

A photograph of a child's play area. In the foreground, there are several large, light-colored wooden blocks with rectangular cutouts, standing upright. A child's hand is visible on the right, holding one of the blocks. The blocks are on a bright pink rug. In the background, there are more wooden toys and a blurred view of a room.

ECTARC Whistleblower Policy and Procedures



PROTECTED DISCLOSURE (WHISTLE BLOWER) POLICY

INTRODUCTION

ECTARC is committed to fostering a culture of legal, ethical and moral behaviour and exemplary corporate governance.

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

This Whistleblower Policy and Procedure has been developed so that people can raise concerns regarding situations where they believe that ECTARC or anybody connected with ECTARC has acted in a way that constitutes serious wrongdoing, including unethical, illegal, corrupt or other inappropriate conduct, as set out below.

This Whistleblower Policy does not replace or override ECTARC's existing grievance, complaints, misconduct, or other internal reporting policies and procedures.

This policy is designed to comply with the Whistleblower protections under the Corporations Act 2001 (Cth), as amended by the Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019, and any other relevant federal or state whistleblower or public interest disclosure laws.

This policy incorporates:

Part A – Whistleblower disclosures under the Corporations Act 2001 (Cth)

Part B – Protected disclosures under the Children (Education and Care Services) National Law (NSW)

ECTARC will assess all disclosures and manage them under the appropriate legal framework(s), or both where applicable.

PURPOSE

This Policy aims to:

- encourage a person to report improper conduct in good faith if they know or have reasonable grounds to suspect such conduct
- provide a mechanism to report misconduct or dishonest or illegal activity that has occurred or is suspected within the organisation
- enable ECTARC to deal with reports from whistleblowers in a way that will protect the identity of the whistleblower and provide for secure storage of the information
- ensure that any reportable conduct is identified and dealt with appropriately
- ensure that individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported, and
- help to ensure that ECTARC maintains the highest standards of ethical behaviour and integrity.

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PROTECTED DISCLOSURE (WHISTLE BLOWER) POLICY

SCOPE

Anyone with information about potential misconduct is encouraged to speak up.

This Policy applies to an individual who is:

- a) a current or former ECTARC employee, including employees who are permanent, part-time, fixed term, casual or temporary.
- b) a current or former board directors, officer or associate of ECTARC.
- c) a service provider or contractor who is providing, or has provided goods or services to ECTARC, whether paid or unpaid (e.g. volunteering) including their employees; and
- d) a relative, dependent, or spouse of an individual identified in (a) to (c) above.
- e) This policy also applies to parents, carers and members of the community who interact with ECTARC services.

HOW THIS POLICY WORKS

ECTARC operates a single, integrated protected disclosures framework.

Different legal frameworks apply depending on the nature of the concern:

- *Part A* - applies to protected disclosures relating to corporate misconduct under the Corporations Act
- *Part B* - applies to protected disclosures relating to child safety or breaches of the National Law (NSW)

Individuals may use any of the reporting pathways outlined in this policy. ECTARC will assess each disclosure and ensure it is managed under all applicable legal frameworks.

PART A WHISTLEBLOWER DISCLOSURES (CORPORATIONS ACT 2001 (CTH))

1 PRINCIPLES

- 1.1 **Higher standard** – This Policy is designed to comply with ECTARC's legal obligations. If anything in this Policy is inconsistent with any law imposed on ECTARC that legal obligation or the "higher standard" will prevail.
- 1.2 **Speak up and report it** – We encourage staff at ECTARC to report any concerns in line with our policies and procedures.
- 1.3 **Our expectations of staff**– ECTARC expects staff to act honestly and ethically, and to make any report on reasonable grounds.
- 1.4 **Our responsibility to Whistleblowers** – Our obligations to reporters are explained in this policy particularly in section 6 'Protection'.

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- 1.5 **Confidentiality and consent** – ECTARC will maintain confidentiality of all reports and fully protect the identity of reporter/s where possible. While ECTARC encourages Whistleblowers to identify yourself to a Whistleblowing Protection Officer (WPO), you may opt to report your concerns anonymously.

2 REPORTABLE CONDUCT

Who can make a report?

