

1 Purpose

Northern Sydney Community Transport Group Limited (NSCTG) and its associated entities Stryder Limited (STR) and Lower North Sydney Community Transport Incorporated (LNSCT), referred in this document as the '**Group**', are committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

The Group recognises the value of transparency and accountability in its administrative and management practices and supports the reporting of improper conduct.

This Whistleblower Policy has been developed so that people are aware of their lawful rights to disclose any wrongdoings; and provide protection for those who disclose any such information. People can raise concerns regarding situations where they believe that the Group or anybody connected with the Group has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct and ensure that these allegations are investigated and appropriate actions undertaken.

This Policy is established to comply with the Corporations Act 2001 (Cth) and the Aged Care Act 2024 (Cth).

2 Scope

This policy applies to current and former Employees, Board Directors (**Directors**), Management Committee Members (**MC Members**), Volunteers, Officers, Contractors, Suppliers and Consultants of the Group, including, but not limited, to Eligible Whistleblowers in Section 4.

This policy does not replace, override or supplement the legislative protections afforded to Whistleblowers. Parts of this policy summarise the relevant legislation. Therefore, persons considering a Whistleblower disclosure should not rely solely on this policy to determine whether the discloser would qualify for protection.

3 Objectives

A Whistleblower Policy is an important element in detecting misconduct, breaches of law, unsafe or poor-quality care, or other undesirable conduct ("**Reportable Conduct**") within an organisation and is a necessary ingredient in achieving good corporate governance.

The objectives of this Whistleblower Policy are to:

- Encourage the reporting of matters that may cause financial or non-financial loss to the Group or damage to the Group's reputation;
- Enable the Group to effectively deal with reports from Whistleblowers in a way that will protect the identity of staff members and provide for the secure storage of the information provided;
- Establish procedures to protect Whistleblowers against repercussions or retaliation by any person internal or external to the Group; and
- Provide for the appropriate resources to manage investigations.
- Ensure that all disclosures are acknowledged, assessed, managed and responded to in a timely, culturally safe, accessible, private and fair manner, as required by Aged Care Rule 165-40.

4 Eligible Whistleblowers

A Whistleblower is someone who makes, attempts to make, or wishes to make a report in connection with Reportable Conduct and wishes to access protection against repercussions or retaliation, whether they choose to remain anonymous or not.

4.1 Aged Care Act

Eligible whistleblowers include aged care workers, responsible persons, individuals receiving aged care services, carers, family members, representatives, and independent advocates.

4.2 Corporations Act

An individual is an eligible whistleblower if they are, or have been, an officer, employee, an individual supplying goods or services (contractor/consultant), an employee of a supplier, an associate of the regulated entity, or a relative/dependant of any of these individuals (or their spouse)¹.

5 Reportable Conduct and Protected Disclosures

5.1 Aged Care Act

A disclosure qualifies for protection where²:

- (a) the disclosure is made orally or in writing to an eligible recipient (6.1), whether made anonymously or not; and
- (b) the discloser has reasonable grounds to suspect that the information indicates that an entity may have contravened a provision of the Aged Care Act.

A whistleblower may elect to have the disclosure managed as a complaint or feedback in which case the disclosure is no longer protected³

5.2 Corporations Act

A disclosure is protected when it is made by an Eligible Whistleblower to an Eligible Recipient and there are reasonable grounds to suspect that the information disclosed⁴

- (a) concerns misconduct, or an improper state of affairs or circumstances,
- (b) constitutes an offence against, or a contravention of, a provision of any of the following:
 - (i) the Corporations Act;
 - (ii) the ASIC Act;
 - (iii) the *Banking Act 1959*;
 - (iv) the *Financial Accountability Regime Act 2023*;
 - (v) the *Financial Sector (Collection of Data) Act 2001*;
 - (vi) the *Insurance Act 1973*;
 - (vii) the *Life Insurance Act 1995*;
 - (viii) the *National Consumer Credit Protection Act 2009*;
 - (ix) the *Superannuation Industry (Supervision) Act 1993*;
 - (x) an instrument made under an Act referred to in any of subparagraphs (i) to (viii); or
- (c) constitutes an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months or more; or
- (d) represents a danger to the public or the financial system; or
- (e) is prescribed by the regulations for the purposes of this paragraph.

