



GOVERNANCE

MANUAL

Contents

1	Document Context	3
2	Board Charter	3
2.1	Responsibilities of Directors	4
2.2	Role and Duties of the Board of Directors	4
2.3	Duties of office bearers	5
2.4	Use of technology to be present	5
2.5	Out of session decisions	5
2.6	Records	5
2.7	Delegated authorities	6
2.8	Policy and procedure approval	6
2.9	Sub-committees of the Board	6
2.10	Expenses	6
2.11	Board Governance review	6
3	Appointment of Directors Policy	7
4	Board Code of Conduct	7
5	Policy on Policy Development	8
6	Conduct of Board Meeting Procedure	8
7	CEO Roles and Responsibility Policy	10
7.1	Responsibilities	10
7.2	Selection and appointment	11
7.3	Performance review	11
7.4	Termination	11
7.5	Emergency CEO succession	11
8	Conflict of Interest and Related Party Transactions Policy	12
8.1	Definitions	12
8.2	Declaration of interests	13
8.2.1	<i>Declaration after the fact</i>	14
8.3	Management of conflicts of interest	14
8.3.1	<i>Board of Directors</i>	14
8.3.2	<i>Staff and volunteers</i>	15
8.4	Related party transactions	15
8.5	Conflicts of interest and related party interests in commissioning and procurement	17
9	Risk Management Policy	17
10	Confidentiality Policy	18
10.1	Compliance	19
11	Privacy Policy	19
12	Media Policy	24
13	Board Grievance Policy	25
14	VERSION CONTROL & DOCUMENT HISTORY	26

1 Document Context

This Governance Manual contains critical guiding documents for the effective governance of Advance Housing Limited. These include the Board Charter, key policies and procedures, and relevant guidelines and environmental matters. Individual Policies noted in this manual may be updated from time to time in recognition of an evolving operational, strategic, and regulatory environment. Where this occurs, this manual will be updated to reflect the approved policy changes and be reissued to the Board.

2 Board Charter

Version: 2

Date last approved: October 2021

Date Due for review: October 2023

Authority to amend: Board

Related documents

Corporations Act 2001

ACNC Governance Standards

The Advance Housing Board of Directors (the Board) is accountable for the integrity, performance and sustainability of the company. The Board is accountable for exercising the authority given to it in the Constitution and by law for the overall performance of Advance Housing, ensuring that the company fulfils its purpose and that its conduct is at all times lawful, ethical, responsible and conscientious.

The appointment, powers and responsibilities of the Board are outlined in the Advance Housing Constitution. The Board delegates responsibility to the Advance Housing CEO for the day-to-day management of the organisation in line with the Chart of Delegated Authority.

Members of the Board (also referred to as Directors or Board Members) undertake to provide strategic leadership and ensure strong governance. The Board determines and articulates Advance Housing's vision and strategic direction according to Advance Housing's values and goals by:

- Developing and endorsing Advance Housing's strategic plan, business plan and budget
- Establishing and maintaining corporate policies by which Advance Housing will be governed in line with the Advance Housing Policy on Policy Development.
- Determining Advance Housing's risk appetite and ensuring appropriate systems of risk management, internal compliance and controls are in place.

The Board monitors and supervises Advance Housing's performance by:

- Monitoring the CEO's performance including implementation of strategy and policies
- Monitoring progress against the strategic plan, business plan and budget
- Approving expenditure outside the budget and delegations and ensuring Advance Housing's assets are safeguarded
- Reviewing quarterly the effectiveness of Advance Housing's risk management plan, internal compliance and controls.

2.1 Responsibilities of Directors

Directors of Advance Housing must:

- Exercise their powers with due care and diligence.
- Ensure that any decisions and actions are made in good faith and in the best interests of Advance Housing.
- Not misuse information or their position for personal gain or to cause detriment to the company.
- Disclose any conflicts of interest, whether implied, apparent, or actual, and avoid matters that give rise to conflict of interest.
- Exercise powers in accordance with the Advance Housing Constitution and policy.
- Not allow Advance Housing to operate if it is insolvent.
- Act in accordance with the Board Code of Conduct.