- 2.1 A Whistleblower is a person who, whether anonymously or not, reports or attempts to report misconduct or dishonest or illegal activity that has occurred in connection with ECTARC and seeks protection against reprisal for having made the report.
- 2.2 A Whistleblower may be current or former Worker with ECTARC Volunteer, student or contractor Parent, carer or member of the community

What is Reportable Conduct?

- 2.3 A person may disclose any information that the person has reasonable grounds to suspect concerns misconduct, or an improper state of affairs or circumstances in relation to:
- f) ECTARC; or
 - a) A related body corporate of ECTARC
- 2.4 Reportable Conduct includes any past, present, or likely future activity, behaviour, or state of affairs that involves:
- a) Failure to comply with, or breach of, legal or regulatory requirements (including criminal activity, bribery, corruption, or misleading conduct);
 - b) Engaging in, or threatening, detrimental conduct, victimisation, harassment, discrimination, or concealment of reportable conduct;
 - c) Conduct endangering health and safety or the environment;
 - d) Dishonest, unethical, or irresponsible behaviour, including conflicts of interest;
 - e) Serious mismanagement of resources, maladministration, or conduct detrimental to ECTARC's financial position or reputation;
 - f) Improper conduct relating to accounting, internal controls, privacy breaches, or unauthorised use of confidential information.
- 2.5 Reportable conduct includes child safety concerns such as suspected abuse, neglect, or non-compliance with Children and Young Persons (Care and Protection) Act 1998 (NSW), or Child Safe Standards.

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- 2.6 Reportable Conduct usually relates to the conduct of employees or directors, but it can also relate to the actions of a third party, such as a funder, customer/client, supplier or service provider.

What is not Reportable Conduct?

- 2.7 While everybody is encouraged to speak up and report any concerns to ECTARC not all types of conduct are intended to be covered by this Policy or by the protections under the Corporations Act 2001 (Cth). This Policy does not apply to complaints by service/clients/users about a service or personal work-related grievances unless the grievance includes victimisation due to whistleblowing.
- 2.8 Personal work-related grievances is an issue about your employment (current or former) with ECTARC that mainly affects you personally and does not
- a) Have serious or wider implications for ECTARC or
 - b) Involve reportable misconduct or wrongdoing under this policy (as set out in 2.4).
- Examples include:
 - Interpersonal or workplace conflicts
 - Decisions about promotions or performance
 - Pay, hours, or other terms and conditions of employment
 - Workplace decisions that do not involve a breach of the law.

If you have a personal or work-related grievance, you should raise it under the **ECTARC Grievance Policy** or speak with your supervisor or the People and Culture team.

- 2.9 However, personal work-related grievances may be covered by this policy where they include information about misconduct, an allegation that the entity has breached employment or other laws punishable by imprisonment by a period of 12 months or more, or the grievance includes victimisation due to whistleblowing.

What information do I need to make a report?

- 2.10 To make a protected report you must know of or have reasonable grounds to suspect the Reportable Conduct.
- 2.11 For a report to be investigated, it must contain enough information to form a reasonable basis for investigation. It is important therefore that you provide as much information as possible. This includes any known details about the events underlying the report such as the:
- a) date;
 - b) time;

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- c) location;
- d) name of person(s) involved;
- e) possible witnesses to the events; and
- f) evidence of the events (e.g. documents, emails).

2.12 In your report, include any steps you may have already taken to report the matter elsewhere or to resolve the concern.

How can I make a report?

2.13 A whistleblower report may be made in a number of ways. Reports may be made verbally or in writing, including by email, through a private discussion (face-to-face, by telephone or virtually), or through ECTARC's independent external whistleblower service.

2.14 Eligible Recipients:

You may make a whistleblower report to any of the following **eligible recipients**, as defined under the Corporations Act 2001 (Cth) and the Education and Care Services National Law:

- the independent whistleblower service engaged by ECTARC *(available reporting option)*
- the Whistleblower Protection Officer (WPO)
- the CEO or member of the executive leadership team
- the Chair of the Board (Approved Provider)
- the organisation's auditor
- Nominated Supervisor /Service Manager
- NSW Early Learning Commission.

2.15 The independent whistleblower service allows confidential and anonymous reporting outside the organisation and reduces concerns about internal conflicts of interest.