Note: There is no requirement for a discloser to identify himself or herself in order for a disclosure to qualify for protection

¹ CA s1317AAA

² ACA s547

³ ACA 165() and AC Rules 165-35 (3) and (4)

⁴ CA s1317AA (5)

5.3 Exclusions

5.3.1 False reporting by a person purporting to be a Whistleblower

Where it is shown that a person purporting to be a Whistleblower has made a false, malicious or vexatious report of Reportable Conduct, then that conduct itself should be considered a serious matter and renders that person subject to disciplinary action by the Group.

Unless reported in good faith, false, vexatious, or malicious disclosures are not protected and may result in disciplinary action.

5.3.2 Personal work-related grievances⁵

Reportable Conduct under Section 5.2 does not apply to personal work-related grievances unless it involves victimisation or threat of victimisation to the discloser⁶

6 Eligible Recipients of Disclosures

An individual qualifies for protection when reported in accordance with 6.1 or 6.2

6.1 Aged Care Act

- (i) the disclosure is made to one of the following:
 - a. an Appointed Commissioner or a member of the staff of the Commission;
 - b. the System Governor, or an official of the Department;
 - c. a registered provider;
 - d. a responsible person of the registered provider;
 - e. an aged care worker of a registered provider;
 - f. a police officer;
 - g. an independent aged care advocate; and
- (ii) the disclosure is made orally or in writing (and whether made anonymously or not); and
- (iii) the discloser has reasonable grounds to suspect that the information indicates that an entity may have contravened a provision of the Aged Care Act.

6.2 Corporations Act.

Disclosable matters⁷ qualify for protection if the made to⁸:

- (a) An officer or senior manager of the Group or a related body corporate;
- (b) An auditor or a member of an audit team of the Group;
- (c) An actuary of the Group;
- (d) A person authorised by the Group to receive disclosures
- (e) ASIC;
- (f) APRA; (although the Group is not regulated by APRA and therefore APRA may not deal with the disclosure)
- (g) a Commonwealth authority prescribed for the purposes of this subparagraph in relation to the Regulated Entity;
- (h) legal practitioner for the purpose of obtaining legal advice or legal representation
- (i) are a Public Interest Disclosure or Emergency Disclosure⁹ (Section 8)

6.3 Internal Reporting

The Group has appointed a **Whistleblower Investigation Officer** (WIO) as the responsible person under Section 6.1(i)d and authorised person under Section 6.2(d) (Section 9.1)

⁵ CA s1317AADA

⁶ CA s1317AC

⁷ CA s1317AA

⁸ CA s1317AAC

⁹ CA s1317AAD

The Chief Executive Officer acts as the WIO, or if the report involves the CEO, the Chairperson of NSCTG acts as the WIO.

To report internally, the recipient of the Disclosure should report the breach to the WIO.

The Group CEO
Email: ceo@nsctg.org.au
Phone: 02 9490 9500

If they believe that the WIO is involved in the breach, they may report to the following responsible person:

The Group Chairperson
Email: chair@nsctg.org.au

6.4 External Reporting

Disclosures may also be made externally to persons outlined in Sections 6.1 and 6.2.

7 Protections and Confidentiality

7.1 Confidentiality

The Group must take reasonable steps to preserve anonymity where requested by the discloser, as required by Aged Care Act s549.

The Group treats all disclosures as confidential and records stored securely and de-identified in reports.

The identity of a whistleblower or information likely to identify them, will not be disclosed without consent, except to ASIC, APRA, AFP, the Aged Care Quality and Safety Commissioner, or a legal adviser, unless legally obliged or permitted, or (under the Aged Care Act) where there is a serious threat to the health, safety or well-being of another individual.¹⁰

Information coming into the possession of a person from a Whistleblower must not be released without authority to any person who is not involved in the investigation or resolution of the matter. Similarly, the identity or any information that may lead to the identification of a Whistleblower must not be released to any person who is not involved in the investigation or resolution of the matter. A breach of this Policy is regarded by the Group as a serious disciplinary matter and will be dealt with accordingly.