2.2 Role and Duties of the Board of Directors

The Board has overall responsibility for:

- Leadership and compliance in line with the Constitution, vision, mission and values of Advance Housing.
- Compliance with all legal, regulatory and contractual obligations.
- Strategic planning, decision making and external stakeholder engagement.
- Quality assurance.
- Risk assessment and management.
- Delegated authority approval.
- Governance level policy approval in line with the Policy on Policy Development.
- Budget approval, financial performance and ensuring that Advance Housing can pay all its obligations as and when they fall due.
- Recruiting and evaluating the performance of the CEO.
- Succession planning for the Board and CEO.

- Managing and evaluating the performance of the Board.

Directors have no individual authority to participate in the day-to-day management of Advance Housing. Only the Board acting as a whole may direct the CEO on any matter, unless that/those Director/s is/are specifically delegated such authority by the Board.

Directors must not make any representations or agreements with members, suppliers, customers, employees or other third parties, unless such an authority is delegated by the Board.

It is the role of the Chairperson to ensure that Directors follow governance policy and procedures. Directors may seek guidance from the Chairperson on the execution of their responsibilities.

2.3 Duties of office bearers

The duties and authority of Advance Housing office bearers are detailed in the Advance Housing Constitution and Delegations Register.

2.4 Use of technology to be present

The presence of a Director at a meeting need not necessarily be by attendance in person but may be by telephone or other means of instantaneous communication.

A member who participates in a Board meeting through technology is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

2.5 Out of session decisions

The Chairperson of the Board may approve a matter to be dealt with Out-of-Session (OOS) by the Board where there is a matter that should ideally be determined before the next Board meeting. In such circumstances, the distribution of all information pertaining to the matter and any related proposal will be provided by email (or alternative electronic system) to all Directors, with a clear deadline for responses.

Director responses to OOS proposals will be by email (or alternative electronic system), with all other Directors being copied in to, or having access to the response.

An OSS decision will be tabled for acknowledgement at the next Board meeting.

2.6 Records

The Secretary is responsible for ensuring proper minutes of Board meetings are recorded and subsequently approved. The Chairperson or Deputy Chairperson shall sign the minutes after they have been approved to verify these as an accurate record of the meeting.

2.7 Delegated authorities

The Board may delegate authority to the CEO, individual Directors, senior staff and/or Board sub-committees. All delegated authorities made by the Board will be defined in writing and recorded in the Delegations Register. The register will be reviewed annually.

2.8 Policy and procedure approval

The Board has overall responsibility for the development and approval of policy, however it delegates authority to the CEO for operational policy and procedure as per the AHL Policy on Policy Development.

2.9 Sub-committees of the Board

The Board may establish sub-committees to assist the Board in meeting its responsibilities. Sub-Committees are created to undertake additional review and/or manage full carriage of specific areas of responsibility that would normally be reviewed by the full Board. The establishment of sub-committees does not diminish the responsibility of the Board as a whole.

Each Board sub-committee shall be established with written terms of reference, approved by the Board, which includes:

- committee purpose, membership and term of appointment
- delegated authority and reporting obligations
- chairperson or convenor arrangements.

2.10 Expenses

Directors are entitled to receive reimbursement for all reasonable out of pocket expenses incurred in carrying out their duties. Such payments will be documented and will remain open to scrutiny.

Approval of these expenses is as per the Chart of Delegated Authority.

2.11 Board Governance review

The Board will undertake a governance review at a minimum every three years, or after significant change, with external input. The review will assist the development and continuous improvement of the Board. It will include the performance of the Board as a whole and an assessment of Board sub-committees.

Individual performance appraisal of members will only be undertaken if a Director has requested an appraisal of their own performance; or a motion has been passed at a Board meeting that an individual Director should be appraised.

