

## 1. Introduction

St Michael's Association Inc (STMA) values its relationship with its participants, staff, vendors, member and other stakeholders who partner and recognises that transparency and accountability build trust and help those relationships to flourish.

## 2. Purpose

The purpose of this document is to recognise the importance of transparency and accountability in the Association's administrative and operational practices through the development and implementation of measures and actions to ensure appropriate transparency, accountability and disclosure.

## 3. Policy Type and Owner

Governance / Board & CEO

## 4. Scope

This policy is a declaration of intent covering all STMA Board members, staff (including volunteers) and contractors.

## 5. Definitions:

**STMA** St Michael's Association Inc.  
**CEO** Chief Executive Officer

## 6. Policy

The Board must ensure that it complies with its legal and contractual reporting obligations, including (but not limited to):

- the Members, in accordance with the requirements of the constitution, on the organisation's activities in the preceding year, and providing an opportunity for questions;
- preparing financial reports as required by law;
- reporting to regulators, such as the NDIS Quality and Safeguards Commission, WorkSafe and the Office of the State Practitioner;
- reporting to government agencies in accordance with the terms of grants and funding contracts;
- reporting to the Australian Taxation Office, and other relevant Commonwealth Government departments, in accordance with the requirements of its deductible gift recipient status; and
- reporting to the Australian Charities and Not-for-profits Commission.

In addition to its specific legal and contractual obligations, the Board will consider whether there are any other stakeholders who could benefit from a report/disclosure from the Board on any disclosable conduct arising from the operations or business practices of STMA.

In preparing any such report/disclosure, the Board will take into consideration:

- its fiduciary duties;
- the financial viability and sustainability of the Association;
- likely impact and/or damage to the reputation of the Association; and
- its legal compliance with the respective provisions of the *Privacy Act*, *Fair Work Act*, *Workplace Health and Safety Act*, the Association's Constitution and the NDIS Code of Conduct.

In undertaking its function of making reports/disclosure, the Board must take care to act solely in the interests of STMA. Deliberations of the Board shall be dealt with in accordance with the Board's Confidentiality Policy. [PGOV07 Board Directors Confidentiality Policy](#)

In order for the Board to facilitate accountability and transparency, there needs to be good

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internal documentation and reporting.

The CEO is responsible for ensuring that there are systems and processes in place to capture, record and analyse the information necessary to enable the Board to perform its reporting functions.

The CEO will ensure that privacy and other policies are in place to govern the access and use of documents including client records, staff records, member and donor records, and minutes of general meetings.

Staff are responsible for implementing and adhering to the policies and procedures developed by the CEO.

**7. Procedure**

**7.1. What is Potential Disclosable Conduct?**

Disclosure covers misconduct that includes, but is not limited to, that which is:

- is illegal, corrupt or fraudulent;
- contravenes Commonwealth or State;
- wastes Association or Participant funds;
- is a danger to health, safety or the environment;
- is based on improper motives or is unreasonable, unjust, oppressive or negligent; and/or
- represents an abuse of trust.

**7.2. Identifying a Potential Disclosable Activity/Event**

A potential disclosable activity/event can be identified:

- by a staff member at the time of the incident;
- by a participant, their family or support network at the time of the incident or retrospectively;
- through our established complaint process;
- through incident reporting; and
- from other sources.

**7.3. Handling of a Potential Disclosable Matter**

The Board, either when receiving information about a potentially disclosable matter or being advised about a potentially disclosable matter, it will authorise the CEO (unless the matter directly relates to the actions of the CEO) to conduct an investigation.

The Board must ensure that the CEO does not have an actual or perceived conflict of interest (for example, if information suggests they or a family member are implicated in the potentially disclosable matter).

In investigating the matter, the Board and CEO are able to obtain information from such persons and make such inquiries as they think fit.

The Board and CEO will ensure procedural fairness in any investigation. What procedural fairness requires will vary with the circumstances, but essentially any party will be entitled to have the Board and CEO act fairly and without bias.

In order to ensure the confidentiality of the disclosure process, the Board and CEO will ensure that the identity of all parties will be protected as much as possible at all times.

The Board and CEO will record details about how, when and the content of any public disclosure. The disclosure should be factual and free from unnecessary statements such as personal opinion.

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**7.4. Management of a Disclosure**

In the event of an adverse event, the following process will be implemented by:

- acknowledging that an unexpected event has occurred as soon as possible, even if further investigation is required;
- communicating with the reporting party in a timely, open and honest manner;
- where appropriate, providing an expression of regret;
- acknowledging what has gone wrong, providing sufficient disclosure of the facts regarding the event and its consequences;
- announcing changes to systems as a result of any investigation;
- declining from speculating on the causes of the incident, admitting liability or apportioning blame;
- avoiding the making of unrealistic promises and pre-empting results of reviews and investigations;
- providing assurance that parties will be informed of further investigation findings and the recommendations for system improvement; and
- ensuring all discussions take into consideration the ethical and legal requirements relating to privacy and confidentiality.

**8. Additional Information**

*Policy:*

- [PGOV01 St Michael's Board Governance Charter](#)
- [PGOV07 Board Directors Confidentiality Policy](#)
- [PGOV08 Board Grievance and Dispute Management Policy](#)
- [PGOV09 Board Induction Policy](#)
- [PGOV10 Board Conflict of Interest and Related Party Transaction Policy](#)
- [PGOV11 Board Code of Conduct Policy](#)
- [PHRM03 Privacy and Confidentiality](#)

**8.1. Review**

Board will review the policy when required.

**8.2. Policy Update**

Version	Details
1.0	New Policy

Uncontrolled when Printed

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