7.2 Protection from Liability

If a disclosure qualifies for protection under either the Aged Care Act or the Corporations Act (Section 5), the individual is generally protected from:

- any civil, criminal or administrative liability (including disciplinary action) for making the disclosure.¹¹
- any contractual or other remedy being enforced, and no contractual or other right being exercised, against the individual on the basis of the disclosure¹².

The Group grants immunity from disciplinary action to a Whistleblower making a report of Reportable Conduct in good faith, provided the individual has not engaged in serious or illegal misconduct themselves. The Group has no power to grant immunity against criminal prosecution; this can only be granted by the Director of Public Prosecutions.

7.3 Protection against reprisal or victimisation¹³

Any conduct taken in retaliation or reprisal, or to victimise a Whistleblower or a person suspected of being a Whistleblower is prohibited and will be the subject of disciplinary action.

¹⁰ ACA s549

¹¹ ACA s 548(1)(a); CA s 1317AB(1)(a)

¹² ACA s 548(1)(b); CA s 1317AB(1)(b)

¹³ ACA s551, CA s1317AC

The Group will take reasonable steps to protect whistleblowers, including role separation, flexible work arrangements, and access to support services.

Reasonable administrative action taken to protect the whistleblower does not constitute detriment and does not give rise to liability for the Group¹⁴.

8 Public Interest & Emergency Disclosures

Under Corporations Act, whistleblowers may make public interest or emergency disclosures to journalists or parliamentarians if strict conditions are met (prior disclosure to ASIC/APRA, 90-day wait, written notice, or imminent danger). The Aged Care Act 2024 does not provide for public interest disclosures; reports must be made to eligible recipients only.

Under the Corporations Act, any public interest or emergency disclosure must be limited to information reasonably necessary to report the misconduct or imminent danger¹⁵.

9 Operational Elements

9.1 Appointment of the Whistleblower Investigation Officer

The role of Whistleblower Investigation Officer is to receive any disclosure of Reportable Conduct assess and refer the complaint as appropriate or make further inquiries and investigate if further information is required.

The Whistleblower Investigation Officer for the Group is the Chief Executive Officer. If the Reportable Conduct involves the Chief Executive Officer, the Whistleblower Investigation Officer will be the Chair/President, or an appropriate person appointed by the Chair/President. If the Reportable Conduct involves the Chair/President, the Whistleblower Investigation Officer will be any other director. This responsibility may be referred to an external expert where appropriate.

9.2 Appointment of the Whistleblower Protection Officer/s

The role of Whistleblower Protection Officer/s is to protect staff (and others) who have made, in good faith, a disclosure of Reportable Conduct and to ensure such persons are not the victim of any repercussions or retaliation.

The Whistleblower Protection Officer/s for the Group is the Head of Client Services and the Head of Operations. If the Reportable Conduct involves the Head of Client Services or Head of Operations, the Whistleblower Protection Officer will be an appropriate person appointed by the Whistleblower Investigation Officer.

9.3 Management and Investigation

The objectives of the policy include enabling the Group to effectively deal with reports, protecting the identity of individuals, and providing for the secure storage of information.

9.3.1 Receipt and Assessment:

The WIO receives the disclosure, assesses it, and refers the complaint as appropriate, or undertakes further inquiries and investigation.

9.3.2 Managing Aged Care Disclosures:

If a disclosure under the Aged Care Act is also a complaint or feedback, the discloser may elect to have the disclosure managed as a complaint or feedback under the provider's management system¹⁶.

¹⁴ ACA s551(6)

¹⁵ CA s1317AAD

¹⁶ ACA s165(1)(f), 416; Aged Care Rules s165-60, 240, 251

9.3.3 Communication:

If a person reporting is a staff member or Director/MC Member, the Group should ensure that the discloser is kept informed of the assessment and any subsequent investigation of their report, subject to the considerations of privacy and necessary confidentiality.

9.3.4 Investigation:

Complaints may be subject to internal investigation where police or regulatory involvement is deemed unnecessary or where there is insufficient information. The Group must investigate disclosures that qualify for protection under the Aged Care Act and the Corporations Act.

Complaints under this policy may be the subject of internal investigation where there is insufficient information or where there has been a decision that Police or regulatory involvement is not required.