3 Appointment of Directors Policy

Version: 2

Date last approved: October 2021

Date Due for review: October 2023

Authority to amend: Board

Related documents

Corporations Act 2001

ACNC Governance Standards

Advance Housing Constitution

The appointment of Directors will be carried out in accordance with the Advance Housing Constitution.

An individual is not eligible for appointment as a Director if he or she:

- Is an undischarged bankrupt
- Has entered into a personal insolvency agreement under the *Bankruptcy Act 1966* and failed to fully comply with the terms of that agreement
- Has been banned by ASIC or a court from managing corporations under the *Corporations Act 2001*
- Has been convicted of various dishonesty related offences, such as fraud. They will be automatically banned for five years from the date of the conviction or, if imprisoned, for five years from the date of release.

Each Director shall provide a signed consent to become a Director and a declaration confirming their eligibility for Directorship.

All nominees will be checked by the CEO against the ASIC Disqualified Persons Register and ACNC Register of Disqualified Persons prior to any appointment being undertaken.

Each Director upon appointment will:

- Sign an agreement to maintain Board confidentiality.
- Sign the Code of Conduct for Board Directors.
- Be provided with a copy of Advance Housing governance policies and procedures.

4 Board Code of Conduct

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Date Due for review: October 2023

Authority to amend: Board

Related documents

Corporations Act 2001

The purpose of the Code of Conduct is to provide standards for the execution of Board of Directors duties and responsibilities. All Directors are expected to comply with this Code of Conduct.

Members of the Board of Directors will:

1. Act honestly, in good faith and in the best interests of Advance Housing.
2. Act in a manner that furthers the fulfilment of Advance Housing's objectives and does not bring the company into disrepute.
3. Behave in a manner that is respectful, non-discriminatory and upholds the company's values.
4. Comply with all policies, procedures, delegated authorities and rules of the company.
5. Observe confidentiality relating to confidential information acquired by them in their role as Directors.
6. Ensure that their personal and financial interests do not conflict with their role as Directors and declare any conflicts of interest as they arise.
7. Attend Board meetings and devote sufficient time to preparation for meetings to allow for full and appropriate participation in the Board's decision-making.
8. Exercise their independent judgement on the issues before them and ensure that the views of all Directors are given due consideration and weight.
9. Support Board decisions once an issue has been discussed and decided on.
10. Inform the Board if they cease to be eligible for membership of the Board, or if they are charged with or convicted of a serious criminal offence.

Prior to commencing a term, Directors will be provided with a copy of this Code and must sign a declaration of commitment to the Code.

5 Policy on Policy Development

Refer AHL Policy on Policy Development.

6 Conduct of Board Meeting Procedure

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Date last approved: October 2021

Date Due for review: October 2023

Authority to amend: Board

Related documents

Advance Housing Constitution

The purpose of this procedure is to complement provisions in the Advance Housing Constitution and provide a framework for conducting Board of Director meetings.

1. The Board must meet a minimum of six times per year.
2. A quorum for a Board meeting is not less than half of the total number of Directors plus one. The linking together by telephone or other electronic means of a sufficient number of the Directors to constitute a quorum constitutes a Board meeting.
3. Agenda, previous minutes and financial reports will be distributed seven days prior to a scheduled Board meeting, wherever possible.
4. The Chairperson presides at all meetings. In the absence of the Chairperson, the Deputy Chairperson will preside. In the event that both the Chairperson and the Deputy Chairperson are absent, those Directors present will appoint another Director to chair the meeting.
5. Any member of the Board may propose a motion for Board consideration and voting. To be passed, a proposal must have a majority of the vote. If the voting is tied the Chairperson has a casting vote in addition to her or his vote as a Director.
6. Voting at Board meetings will generally be by voice or by show of hands. The use of a ballot may be used in exceptional circumstances, at the discretion of the Chairperson.
7. All Directors will be responsible for ensuring fair participation in discussions and ensure that each member is heard.
8. A minute secretary shall record all items of business at all meetings.