2.16 If you choose to report directly to the CEO, Board, executive leader, Nominated Supervisor or the auditor:

- They must treat your report confidentially
- They must protect you from detriment
- They should promptly refer the report to the internal WPO for triage and coordination, unless doing so would put you at risk

2.17 You may also make a report to Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA), or a legal practitioner for advice about whistleblower protections.

2.18 You may choose to remain anonymous, including by using a pseudonym.

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PART B – PROTECTED DISCLOSURES (CHILDREN (EDUCATION AND CARE SERVICES) NATIONAL LAW (NSW))

3 WHAT IS A PROTECTED DISCLOSURE

- 3.1 A protected disclosure means a disclosure of information or provision of documents
- (a) to the NSW Early Learning Commission in compliance with a request under, or in accordance with the National Law, or
 - (b) to the NSW Early Learning Commission or to a manager of an approved provider of an approved education and care service, if the person is making the disclosure honestly, and on reasonable grounds, believes the disclosure shows or tends to show
 - I. an offence against the National Law has been or is being committed; Or
 - II. the safety, health or wellbeing of a child or children being educated and cared for by an education and care service is at risk.
- 3.2 All reporting pathways, protections, and investigation processes outlined in this policy apply to protected disclosures under the National Law, in addition to the specific legal protections provided under that framework.

4 WHO CAN A PROTECTED DISCLOSURE BE REPORTED TO

- 4.1 A protected disclosure under the Children (Education and Care Services) National Law (NSW) may be made to any of the reporting recipients listed in Section 2.14 of this policy.
- 4.2 This includes reporting to:
- the Approved Provider (Board of Management);
 - the Service Manager or Nominated Supervisor;
 - the independent external whistleblower service;
 - or directly to the NSW Early Learning Commission.

Protected disclosures may be made anonymously.

5 PROTECTIONS UNDER THE NATIONAL LAW

- 5.1 In addition to the protections set out elsewhere in this policy, individuals who make a protected disclosure under the Children (Education and Care Services) National Law (NSW) are entitled to specific statutory protections.

These protections include:

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- **Protection from detrimental action:** A person must not be subjected to any detriment because they have made, or are suspected of having made, a protected disclosure.

This includes dismissal, bullying, harassment, discrimination, or any other disadvantage. (See also: Section 6 Protection of this policy)

- **Confidentiality of identity:** The identity of a person who makes a protected disclosure will be kept confidential, except in limited circumstances permitted by law (for example, for the purposes of an investigation, to deal with the disclosure effectively, or where disclosure is otherwise required or authorised). All information received from a person making a protected disclosure will be treated sensitively and confidentially. (See also: Section [Confidentiality] of this policy.)
- **Compensation and remedies:** A person who suffers loss, damage or injury as a result of detrimental action may be entitled to seek compensation or other remedies under the National Law.

5.2 Nothing in this policy limits or replaces any rights or protections available under the National Law.

6 **Reporting detrimental action (national law)**

- 6.1 Detrimental action against a person because they have made, or are suspected of having made, a protected disclosure is prohibited under the Children (Education and Care Services) National Law (NSW).
- 6.2 If you believe you have suffered, or are at risk of suffering, detrimental action, you should report this in accordance with Section 4 of this policy.
- 6.3 Reports of detrimental action may also be made directly to the NSW Early Learning Commission.
- 6.4 Reports of detrimental action will be treated as a reportable matter and managed in line with this policy.

7 **WHISTLE BLOWER ROLES AND RESPONSIBILITIES**

ECTARC operates a hybrid whistleblower protection system combining external triage with internal oversight.

7.1 Whistleblower Protection Officer

Board appointed to:

- Safeguard whistleblower rights under ECTARC policies and legislation
- Ensure confidentiality of the Whistleblower if requested
- Assess protection eligibility (Corporations Act/RG 270)

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- Appoint Investigation Officer (IO) Oversee process, update reporters, report to Board.

7.2 External Service:

The YOUR CALL external hotline serves as ECTARC's external Whistleblower service providing

- 24/7 anonymous hotline and online portal
- Initial triage, assessment, and intake of all whistleblower reports
- Screen for immediate child safety risks
- Secure report forwarding to ECTARC's internal WPO within 24 hours.