Investigations must apply procedural fairness, including notifying individuals of allegations, providing them an opportunity to respond, and giving access to internal review.

Any investigation will be conducted in the most appropriate manner to deal with the relevant matters and, where required, the Whistleblower Investigation Officer may seek the assistance of other individuals, within or external to the Group, with relevant expertise and make disclosures of information to those individuals on a confidential basis for that purpose.

The investigation should be conducted without bias and the person against whom the allegation is made should be given the right to respond and appeal any disciplinary action by the Group.

All disclosures will be assessed to confirm eligibility under the Corporations Act or Aged Care Act. Investigations will be impartial, confidential, and procedurally fair. The subject of allegations will be given an opportunity to respond. Findings will be reported to the Board in de-identified form.

9.3.5 Fair Treatment of Individuals Named in a Disclosure:

The Group will ensure fair treatment of any responsible person, aged care worker, or other individual who is mentioned in a disclosure or to whom a disclosure relates, and will also support any other individual, or an entity, that employs or is otherwise associated with the first individual, where detriment might be caused, or a threat of detriment might be made, because of the disclosure¹⁷

The Group is committed to ensuring fair treatment of any person who is mentioned in a disclosure or to whom a disclosure relates, in accordance with the Corporations Act and the Aged Care Act.

Fair treatment will be ensured by:

- **Maintaining confidentiality:** Information relating to the disclosure will be shared strictly on a “need-to-know” basis and handled in a manner that reduces the risk of identification, subject to lawful requirements under the Corporations Act and the Aged Care Act.
- **Presumption of innocence:** Individuals named in a disclosure will be treated as innocent of the alleged conduct unless and until an investigation establishes otherwise, consistent with procedural fairness principles under both Acts.
- **Procedural fairness:** Where appropriate and lawful, individuals will be informed of allegations made against them and provided with an opportunity to respond before any findings or disciplinary actions are finalised, in accordance with the **Aged Care Act requirements for fair, timely and unbiased handling of disclosures** and the Corporations Act.
- **Impartial investigation:** All investigations will be conducted objectively, without bias, and independently of any personal interests or conflicts, as required under the Aged Care Act whistleblower framework and ASIC Regulatory Guide 270.
- **Protection from detriment:** The Group will take reasonable steps to protect individuals named in a disclosure from unfair treatment, reputational harm or victimisation arising solely because

¹⁷ Aged Care Rules s165-60(d); CA s 1317AI(5)(e).

they are mentioned in a disclosure, noting that under the **Aged Care Act**, reasonable administrative action taken to manage risks or investigate concerns does not constitute detriment.

- **Support mechanisms:** Access to appropriate support services (including managerial, human resources or external support) may be offered to individuals affected by a disclosure, where appropriate.

Reasonable administrative action taken to protect the integrity of an investigation, ensure the safety, health and wellbeing of individuals, manage workplace risks, or comply with legal obligations under the Aged Care Act or the Corporations Act does not constitute unfair treatment.

9.4 Resources:

The Group commits to providing adequate resources, including the WIO, WPO/s, internal and external reporting lines, and regular training.

9.5 Education and training

The Group will ensure that all people associated with the organisation, including employees, contractors, volunteers, governing body members, service users, their supporters, representatives and advocates, are informed of their rights and responsibilities under this Whistleblower Policy.

The Group will provide appropriate training to the provider's aged care workers and responsible persons on how the system works, including:¹⁸

- (a) how to handle personal information and data; and
- (b) how to recognise and respond to disclosures that qualify for protection under Aged Care Act; and
- (c) managing relationships and communicating with disclosers; and
- (d) when and how to escalate disclosures in the system; and
- (e) their roles and responsibilities in the system; and
- (f) the penalties for contravening the Aged Care Act and Corporations Act due to breaching confidentiality of identity of disclosers; and
- (g) communicate regularly, and at least monthly, to the provider's aged care workers and responsible persons that disclosures that qualify for protection under the Aged Care Act are welcome.

In order to be considered appropriate training, training must be provided:¹⁹

- (a) at regular intervals, which must be at least annually; and
- (b) at the following times:
 - (i) when the person becomes an aged care worker or responsible person of the provider;
 - (ii) when there is a change to how the system works that affects the person's roles and responsibilities in the system;
- (c) when there is a change to the person's role that affects the person's roles and responsibilities in the system.