7 CEO Roles and Responsibility Policy

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Date last approved: October 2021

Date Due for review: October 2023

Authority to amend: Board

Related documents

Advance Housing Constitution

The Advance Housing CEO is appointed by the Board and is responsible for implementing the strategic direction of Advance Housing and managing the day-to-day operations of the company.

The CEO will have a formal employment contract that sets out duties, responsibilities, rights, conditions of service and termination entitlements. The CEO cannot engage in any outside appointments that may impact on their duty to Advance Housing without the approval of the Board.

The CEO is not entitled to vote on any Board resolution but is entitled to:

- Attend all Board meetings
- Participate in discussions relating to any question or motion before the Board
- Offer advice, counsel, information, make recommendations and provide an opinion on matters before the Board.

7.1 Responsibilities

The key responsibilities of the CEO are to:

1. Manage day-to-day operations in accordance with professional and ethical standards and approved company policies.
2. Keep the Board informed about any developments that may have a material impact on the company's performance.
3. Organise, attend and service all Board and sub-committee meetings as required.
4. Provide written reports to the Board on the operation and financial position of the company and other matters of concern to the Board.
5. Facilitate the organisational planning process by overseeing the development, implementation, monitoring and evaluation of any strategic or business plans.
6. Oversee the development of the annual budget in conjunction with the Finance Sub-Committee and manage day-to-day operations within approved delegations.
7. Ensure that Advance Housing complies with its legal and contractual obligations.
8. Maintain an effective risk management framework and notify the Board of any potential risks requiring assessment and management.

9. Identify gaps in policy and make recommendations to the Board for changes.
10. Oversee the appointment and performance of all staff and volunteers.
11. Provide strong leadership and effective management in order to:
 - Encourage cooperation and teamwork;
 - Build and maintain staff and volunteer morale at a high level; and
 - Build and maintain a strong sense of staff and volunteer identity with, and allegiance to, Advance Housing.

7.2 Selection and appointment

The CEO appointment is an authority retained by the Board and selection will be delegated to a nomination committee. The committee will be responsible for designing selection criteria, a recruitment strategy, any advertising materials and interview questions for the position. All such documentation is to be approved by the Board before use.

The selection panel for interviews of candidates for the position shall be determined by the Board and shall comprise at least the Chairperson and at least one other Director.

CEO remuneration will be determined and based on:

- Benchmarks from the terms and conditions of employment of CEO's of other organisations with similar objectives, standards, size, challenges and complexities; and
- Outcomes from the annual CEO performance appraisal process.

7.3 Performance review

The Board is responsible for the assessment and monitoring of the CEO's performance and will formally review performance and conditions of service on an annual basis.

7.4 Termination

CEO termination is an authority retained by the Board and is not delegatable to any officer or committee. Any decision to terminate employment will be informed by data that is related to CEO performance on criteria the Board has stated in policy and earlier communicated to the CEO. The Board may choose to terminate the CEO's employment for reasons other than performance, providing it complies Australian law.

7.5 Emergency CEO succession

The Board shall take all steps to protect Advance Housing in the event of an unplanned loss of its CEO. In these circumstances, the Board shall take necessary measures to ensure emergency coverage of the role.

8 Conflict of Interest and Related Party Transactions Policy

Version: 2

Date last approved: October 2021

Date Due for review: October 2023

Authority to amend: Board

Related documents

Corporations Act 2001

Advance Housing Constitution

Advance Housing is committed to ensuring that actions and decisions taken at all levels in the organisation are objective, fair and free from undisclosed conflicts of interests. Directors and officers of Advance Housing have a legal obligation to act in the best interests of the company, and in accordance with relevant legislation and Advance Housing's Constitution.

The aim of this policy is to protect both Advance Housing and the individuals involved from any appearance of impropriety, and the adverse consequences of conflicts of interest which are not appropriately managed.

Conflicts of interest may arise when the interests of Directors, officers and committee members are incompatible or in competition with the interests of the Advance Housing.