7.3 Investigating Officer (IO)

- Appointed by WPO, not involved in the reported issue:
 - Conducts objective investigation
 - Coordinates mandatory reporting (child safety)
 - Does not manage/protect whistleblower.

7.4 External Investigator

- Where a real or perceived conflict of interest exists, or where independence cannot be reasonably assured, the Internal WPO may appoint an *external Investigation Officer*.
- An *external investigator* may also be appointed where the matter involves:
 - child safeguarding or reportable conduct
 - senior staff, executives, or Board members
 - complex, high-risk, or sensitive allegations
- circumstances where an internal investigation may undermine confidence in the process.

7.5 CEO

The CEO provides oversight:

- Ensures resources and governance support for WPO and IO
- Receives high-level, de-identified reports for systemic issues
- Ensures mandatory reporting obligations are met for child safety
- Reports to the Board on organisational or systemic responses.

7.6 Interaction between roles

- Whistleblower contacts External WPO (hotline/portal) or Internal WPO
- External WPO triages, screens for urgent risks, forwards to Internal WPO

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- Internal WPO assesses protections, appoints Investigation Officer
- IO conducts investigation, reports findings to Internal WPO
- Internal WPO updates whistleblower (as appropriate) and reports de-identified outcomes to Board
- CEO monitors operational/systemic issues, ensures compliance, and supports remediation.

8 PROTECTION

How will I be protected if I speak up about Reportable Conduct?

- 8.1 If you have reasonable grounds to suspect Reportable Conduct, even if it turns out your concerns are mistaken, ECTARC will support and protect you and anyone else assisting in the investigation.
- 8.2 You may have legal rights under the Corporations Act that protect you if you speak up about serious wrongdoing. These protections mean that you can take legal action if someone treats you badly because of your report, and the person who mistreats you could face civil or criminal penalties.
- 8.3 ECTARC will not tolerate any detriment inflicted on you because you or somebody else has made, or might make, a report of Reportable Conduct. Examples of a detriment include:
- a) retaliation, dismissal, suspension, demotion, or termination of your role;
 - b) bullying, harassment, threats or intimidation;
 - c) discrimination, subject to current or future bias, or derogatory treatment;
 - d) harm or injury;
 - e) damage or threats to your property, business, financial position or reputation; or
 - f) revealing your identity as a Whistleblower without your consent or contrary to law;
 - g) threatening to carry out any of the above actions.
- 8.4 This protection applies regardless of whether any concerns raised in a report are found to be true, provided that you are acting honestly and ethically and made the report on reasonable grounds.
- 8.5 This protection also applies to individuals conducting, assisting or participating in an investigation. You will also be entitled to the protection if you make a report of Reportable Conduct to an external body under this Policy.
- 8.6 Anyone found to be victimising or disadvantaging another individual for making a disclosure under this Policy will be disciplined and may be dismissed or subject to criminal or civil penalties.

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- 8.7 If you believe you have suffered a detriment in violation of this Policy, we encourage you to report this immediately to the Whistleblowing Protection Officer or CEO, or an external body under this Policy. Your concerns of being disadvantaged will be treated as a report of Reportable Conduct in line with this Policy.
- 8.8 Anyone engaging in detrimental conduct may be subject to serious consequences, including disciplinary action and/or termination of engagements or contracts, as applicable. They may also be subject to civil and criminal penalties.
- 8.9 You may also be entitled to the following legal protections for making a report:
- a) protection from civil, criminal or administrative legal action;
 - b) protection from having to give evidence in legal proceedings; and/or
 - c) compensation or other legal remedy.
- 8.10 ECTARC will ensure fair treatment of any individual who is mentioned in a disclosure.

How will ECTARC ensure confidentiality?