The Group will review training content and delivery methods as part of its annual policy review to ensure ongoing compliance.

9.6 Visibility and communication

This policy outlines what an individual should do if they wish to make a protected disclosure, as required under Aged Care Rule 165-55.

The Group's commitment to, and requirements for, reporting of Reportable Conduct should be regularly communicated to staff by the Chief Executive Officer. Details of the types of behaviour this Policy seeks to deal with, and where Reportable Conduct disclosure can be directed, should be prominently displayed in the Group office.

¹⁸ AC Rule 165-50(1)

¹⁹ AC Rule 165-50(2)

Under the Aged Care Act²⁰, this policy is to published as an accessible document; and

- (a) provided to the Groups' staff, volunteers and responsible persons; and
- (b) provided to individuals to whom the Group delivers funded aged care services;
- (c) any person who requests the policy and is a supporter of an individual to whom the Group delivers funded aged services
- (d) any other person who requests the policy

communicate regularly, and at least monthly, to the persons mentioned in paragraphs (a), (b), and (c) that disclosures that qualify for protection under the Aged Care Act are welcome.

9.7 Reviewing and updating this policy

The Group will review its Whistleblower policy, processes and procedures annually, ensuring that they reflect the most up-to-date legal and corporate governance requirements and its effectiveness. Any changes made to the policy will be communicated to all team members including volunteers.

9.8 Accountability

The Board/Management Committee shall ensure that there is appropriate reporting on the operation of this Policy. Such reporting should protect disclosure of the details of Whistleblowers either directly or by implication.

The Board/Management Committee will receive quarterly anonymised reports on disclosures, investigations, and outcomes. No report will contain identifying details of whistleblowers.

²⁰ AC Rule 165-55 (b) to (g)

10 Relevant Legislation & Documents

- Aged Care Act 2024 <https://www.legislation.gov.au/C2024A00104/latest/text>
- Aged Care Rules 2025
- Corporations Act 2001 (Cth)
- ASIC RG270
- NSCTG – Fraud Policy
- NSCTG – Code of Conduct
- NSCTG – Complaints and Feedback Policy

11 Definitions

Aged Care Act	means the <i>Aged Care Act 2024</i> (Cth).
Aged Care Rules	means the <i>Aged Care Rules 2025</i> (Cth).
APRA	means the Australian Prudential Regulation Authority.
ASIC	means the Australian Securities and Investments Commission.
CEO	means the Chief Executive Officer.
Commission (ACQSC)	means the Aged Care Quality and Safety Commission
Corporations Act	means the <i>Corporations Act 2001</i> (Cth).
Eligible Whistleblower	has the meaning in Section 5.2.
Eligible Recipient	has the meaning in Section 6.
Group	Includes any, and all, of: Northern Sydney Community Transport Limited; Stryder Limited; Lower North Shore Community Transport Inc.
Reportable Conduct	Means Qualifying Disclosures (Section 5.1) under Aged Care Act and Disclosable Matters (Section 5.2) under Corporations Act,
System Governor	means the Secretary of the Department of Health and Aged Care.
Whistleblower	An individual described in Section 4.1 who makes a disclosure under the Aged Care Act in accordance with Section 6.1; and, An Eligible Whistleblower
Whistleblower Investigation Officer (WIO)	means the responsible person under Section 6.1(i)d and authorised person under Section 6.2(d) (Section 9.1)

12 Version History

Version	Date approved	Reason for review
1.0	16 December 2020	No prior policy; recommended by financial auditor; part of 2020 governance self-evaluation action plan
2.0	25 October 2022	Updates to policy - general two-yearly review.
3.0	24 February 2026	Rewrite for Aged Care Act & Corporations Act compliance

Disclaimer: This Whistleblower Policy is for internal guidance only and is intended to encourage reporting of suspected misconduct in good faith. It does not create any legal or contractual rights or entitlements for employees, contractors, volunteers, or any other individuals.

NSCTG reserves the right to amend, withdraw, or replace this policy at any time in accordance with applicable laws and organisational requirements.