



1 Policy Statement

AYCC is committed to ensuring the highest standards of integrity and promoting a culture of honest and ethical behaviour, corporate compliance and good corporate governance. As part of this commitment, AYCC recognises the need to have robust procedures in place to ensure people can report instances of suspected unethical, illegal, fraudulent or undesirable conduct by AYCC or its officers, employees or agents, and to ensure that anyone who does report such behaviour can do so without fear of reprisal, discrimination, intimidation or victimisation.

This whistleblower policy forms part of AYCC's broader risk management framework which includes the Child Safety Policy and other AYCC Risk Management policies, if any. This whistleblower policy also aligns with AYCC's statement of values. It should be read in conjunction with AYCC's Employee Code of Conduct, Equal Opportunity Policy and other policies.

The purpose of this whistleblower policy is to:

- (a) Help deter wrongdoing by encouraging more disclosures of wrongdoing to AYCC.
- (b) Set out how people to whom this whistleblower policy applies, can report matters and how those matters will be investigated.
- (c) Describe how AYCC will protect the identity of persons making disclosures, and other persons because a disclosure has been made, under this whistleblower policy and safeguard them from detriment and retaliation.
- (d) Provide transparency around AYCC's framework for receiving, handling and investigating disclosures.
- (e) Support AYCC's values, codes of conduct and policies, its long-term sustainability and reputation, and to meet its legal and regulatory obligations.

A person making a disclosure under this whistleblower policy is referred to as a **whistleblower**.

This whistleblower policy does not form part of any employee's contract of employment and AYCC may amend it at any time.

2 Roles and responsibilities

The **Board of Directors** has responsibility for, and ownership of, this whistleblower policy, including approving the whistleblower policy and any amendments, ensuring that the policy complies with AYCC's legal and ethical obligations, periodically reviewing the effectiveness of this whistleblower policy, and where relevant, determining how a matter reported under this whistleblower policy will be managed. The full Board of Directors will delegate authority to the **Risk Subcommittee** to periodically review the policy's effectiveness and determine how any matters reported under this policy will be managed.

The **Whistleblower Officer (National Director)** has primary and day-to-day responsibility for:



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- (a) Implementing this whistleblower policy and ensuring it is made available to the officers and employees of AYCC, monitoring its use and effectiveness, providing information about the whistleblower policy to persons to whom the policy may apply and dealing with any queries about it.
- (b) Ensuring AYCC assesses and implements appropriate measures to safeguard whistleblowers and other persons involved in a disclosure from victimisation and retaliation due to a disclosure being made under this whistleblower policy.
- (c) Assessing disclosures made under this whistleblower policy and their management, and liaising with the Board of Directors and the Operations Director where necessary.

Eligible Recipients of AYCC are responsible for receiving disclosures under this whistleblower policy, seeking to obtain relevant information from the whistleblower, ensuring the whistleblower is aware of their protections and upholding confidentiality requirements in line with this policy and any applicable law.

All **employees** of AYCC are required, and all other persons eligible to make disclosures under this whistleblower policy are strongly encouraged, to report under this whistleblower policy if they reasonably suspect that conduct, or an improper state of affairs exists, in relation to AYCC that is a Disclosable Matter, as defined in section 5.

3 Who can make a disclosure under this whistleblower policy?

The following individuals can make reports of Disclosable Matters (see 5) in accordance with this whistleblower policy:

An **eligible whistleblower**, includes an individual who is, or has been, any of the following in relation to AYCC:

- (a) an officer or director;
- (b) a permanent, temporary, casual, part-time or full-time employee;
- (c) a worker on secondment or supplied by an agency;
- (d) a trainee, intern or volunteer;
- (e) suppliers of services or goods to AYCC, such as contractors, consultants, service providers and business partners (paid or unpaid, and their employees);
- (f) a spouse (or their dependant), relative or dependant of an eligible whistleblower.

4 Who should disclosures under this whistleblower policy be made to?

To obtain the protections under the Corporations Act 2001, you need to disclose and report the matter to the Whistleblower Officer or another Eligible Recipient. The Whistleblower Officer's details are as follows:



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Name	Contact details
Alexandra Fuller (Reilly) National Director	Email: alex@aycc.org.au Phone: 0437316331 Mail: Suite 3-03 60 Leicester St Carlton VIC

Other internal Eligible Recipients to whom disclosures can be made are:

- (a) an officer (i.e. Board Directors and Company Secretary);
- (b) an auditor of, or an audit team member who is conducting an audit of, AYCC;
- (c) an actuary of AYCC; or
- (d) for the purposes of Disclosable Matters in relation to the tax affairs (see section 5.1(b) below), a registered tax agent or BAS agent who provides services to AYCC, or any other officer or employee of AYCC who has functions or duties that relate to AYCC's tax affairs.

Although we encourage you to make a disclosure to an Eligible Recipient at AYCC in the first instance, eligible whistleblowers can also report Disclosable Matters externally to Australian Securities and Investments Commission (ASIC), Australian Prudential Regulation Authority (APRA) or another Commonwealth authority prescribed for the purposes of the Corporations Act, or the Commissioner of Taxation in the case of tax-related disclosures.