- 8.11 A discloser can choose to remain anonymous while making a disclosure, over the course of the investigation and after the investigation is finalised. ECTARC will do all it can to protect confidentiality.
- 8.12 However, we encourage all individuals to disclose their identity when raising a concern. This will assist us to gather further information on your report. If you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation. ECTARC will take measures to protect your identity such as by redacting your personal information, storing your information and disclosure securely, referring to you in a gender-neutral context and only allowing qualified staff to investigate your disclosures.
- 8.13 You may choose to report your concerns anonymously. However, if you choose to disclose your identity, your details will be treated confidentially to the fullest extent possible in connection with the investigation, and your identity will not be disclosed unless:
- a) you consent in writing to the disclosure;
 - b) the disclosure is made to ASIC, APRA or the Australian Federal Police (AFP);
 - c) the disclosure is made to a Legal Practitioner for the purpose of obtaining advice;
 - d) the disclosure is authorised under the Corporations Act 2001 (Cth); and/or
 - e) disclosure is necessary to prevent or lessen a threat to a person's health, safety or welfare.
- 8.14 All information relating to a report of Reportable Conduct will be stored securely and access will be limited to authorised staff.

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- 8.15 It is illegal for a person to identify a discloser, or disclose information that is likely to lead to the identification of the discloser unless an exception above applies. If you feel that your confidentiality has been breached, you can lodge a complaint with a regulator, such as ASIC, APRA or the ATO, for investigation. ECTARC may also take disciplinary action against individuals that breach the confidentiality of a discloser, including summary dismissal.

False reports or disclosures

- 8.16 Disclosures must be made in good faith with reasonable grounds. Knowingly false/malicious reports are not protected and may lead to discipline, including dismissal.
- 8.17 The disciplinary action will depend on the severity, nature and circumstance of the false disclosure.

9 HANDLING AND INVESTIGATING A DISCLOSURE

- 9.1 All reports of misconduct under this Policy will be dealt with promptly, fairly and objectively. ECTARC's response to a report will vary depending on the nature of the report and the amount of information provided. Reports may be addressed and resolved informally or through formal investigation
- 9.2 Upon receiving a Protected Disclosure, within 24hours, ECTARC will endeavour to assess the disclosure to determine whether:
- It qualifies for protection; and
 - A formal, in-depth investigation is required.
- 9.3 The organisation shall acknowledge receipt of a protected disclosure within 5 working days, and where an investigation is required, endeavour to complete a preliminary assessment or decision to investigate within 30 working days (or provide updates if longer).
- 9.4 If the Whistleblower Protection Officer (WPO) determines that an investigation is required, the WPO will brief the Whistleblower Investigation Officer (WIO) to undertake an investigation with the objective of locating evidence that either substantiates or refutes the claims of Potential Misconduct.
- 9.5 The WIO may engage external professionals to assist in any investigation. The WPO will monitor the investigation to ensure the confidentiality of the investigation is maintained.
- 9.6 ECTARC will endeavour provide the discloser with regular updates.
- 9.7 ECTARC may not be able to investigate a disclosure if it is unable to contact the discloser.

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- 9.8 ECTARC will handle and investigate Protected Disclosures in accordance with the Whistleblowing Procedure .

10 MONITORING AND ASSURANCE

- 10.1 This Policy will be distributed and available to all Workers via the intranet, and staff handbook at orientation. Annual mandatory training on Whistleblower policy and protections will be undertaken.
- 10.2 To ensure effective protection under the Policy, People and Culture will monitor and review this Policy annually.

11 STAFF AWARENESS AND TRAINING

All ECTARC staff will be educated about the Protected Disclosures (Whistleblower) Policy as part of induction and through ongoing communication and training throughout their employment. Whistleblower training will be provided to all staff, with additional, role-specific training provided to staff involved in receiving, assessing or managing protected disclosures.

TERMS AND DEFINITIONS

Term	Definition
Approved Provider	The legal entity responsible for the operation of the education and care service under the Children (Education and Care Services) National Law (NSW). For ECTARC, the Approved Provider is the Board of Management.
Australian Securities and Investments Commission	Set up to administer the Australian Securities and Investments Corporation Act 2001. They are a recipient of certain whistleblower disclosures.
Detriment	To a person, means disadvantage to the person, including the following a) injury, damage or loss caused to the person b) damage caused to the person's property c) damage caused to the person's reputation d) intimidation, bullying, or harassment e) unfavourable treatment in relation to the person's career, profession, employment or trade