Conflicts of interest must be identified and action taken to ensure that personal interests do not impact on Advance Housing's services, activities or decisions. The Advance Housing strategy for controlling conflicts of interest involves:

- Identifying the conflicts.
- Assessing and evaluating those conflicts.
- Formulating and implementing an appropriate response to the conflicts.

This policy applies to all Directors and officers under the *Corporations Act*, board sub-committee members and appointed committee members of any Advance Housing decision making group.

8.1 Definitions

Direct financial interest – where a Director or officer obtains a direct financial benefit e.g.

- Payment of a salary or professional fee to a Director of the Advance Housing in a capacity other than Director.
- Awarding a contract to a company with which the Director is involved.
- the sale of Advance Housing property at below-market value to the Director or family of the Director.

Indirect financial interest – This interest arises when a relative of a Director receives a financial benefit from Advance Housing or Directors are seen to benefit indirectly where their financial affairs are in some way bound to a family member.

Non-financial or personal conflicts – This is where there is no direct financial benefit, however there is a conflict arising where a board decision may result in some other advantage to the Director personally. Examples include where a Director supports a decision that influences the level or quantum of service provision to their own advantage because they use the service themselves, or in the awarding of contracts to friends or associates.

Conflict of loyalties - A Conflict of loyalty means a particular type of conflict of interest, in which a Director's loyalty or duty to another person or organisation could prevent the Director from making a decision only in the best interests of Advance Housing. This would be relevant where a Director sits on more than one Board in a sector. This type of conflict of interest would be addressed in the same way as any other as outlined above.

Material personal interests - There is no statutory definition of 'material personal interest', however court rulings suggest that a material interest is one of substance that has the ability to influence the vote of a particular Director.

The following are examples of areas that may give rise to actual or perceived conflicts of interest:

- Employment.
- Any previous employment in which a Director still has a financial or other interest.
- The granting of a contract to an organisation or individual who is linked to a Director or senior staff member.
- A staff member providing consultancy services to a competitor.
- Appointments (voluntary or otherwise), for example trusteeships, Directorships, local authority membership, tribunals.
- Membership of other organisations or special interest groups.
- Investments in companies, partnerships and other forms of business which deal with Advance Housing.
- Gifts or hospitality offered to a Director or officer by external bodies in their capacity as a Director or officer of Advance Housing.
- Family connections or close personal relationships where relevant, such as a Director's spouse/partner working for a similar organisation.
- A contractual relationship between a Director and Advance Housing.

8.2 Declaration of interests

New Directors, officers and committee members are expected to declare interests and potential conflicts upon appointment and subsequently as and when they arise.

Interests must be declared which might give rise to actual, potential or perceived conflicts of interest, as well as any gifts or hospitality received in connection with their role with Advance Housing.

Notification must be in writing and recorded in a meeting's minutes. As a matter of course, all Directors will declare any interest they have at the beginning of a Board meeting, such interest to be recorded in the minutes.

A Register of Conflicts of Interest will be maintained by Advance Housing and will contain information related to the interest, including the nature and extent of any potential conflict and any steps taken to address it.

With the exception of any public disclosures that Advance Housing is legally required to make, all information provided in relation to any declaration of a possible or actual conflict of interest will be treated in accordance with Advance Housing's privacy policies.

If a director, officer or committee member is not sure what to declare, or whether or when a declaration needs to be updated, they should contact the Chair, the CEO or the Secretary for guidance.

8.2.1 Declaration after the fact

Where a conflict becomes known after a decision or determination has been made, which may have been improperly influenced by that conflict of interest, it must be reported to the Chair or the CEO as soon as the conflict becomes evident.

The Board of Advance Housing may choose to investigate the circumstances of the decision, including whether a different decision ought to be made and whether misconduct has occurred.

8.3 Management of conflicts of interest

8.3.1 Board of Directors

In compliance with s195 of the *Corporations Act*, a Director who has a material personal interest in a matter being considered at a board meeting must not be present while the matter is being considered at the meeting or vote on the matter. Further, in compliance with the Advance Housing Constitution, the Director must not receive the relevant board papers in relation to that matter.

