

<p>1 Purpose</p>	<p>Cultura is committed to honest and ethical behaviour which is aligned to our values and in complying with the relevant laws. We also promote and support a culture of corporate compliance and strong corporate and care governance</p> <p>Our policy and procedure ensures a supportive environment for any person making a whistle blower disclosure, including protecting a whistleblower’s identity. We all also strive to ensure that every whistleblower, their colleagues or relatives are protected from detriment as a result of blowing the whistle.</p> <p>The Aged Care Act (2024) and Corporations Act (2001) set out obligations on entities related to Whistleblowers and this policy outlines the appropriate systems and processes in place and that this is communicated as per the scope below.</p>
<p>2 Scope</p>	<p>This policy applies to:</p> <ul style="list-style-type: none"> • all individuals who may make or receive a disclosure, under the Aged Care Act, including workplace participants, who specifically work in our aged care programs, and service participants who access our aged care services. • all eligible whistleblowers and eligible recipients as described in the Corporations Act; • all workplace participants responsible for the management of the processes and systems related to a whistleblower disclosure.

3 Definitions

3.1 Detrimental Conduct

Detrimental conduct means any actual or threatened conduct that could cause detriment to the whistleblower as a result of the whistleblower making a disclosure, including (without limitation):

- Termination of employment;
- Harassment, bullying or intimidation;
- Personal or financial disadvantage;
- Unlawful discrimination;
- Harm or injury, including psychological harm;
- Damage to reputation; or
- Damage to property;
- Any other conduct that constitutes retaliation.

3.2 Eligible Whistleblower

To qualify as a whistleblower disclosure, a disclosure must be made by a person who, in relation to Cultura was or is:

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- a director or other officer
- an employee, including members of the Leadership/Executive Team and all permanent, part-time and casual staff
- a person who supplies goods, care or services to the Cultura whether paid or unpaid – including contractors and volunteers
- a relative or dependent of anyone mentioned above
- a client
- a client’s family member, carer or representative any other eligible person as defined by the Aged Care Act or Corporations Act.

3.3 Eligible Recipient

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

- our staff, including directors, officers and anyone employed or contracted to provide care or other services
- Your Call independent Whistleblowing service on:

Online 24/7	www.yourcall.com.au/cultura
Telephone 7am – midnight AEST, Business Days	1300 790 228 AU

- the Aged Care Quality and Safety Commissioner (if the disclosure relates to a Serious Incident Reportable Scheme (SIRS) reportable incident)
- a police officer (if the disclosure relates to a Serious Incident Response Scheme (SRS) reportable incident)
- a lawyer who is providing advice on whistleblower laws (if the disclosure is made under the Corporations Act)
- other eligible recipients as defined by the Aged Care Act or Corporations Act

3.4 Protected Disclosures

The *Protected Disclosures Act 2012 (Vic)* ensures whistleblowers are protected under Australian law for any reports made by a person about improper conduct of the organisation. A whistleblower disclosure is a special kind of disclosure that meets three sets of criteria:

1. the disclosure must be made by an eligible person
2. the disclosure must be made to an eligible recipient and
3. the disclosure must be about wrongdoing with respect to Cultura and must meet the additional criteria below (eligible content)

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3.5 Reportable Matter

If an Eligible Whistleblower has reasonable grounds to suspect that the information being disclosed is about: misconduct (including fraud, negligence, default, breach of trust and breach of duty); an improper state of affairs or circumstances; behaviour that represents a danger to the public or the financial system; a breach of the Corporations Act; or a breach of the Taxation Administration Act or improper conduct in relation to the tax affairs, in relation to Cultura or a related body corporate of Cultura.

3.6 Responsible person

Responsible Person means:

- a. any person who is responsible for executive decisions (including members of the governing body);
- b. any other person who has authority or responsibility for (or significant influence over) planning, directing or controlling our activities;
- c. any person who has responsibility for overall management of the nursing services delivered by us, or overall management of the nursing services delivered at one of our approved residential care homes, and who is a registered nurse;
- d. any person who is responsible for the day-to-day operations of an approved residential care home or service delivery branch.

3.7 Service Participants

Any person who is receiving a service from Cultura, including residents, clients, care recipients, consumers, migrants, refugees and their families or carers.

3.8 Workplace Participants

All those who are conducting or using services and facilities provided by Cultura including but not limited to employees, contractors, students on placement, service users, volunteers or visitors.

3.9 Whistleblower

Someone with inside knowledge of an organisation who reports misconduct or dishonest or illegal activity that may have occurred within that organisation.