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	f) discrimination, prejudice or adverse treatment, whether in relation to employment or otherwise g) disciplinary proceedings or disciplinary action
Eligible Recipient	A person or body authorised to receive a whistleblower disclosure under the Corporations Act 2001 (Cth) and/or the Children (Education and Care Services) National Law (NSW), including the Whistleblower Protection Officer, the CEO, a member of the Board (Approved Provider), executive leader, an auditor, the external whistleblower service, or a relevant regulator.
Eligible whistleblower disclosure (Corporations Act)	A person entitled to whistleblower protections under the Corporations Act 2001 (Cth), including a current or former employee, officer or director, contractor or supplier (and their employees), associate, or a spouse, relative or dependant of any of those persons.
Independent External Whistleblower Service (Your Call)	An independent service engaged by ECTARC to receive disclosures confidentially and anonymously and to provide initial triage and refer matters for appropriate act ECTARC's independent external whistleblower service is currently provided by Your Call.
NSW Early Learning Commission	The statutory regulatory authority responsible for oversight, regulation and enforcement of early childhood education and care services in New South Wales under the Children (Education and Care Services) National Law (NSW).
Protected Disclosure (National Law)	A disclosure of information or provision of documents made honestly and on reasonable grounds that: (a) an offence against the Children (Education and Care Services) National Law (NSW) has occurred or is occurring; or (b) the safety, health or wellbeing of a child or children is at risk.
Service Manager/Nominated Supervisor	Service Manager / Nominated Supervisor The person responsible for the day-to-day management of an education and care service and the supervision of staff.

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Whistleblower Protection Officer (WPO)	The person appointed by ECTARC to receive disclosures, assess eligibility for protection, oversee investigations, and ensure appropriate protections and confidentiality are maintained.
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PROTECTED DISCLOSURE (WHISTLE BLOWER) POLICY

Appendix A – Contact Details for Reporting

The following contact details are provided to support reporting under this policy.

Whistleblower Protection Officer (WPO)

Human Resources Officer
General Manager Operations
Email: private@ectarc.com.au

Independent External Whistleblower Service

You can make a report to Your Call:

Online 24/7	www.yourcall.com.au/ECTARC
Telephone 7am – midnight AEST, Business Days	1 300 790 228 AU

You can:

- make your report anonymously or consent to sharing your identity
- securely upload any relevant documentation or material that you wish to provide
- remain in contact with ECTARC and receive updates about the handling of your report via Your Call's online message board, which you will have access to after

With your consent, your report will be provided to ECTARC's nominated whistleblower officers so that it can be managed in accordance with this policy. If you choose to remain anonymous, your identity will not be provided by Your Call to ECTARC without your consent. Your Call will not investigate your report.

ECTARC's nominated whistleblower officers are:

ECTARC Human Resources Officer
General Manager Operations

ECTARC's nominated Protected Disclosures Officers (Children (Education and Care Services) National Law (NSW)) are:

GM Children's Services
Early Childhood Coordinator

Escalation Safeguard

To ensure the integrity, independence and impartiality of the process, ECTARC maintains clear escalation pathways where a conflict of interest may arise.

- If a disclosure involves, or may reasonably be perceived to involve, a Nominated Officer, the matter will be escalated directly to the Chief Executive Officer (CEO).
- If the disclosure involves the CEO, executive leader or where a conflict of interest exists at that level, the matter will be escalated to the Board Chair.

Under no circumstances will a person who is the subject of a disclosure be involved in its assessment, management, or investigation.

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This approach ensures all disclosures are handled objectively, independently, and without bias, providing confidence to individuals raising concerns.

Approved Provider (Board of Management)

Reports may be made via the Chair of the Board using the contact details below
BoardChair@ectarc.com.au

Service Manager / Nominated Supervisor

Contact details are available at each service location and on the ECTARC intranet.

NSW Early Learning Commission

Phone: 1800 619 113

Email: information@earlylearningcommission.nsw.gov.au

Australian Securities and Investments Commission (ASIC)

Website: www.asic.gov.au

Australian Prudential Regulation Authority (APRA)

Website: www.apra.gov.au

Company Auditor

HLB Mann Judd Wollongong

Website: hlb.com.au

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Which Reporting Pathway Should I Use

This flow chart helps you decide how to raise a concern.

Not all concerns are Protected Disclosures (Whistleblower matters).

