

Policy number	12	Version	1.0
Update by	Deirdre Looney	Approved by Board on	27/05/2022
Responsible person	AMS Board	Scheduled review date	20/05/2024

Introduction

Australian Marist Solidarity (AMS) is the international development arm of the Marist Brothers Province of Australia and the Marist Association of St Marcellin Champagnat. It has a particular focus on empowering young people to transform their lives and community. Promoting the dignity of the human person, as safeguarded by internationally recognised human rights conventions, is a core value of AMS.

Australian Marist Solidarity (AMS) is committed to operating legally (in accordance with applicable legislation and regulation), properly (in accordance with organisational constitutions, policy and procedures), and ethically (in accordance with recognised ethical principles). Any person who reports misconduct, according to this policy, should not be personally disadvantaged in any way.

Scope

This policy applies to all Eligible Whistleblowers. You are considered an Eligible Whistleblower if you are, or have been, any of the following:

1. An officer or employee of AMS
2. A supplier of goods or services to AMS (whether paid or unpaid) or an employee of such a supplier
3. An associate of AMS
4. A relative of an individual referred to in any of the previous items; or
5. A dependant of an individual referred to in any of the previous items; or of that individual's spouse.

Purpose

The purpose of this policy is to:

- a) encourage reporting of matters that may cause harm to individuals or financial or non-financial loss to AMS or damage to its reputation;
- b) enable AMS to deal with protected disclosure made from Eligible Whistleblowers in a way that will protect the identity of the whistleblower and provide for the secure storage of the information provided;
- c) protect whistleblowers against reprisal by any person internal or external to the entity;
- d) ensure AMS maintains the highest standards of ethical behaviour and integrity.

Policy

No person should be personally disadvantaged for reporting a wrongdoing. Not only may this misconduct be illegal, but it may directly oppose the values and mission of AMS.

AMS is committed to maintaining an environment where legitimate concerns are able to be reported without fear of retaliatory action or retribution.

When a person makes such a disclosure they are entitled to expect that:

- their identity remains confidential at all times to the extent permitted by law or is practical in the circumstances,
- they will be protected from reprisal, harassment or victimisation for making the report,
- should retaliation occur for having made the disclosure then AMS will treat it as serious wrongdoing under this policy.

Definitions

'Disclosable Matter' has the meaning given to it in section 1317AA(4) of the Corporations Act 2001 (Cth) and includes disclosure of information to Eligible Recipients that a discloser has reasonable grounds to suspect concerns misconduct, or an improper state of affairs indicating that AMS, or any of its officers or employees, has engaged in conduct that:

- (a) Constitutes an offence against a provision of the Corporations Act 2001 (Cth) or other prescribed legislation governing finance and commerce
- (b) Constitutes an offence under any other Australian Commonwealth law that is punishable by imprisonment for a period of 12 months or more, or
- (c) Represents a danger to the public.

'Eligible Recipient' includes:

- (a) ASIC;
- (b) a director of AMS;
- (c) an auditor of AMS;
- (d) a lawyer for the purposes of obtaining advice in relation to a disclosure made in accordance with this policy.

'Misconduct' includes behaviour that is:

- fraudulent or corrupt
- illegal
- unethical, such as acting dishonestly; altering company records; wilfully making false entries in official records; engaging in questionable accounting practices; or wilfully breaching AMS's code of conduct or the ACFID Code of Conduct
- potentially damaging to AMS's reputation or causing serious financial or non-financial loss to AMS, such as maladministration
- endangers health and safety of the staff, volunteers, or general public
- involves any retaliatory action against a whistleblower for having made a wrongdoing disclosure.

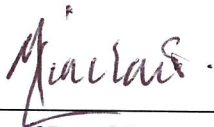
Monitoring & Review of Policy

AMS will undertake a review of this policy in accordance with the AMS Policy Review Process as it appears in the *AMS Operations Manual* or sooner if required.

Related Resources

- AMS Privacy Policy
- AMS Financial Wrongdoing Management Policy
- AMS Transparency Policy
- AMS Complaints Management Policy
- Australia – Public Interest Disclosure Act 2013 ; Corporations Act 2001
- ACT – Public Interest Disclosure Act 2012
- NSW – Public Interest Disclosures Act 1994
- NT – Public Interest Disclosure Act 2008
- Queensland – Public Interest Disclosure Act 2010
- South Australia – Whistleblowers Protection Act 1993
- Tasmania – Public Interest Disclosures Act 2002
- Victoria – Protected Disclosure Act 2012
- Western Australia – Public Interest Disclosure Act 2003

Authorisation



Signature of Board Secretary

Michael Sinclair

Name of Board Secretary

27/05/2022

Date of approval by the Board