3.10 Wrongdoing

This can include:

- Breach of laws or regulations;
- Criminal activity including theft;

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- Serious breach of Cultura’s code of conduct or policies;
- Offering or accepting a bribe;
- Dishonest or unethical behaviour
- Conflicts of interest;
- Anti-competitive behaviour;
- Financial fraud or mismanagement;
- Falsifying financial or corporate reporting;
- Insider trading;
- Unauthorised use of Cultura's confidential information;
- Improper use of personal information as described in any Cultura privacy statement;
- Improper use of Cultura’s physical or intellectual property;
- Conduct endangering health and safety or causing damage to the environment; and
- Deliberate concealment of any of the above.

4 Principles

- 4.1 Cultura encourages speaking up about concerns of actual or suspected wrongdoing by creating a supportive environment where people feel safe to speak up.
- 4.2 We recognise the importance of transparency and accountability in our activities.
- 4.3 We seek to promote an environment where appropriate concerns can be addressed through usual communication channels (e.g. raised by workplace participants to their supervisors or by way of our complaints and feedback system).
- 4.4 We recognise that there may be instances where an individual does not feel comfortable using these channels, in which case disclosure may be made under this policy and accompanying procedure
- 4.5 We support the making of disclosures.
- 4.6 We will take all necessary steps to ensure that the required protections are afforded to individuals who make disclosures.
- 4.7 We encourage any concerns of wrongdoing to be reported. This means any misconduct or improper state of affairs or circumstances in relation to Cultura.
- 4.8 We must also ensure individuals are aware of (in relation to both the Aged Care Act and Corporations Act):
- (i) what disclosures may be protected disclosures and how such disclosures may be made;
 - (ii) the protections afforded to whistleblowers;
 - (iii) how we will investigate disclosures;
 - (iv) how we will ensure fair treatment of individuals mentioned in disclosures and support individuals who make disclosures;

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5 Responsibilities

Cultura Board is responsible for:

- Oversight over the reporting and investigation governance in relation to this procedure and any incidents of Whistleblowing.

CEO is responsible for:

- the overall administration of this policy and accompanying procedure;
- seek to protect the whistleblower from detrimental conduct;
- assist the whistleblower in maintaining wellbeing;
- maintain whistleblower confidentiality, where relevant, including as required by law;
- Ensure that Cultura's Employee Assistance Program (EAP) is available and promoted to be accessed by staff members who are involved in a grievance whistleblower process

Converge International

Ph: 1300 687 327

www.convergeinternational.com.au

Online booking through Cultiv8 intranet

Organisation code: CULEAP

- review and consider any complaints of detrimental conduct or any concern that disclosure has not been dealt with in accordance with this policy.

General Managers, Managers and Supervisors are responsible for:

- Considering the psychological safety of all workplace participants, which includes the respondents as well as complainants, in managing whistleblower complaints.

Workplace participants and Service participants are responsible for:

- Ensuring confidentiality around Cultura whistleblower matters and not disclosing confidential information to parties that are not directly involved in the matter.
- Utilising this procedure to report any whistleblower concerns including misconduct, illegal behaviour or wrongdoings

6 Performance/Evaluation

The policy conforms to legal requirements providing both internal and external pathways for reporting. Cultura will amend this policy should feedback be supplied regarding possible changes that are relevant to ease, confidentiality or requirements.

A review will be conducted every three years to ensure continued compliance and best practice. This review may happen at an earlier stage if:

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- Relevant feedback as mentioned above is received
- External relationships change (no longer using EAP Assist Whistleblower Service)
- Changes are made to legislation or best practice standards

7 Aligned legislation, acts or standards

This policy has been developed with reference to the following regulatory obligations, Quality Standards and guidance material:

Aged Care Act 2024(Cth) particularly Chapter 7, Part 5;
Aged Care Rules 2025, particularly Chapter 4, Part 10, Division 2, Subdivision D;
Corporations Act (2001) (Cth) Amended January 2020, particularly Volume 6, Chapter 9, Part 9.4AAA;
Revised Explanatory Memorandum relating to the Aged Care Act;
Information Sheet 238 released by ASIC.
Taxation Administration Act 1997 (Vic)
Fair Work Act 2009
Equal Opportunity Act 2010 (Vic)
Occupational Health and Safety Act 2004 (Vic)
ASIC Regulatory Guide 270 on Whistleblower policies
Australian Standards AS 8004_2003 'Whistleblower Protection Programs for Entities'

8 Aligned documents

Internal Whistleblower Report Form

GEN_PO_00052.v1.1 Prevention of Unlawful Behaviours Policy

GEN_PR_00005 v1.1 Internal Grievance and Complaints Resolution Procedure

GEN_PO_00001 v1.0 Code of Conduct

GEN_PR_00010 v1.1 Performance Management and Disciplinary Procedure

9 References

<https://asic.gov.au/about-asic/asic-investigations-and-enforcement/whistleblowing/>

<https://www.acnc.gov.au/tools/factsheets/whistleblower-protections>

[Aged care whistleblower protections | Australian Government Department of Health, Disability and Ageing](#)

[Protection for whistleblowers | Aged Care Quality and Safety Commission](#)

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10 Contributors

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