy or confidentiality obligations).

16. Definitions

Aged Care Act means the Aged Care Act 2024 (Cth).

Aged Care Rules means the Aged Care Rules 2025 (Cth).

Aged Care Whistleblower Laws means the provisions of Chapter 7, Part 5 of the Aged Care Act and Chapter 4, Part 10, Division 2, Subdivisions D and E of the Aged Care Rules.

Aged Care Worker means an individual who is employed or otherwise engaged by a Registered Aged Care Provider to deliver funded aged care services. This includes volunteers, independent contractors, and individuals employed or otherwise engaged by an Associated Provider and who are engaging in conduct under the Associated Provider's arrangement with the Registered Aged Care Provider for the Registered Aged Care Provider's delivery of funded aged care services.

AFP means the Australia Federal Police as defined in the Australian Federal Police Act 1979 (Cth).

APRA means the Australian Prudential Regulation Authority.

ASIC means the Australian Securities and Investments Commission.

Associated Provider means an entity that engages in conduct under an agreement with a Registered Aged Care Provider relating to the Registered Aged Care Provider's delivery of funded aged care services.

Corporations Act means the Corporations Act 2001 (Cth).

Corporations Act Whistleblower Laws means the provisions of Part 9.4 AAA of the Corporations Act.

Department means the Department of Health, Disability and Ageing.

Discloser means an individual who makes a disclosure of information under this policy, whether anonymously or otherwise, and includes a person who is entitled to whistleblower protections under the:

(a) Corporations Act Whistleblower Laws; or
(b) Aged Care Act Whistleblower Laws.

Eligible Recipient means a person or body to whom a disclosure may be made under the Aged Care Whistleblower Laws (see paragraphs 7.1 and 7.2) or the Corporations Act Whistleblower Laws (see paragraphs 7.1 and 7.3), as applicable, in order for the disclosure to be capable of attracting whistleblower protections under those laws.

Emergency Disclosure means a disclosure of information that qualifies for protection as an emergency disclosure under section 1317AAD of the Corporations Act.

Independent Aged Care Advocate means a person who:

(a) is independent of the System Governor (Secretary of the Department), the Commission and any Registered Aged Care Providers (including SCC);
(b) is employed or otherwise engaged by a person or body that receives financial assistance from the Commonwealth for the purposes of providing free, independent and confidential information, advocacy and education to individuals accessing, or seeking to access, funded aged care services;

(c) provides either or both of the following to people accessing, or seeking to access, funded aged care services:
   (i) free, independent and confidential support, information and advocacy;
   (ii) education about the rights of individuals under the Statement of Rights, and
(d) if providing the services mentioned in (c)(i)(i), in relation to a person, acts at the direction of the person, reflecting the person's expressed wishes, will, preferences, interests and rights.

Protected Disclosure means a disclosure of information that qualifies for protection under the applicable Whistleblower Laws.

Public Interest Disclosure means a disclosure of information that qualifies for protection as a public interest disclosure under section 1317AAD of the Corporations Act.

Registered Provider means an entity that is registered as a registered provider under the Aged Care Act, and for the purposes of this policy, SCC is a Registered Provider.

Regulator means a body with regulatory or enforcement functions under the applicable Whistleblower Laws, and includes:
(a) for the purposes of the Aged Care Whistleblower Laws, the Aged Care Quality and Safety Commission; and
(b) for the purposes of the Corporations Act Whistleblower Laws, ASIC, APRA, and any other Commonwealth body prescribed by law to receive Protected Disclosures.

Responsible Person, means any person who:
(a) is responsible for the executive decisions of the Registered Aged Care Provider. A person who is responsible for the executive decisions of a Registered Aged Care Provider includes a member of its board;
(b) has authority or responsibility for (or significant influence over) planning, directing or controlling the activities of the Registered Aged Care Provider;
(c) if the Registered Aged Care Provider delivers, or proposes to deliver, a funded aged care service:
   i. has responsibility for overall management of the nursing services delivered by the Registered Aged Care Provider, and who is a registered nurse; and
   ii. is responsible for the day-to-day operations of an approved residential care home or service delivery branch of the Registered Aged Care Provider.

Southern Cross Care means Southern Cross Care (NSW & ACT) Limited ABN 76 131 082 374, and includes any reference to 'we', 'us' or 'ours'.

Superannuation Act means the Superannuation Industry (Supervision) Act 1993 (Cth).

Supporter means a person registered as a supporter of an individual under Chapter 1, Part 4 of the Aged Care Act.

Statement of Rights means the statement of rights set out in section 23 of the Aged Care Act.

Whistleblower Laws means the Aged Care Whistleblower Laws and the Corporations Act Whistleblower Laws.

17. Evaluation and review

The SCC Legal Team is responsible for monitoring, reporting and reviewing this policy, and will ensure that:

- this policy is reviewed at least once every 12 months by the board of directors of Southern Cross Care; and
- compliance with this policy is monitored regularly, and the effectiveness of this policy is reported to the board of directors of Southern Cross Care.

This policy may be amended by resolution of the board of directors of Southern Cross Care.

18. Related Documents/Procedures

- Code of Conduct
- Aged Care Code of Conduct
- NDIS Code of Conduct
- Privacy Policy
- Grievance & Dispute Resolution Policy
- Feedback and Complaints Policy
- Performance and Misconduct Policy