

# Whistleblowing under Aged Care Act 2024

## - A Quick Guide for Consumers



**This document explains whistleblowing under the Aged Care Act, how to make a report, and the protections available to persons who make a report.**

The Aged Care Act 2024 (Act) includes a whistleblower framework that protects anyone who reports wrongdoing in Residential Aged Care or Community Aged Care.

Alexandra District Health (ADH) encourages everyone – including staff, contractors, volunteers, participants/clients/patients and family members to speak up - we take all whistleblowing disclosures seriously.

### What is Whistleblowing?

Whistleblowing is when someone reports a suspected breach of the Aged Care Act.

A breach of the Aged Care Act may include:

- unethical, dishonest or illegal conduct
- fraudulent activity or improper or corrupt conduct
- unsafe work practices
- conduct which may cause financial or nonfinancial loss or
- any other breach of the Act by ADH or its Associated Providers.

For example, a staff member behaving inappropriately towards a client/patient, or medication records not being completed accurately.

Protections are available for those who report misconduct by providers.

### Who can make a report?

Anyone – staff, contractors, volunteers, participants, residents and family members can make a report provided they reasonably believe ADH has breached or intends to breach the Act. Reports can be made in person, by telephone, or via email and you can choose to remain anonymous.

### Where can I make a report?

Reports can be made to an 'eligible recipient', including:

**By Email:** alexandra@adh.org.au

**By Phone:** (03) 57720900

**In Person:**

- An ADH health worker, aged care worker or 'responsible persons' (e.g. Chief Executive Officer, Directors of Clinical Services Manager of Acute Services or Primary Health Manager);
- Aged Care Quality and Safety Commission Ph: 1800 951 822
- Department of Health, Disability and Ageing Ph: 1800 020 103
- A Police Officer
- An independent aged care advocate (eg. OPAN on 1800 700 600); or
- Any other registered provider under the Aged Care Act.

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To ensure protections apply, you must ensure that you:

- Make the report to an eligible recipient;
- Tell them you are making a Whistleblower report; and
- If applicable, indicate if you wish to remain anonymous

### What will I be asked?

- You will be asked the key facts, including:
- Details of the conduct including the location;
- How you became aware of the conduct;
- Possible witnesses;
- Any other relevant information.

### How will ADH manage my report?

All information provided by a whistleblower will be treated as confidential.

#### Upon receiving a report, ADH will:

- Record the details of the alleged conduct,
- Assess the report to determine if it meets the whistleblower criteria;
- Keep your identity and any subject's details confidential;
- Provide appropriate support throughout the investigation process
- Escalate any reports to the appropriate person or authority;
- Investigate in a timely, fair, objective and independent way;
- Report the outcome to the relevant internal or external authority

If you have not asked to be anonymous and wish to be contacted, you will be provided with updates during key stages of the investigation, including when the investigation process has begun, the progress and when the investigation has been finalised.

Advocacy and support services are available to help you through the process.

**ADH's whistleblower policy is available to the public and provides further information on the aged care whistleblower process.**

### What protections are available?

ADH is committed to upholding the protections available to whistleblowers. ADH will treat any breaches of these protections as serious misconduct.

Protections available for whistleblowers include:

**Victimisation:** you cannot be harmed, punished, or disadvantaged for making a report. This includes actions such as harassment, unfair treatment, or threats.

**Anonymity:** you can request to remain anonymous, and request that any other persons named in the report remain anonymous.

**Confidentiality:** your identity is kept private and will only be disclosed if authorised by the Aged Care Act.

**Immunity from certain liability:** you will not be subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure.

**What other complaint pathways exist?** If you wish to make a complaint that is not a whistleblower disclosure, you can do so by contacting [alexandra@adh.org.au](mailto:alexandra@adh.org.au)

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