Whistleblowers can also report Disclosable Matters to the Board of Directors by emailing secretary@aycc.org.au. This can be done anonymously.

Disclosures of Disclosable Matters can be made anonymously and still receive protections under the Corporations Act. If the disclosure is not made anonymously, or an anonymous whistleblower consents to limited disclosure of their identity (for instance, to the Whistleblower Officer and an Investigator), AYCC will take all reasonable steps to ensure that the whistleblower's identity remains confidential. A whistleblower who provides their identity when making a disclosure under this whistleblower policy:

- (a) Can expect AYCC to provide the whistleblower with appropriate protection and support.
- (b) Enables any Investigator appointed to investigate the matter with an opportunity to clarify or seek further information from the whistleblower. Without further information, AYCC may be unable to investigate the report.

Where a whistleblower does not give their permission to share their identity, or share their identity with particular persons involved in managing or investigating the disclosure, for instance with an appointed Investigator, the person receiving the disclosure will disclose the information contained in the disclosure only if:

- (a) The information does not disclose the whistleblower's identity;
- (b) They have taken all reasonable steps to reduce the risk that the whistleblower will be identified from the information; and
- (c) It is reasonably necessary for investigating the issues raised in the disclosure.



AYCC encourages whistleblowers, or other persons, to seek advice and support if they have any questions about this whistleblower policy, including if they are unsure as to whether they are covered by this policy or whether their concerns qualify as a Disclosable Matter. Issues, queries and concerns regarding the application of this whistleblower policy can be raised with the Whistleblower Officer.

5 What can be reported under this whistleblower policy?

Eligible whistleblowers are encouraged to make a disclosure under this whistleblower policy, if they reasonably suspect that their disclosure concerns any of the following:

- (a) Misconduct, or an improper state of affairs or circumstances, in relation to AYCC.
- (b) Misconduct, or an improper state of affairs or circumstances, in relation to the tax affairs of AYCC, and where they consider the information may assist the eligible recipient to perform functions and duties in relation to the tax affairs of AYCC.

This may include, for example, information that indicates AYCC or a related body corporate (or an officer or employee of the entity) has engaged in conduct that:

- (a) constitutes an offence or contravention of any law administered by Australian Securities and Investments Commission (**ASIC**) or Australian Prudential Regulation Authority (**APRA**).
- (b) represents a danger to the public or the financial system (even if this conduct does not involve a breach of a particular law).
- (c) constitutes an offence against any law of the Commonwealth, where the offence is punishable by imprisonment for a period of 12 months or more.

(Collectively referred to as **Disclosable Matters**.)

Disclosable Matters can also include conduct that may not involve a contravention of any law but rather conduct that indicates a systemic issue at AYCC, relates to dishonest or unethical behaviour and practices or is prohibited under AYCC's Code of Conduct and associated policies.

Without limiting the type of conduct that can be disclosed under this whistleblower policy, examples of conduct that is appropriate to disclose under this whistleblower policy includes conduct that is:

- (a) Fraudulent or corrupt, such as money laundering or misappropriation of funds.
- (b) Illegal, such as theft, the sale or use of prohibited substances, violence or threatened violence, harassment or criminal damage to property.
- (c) Likely to cause harm to a person.
- (d) Unethical, such as acting dishonestly, altering records without cause or permission, making false entries in records, engaging in questionable financial practices, offering or accepting a bribe.
- (e) Contrary to, or a serious breach of, codes and practices (including work practices) of AYCC.



- (f) Potentially damaging to AYCC, including conduct that may cause financial or non-financial loss to AYCC, or is otherwise detrimental to its interests.
- (g) Engaging in or threatening to engage in detrimental conduct against a person who has made a disclosure, or is believed or suspected to have made, or be planning to make, a disclosure under this whistleblower policy.

6 Personal work-related grievances

A Disclosable Matter generally does not include a personal work-related grievance, which concerns a grievance in relation to a whistleblower's employment, or former employment, with AYCC that has implications for the whistleblower personally. However, a personal work-related grievance may constitute a Disclosable Matter if it has significant implications for AYCC, has wider ramifications than for the whistleblower personally, or is relevant to detriment suffered by the whistleblower because they made a disclosure under this policy.

You should talk to your supervisor / manager or senior operations staff if you wish to raise or discuss any personal work-related grievances.

If you are unsure whether a grievance is a Disclosable Matter under this whistleblower policy, or a personal work-related grievance that is more appropriately managed through a relevant workplace behaviour policy of AYCC, seek guidance from the Whistleblower Officer.

7 What are the protections to whistleblowers?

Some of the protections provided under the Corporations Act when the conditions outlined above are met are:

- (a) It is unlawful for anyone to victimise or cause detriment to a person (or threaten to do so) because of a belief or suspicion that the whistleblower (or any other person) has made, may have made, proposes to make, or could make a report. Anyone who does so (including AYCC) may be liable for civil and/or criminal penalties, and the person may be able to seek legal recourse against them.
- (b) A person who obtains information about a whistleblower's identity directly or indirectly because of a Disclosable Matter commits an offence if they disclose the whistleblower's identity, or information that is likely to lead to the identification of the whistleblower, without the whistleblower's consent, to anyone except the Australian Securities and Investments Commission, the Australian Federal Police, the Australian Prudential Regulatory Authority, or a legal practitioner for the purposes of obtaining legal advice and representation in relation to whistleblower laws.
- (c) A right to seek compensation and other remedies if the whistleblower suffers loss because another person engaged in detrimental conduct against them or AYCC fails to take reasonable precautions to prevent the detrimental conduct.



- (d) The whistleblower cannot be subject to criminal, civil or administrative liability (such as disciplinary action) for making the report but can still be liable for misconduct they have engaged in that is revealed as part of their disclosure.
- (e) No contractual or other remedy may be enforced against the whistleblower on the basis of their disclosure. For example, a contract that a whistleblower is party to cannot be terminated because their disclosure constitutes a breach of contract.

8 What happens once a whistleblower report is made?

After receiving a disclosure from a whistleblower under this whistleblower policy, a recipient of the disclosure, will:

- (a) Take all reasonable steps to ensure the whistleblower's identity is kept confidential, subject to any permissions given by the whistleblower.
- (b) Notify the Whistleblower Officer or a member of the Board Risk Subcommittee of the disclosure.
- (c) Where the whistleblower has provided their contact details, update the whistleblower that the matter has been confidentially referred to the Whistleblower Officer or a member of the Board Risk Subcommittee for assessment of next steps.

The Whistleblower Officer will, as soon as practicable, assess all matters notified to them under this whistleblower policy, determine whether it falls within the scope of this whistleblower policy and requires an investigation.

Where the Whistleblower Officer or a member of the Board Risk Subcommittee determines the matter should be investigated, they will appoint the person within or external to AYCC that will lead the investigation (the Investigator). The investigation process will depend on the nature of the matter being investigated.

Investigation processes and timeframes will vary depending on the precise nature of the conduct being investigated. All investigations will be conducted independently, in a manner that is fair and objective to all people involved. For example, a report will not be investigated by someone who is implicated in the matter reported. In some circumstances, it may not be appropriate to provide details of the outcome of an investigation to the discloser.

Any person who is mentioned in a Disclosable Matter will be treated fairly by AYCC.

9 How will AYCC protect against detriment?

AYCC is committed to protecting whistleblowers, and other persons, from detrimental conduct.

It is an offence to engage in conduct that causes detriment to a whistleblower, or another person (or threatens to do so), if the person believes or suspects that the whistleblower (or another person) made, may have made, proposes to make, or could make, a disclosure that qualifies for protection



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under the Corporations Law or Tax Act and the belief or suspicion is the reason, or part of the reason, for the conduct.

Examples of detrimental conduct include:

- (a) Dismissal of an employee.
- (b) Injury of an employee in their employment.
- (c) Alteration of an employee's position or duties to their disadvantage.
- (d) Discrimination, harassment or intimidation.
- (e) Harm or injury to a person, including psychological harm.
- (f) Damage to a person's property, reputation, business or financial position or other damage.

The following examples will not constitute detrimental conduct against a whistleblower or another person:

- (a) Management or administrative action taken that is reasonable to protect the whistleblower or another person from detriment.
- (b) Performance management or disciplinary processes reasonably conducted in accordance with AYCC's Managing Underperformance Policy or Employee Code of Conduct.

Whistleblowers may also have access to other statutory protections under anti-discrimination and equal opportunity legislation, and the Fair Work Act 2009 (Cth), or under the common law and their contracts of employment or engagement with AYCC.

10 Breaches of this whistleblower policy

Any employee who breaches this whistleblower policy, including breaching an obligation to keep a whistleblower's identity confidential, refusing to participate or cooperate with an investigation into a whistleblower disclosure, or engaging in detrimental conduct against a whistleblower or another person, will face a disciplinary process in accordance with AYCC's Code of Conduct Policy and/or Grievances Procedure, which could result in the termination of their employment.

AYCC may terminate its relationship with other individuals, such as volunteers, if they breach this whistleblower policy.

11 Monitoring and reviewing this whistleblower policy

AYCC will make this whistleblower policy available to all officers and employees of AYCC, including by:

- (a) Making the whistleblower policy available on AYCC's staff intranet and public website.



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- (b) Facilitating staff briefing sessions for Eligible Recipients – including on the processes for handling, receiving and maintaining confidentiality of any Eligible Disclosures.
- (c) Posting information regarding the whistleblower policy.

The Whistleblower Officer will provide the Board of Directors with a summary of disclosures made under this Policy on an annual basis, including metrics on disclosures made.

The Board Risk Subcommittee will periodically review this whistleblower policy and its related processes and procedures and implement any changes to rectify any issues identified from its review in a timely manner.

Document control

Document title	AYCC Whistleblowing Policy
Version	1
Author	AYCC Risk Subcommittee
Responsibility	National Director & Risk Subcommittee
Approved by	AYCC Board of Directors
Scheduled review date	July 2025