There are two exceptions that allow a Director to be present, receive relevant papers and vote:

- If other Directors who do not have a material personal interest in the matter have passed a resolution that states the identity of the Director and the interest, including its relation to the affairs of the company, and that the other Directors are satisfied that the interested Director should not be disqualified.
- If ASIC has made a declaration or order allowing the Director to attend and vote.

If the personal interest disclosed is not considered material, the board must decide whether or not the conflicted member/s should:

- Vote on the matter,
- Participate in any debate,
- Receive relevant board papers in relation to the matter, or
- Be present in the room during the debate and the voting.

The approval of any action requires the agreement of a majority of the board (excluding any conflicted Director/s) who are present and voting at the meeting.

The action and result of the voting will be recorded in the minutes of the meeting and in the *Register of Conflicts of Interest*.

Where a conflict is significant or likely to prevent a Director from regularly participating in discussions, the board may consider whether it is appropriate for the person conflicted to remain on the board. In certain circumstances the Board may decide to remove the person experiencing the conflict from the Board under clause 5.4 (c) of the Advance Housing constitution.

8.3.2 Staff and volunteers

The CEO will assess any potential conflict of interest held by a staff member or volunteer and determine any action to take. In the case of interests held by the CEO, this assessment will be undertaken by the Chairperson, who may refer the matter to the full Board.

8.4 Related party transactions

A related party transaction is one in which a related party accrues a financial benefit as a result of the transaction. In determining whether a financial benefit is being provided, Advance Housing will abide with the *Corporations Act* and give a broad interpretation to the definition of the financial benefit being given.

Related parties include:

- Directors and officers of the company
- Directors and officers of any entity that controls the company
- Spouses of a Director or officer of the company, or spouses of a Director or officer of any entity that controls the company

- Parents and children of a Director or officer of the company, or those of a Director or officer of any entity that controls the company
- An entity that controls the company^[SEP]
- An entity controlled by any of the above (unless the entity is also controlled by the company)
- An entity that was one of the above in the past six months
- An entity that believes or has reasonable grounds to believe that is likely to become one of the above at any time in the future
- An entity acting in concert with any of the above related parties on the understanding that the related party will receive a financial benefit if the company gives the entity a financial benefit.

Any transaction that provides a financial benefit to a related party must either: ^[SEP]

- be approved by the company's members and given within 15 months after the approval, or ^[SEP]
- fall within an exception, as outlined under the *Corporations Act, S210*. ^[SEP]

Generally, exceptions include:

- transactions which would be reasonable at arm's length terms and which are less favourable to the related party ^[SEP]
- benefits that are reasonable remuneration for Directors, officers and employees including expenses incurred ^[SEP]
- the payment of certain indemnities, exemptions, insurance premiums and payment for legal costs for officers ^[SEP]
- a small amount given to a related party
- the giving of benefit to or by a closely-held subsidiary
- the giving of benefits to members that do not discriminate unfairly against other members, or
- a financial benefit given under an order of the court.

Any proposal that provides a financial benefit to a related party must be fully presented to the Board for discussion and legal advice sought if compliance under the *Corporations Act* is unclear.

The board will consider all information provided in order to determine whether and how to proceed with the proposed transaction, taking into account of all relevant legal and other advice. Directors cannot participate in voting procedures associated with related party transactions where they are the related party, unless approved to do so by a resolution of the board, following the similar manner as conflicts of interest determinations.

Where the board resolves that a proposed transaction is subject to an exemption and does not require member approval, it will ensure that a resolution to that effect is minuted. [L] [L] [L] [L] [SEP] [SEP]

Where the board resolves that a proposed third party transaction requires member approval, it will set in place the procedures for seeking such approval and ensure that the required materials are lodged with ASIC before being put to members, in line with s218 of the *Corporations Act* and ASIC Regulatory Guides.

8.5 Conflicts of interest and related party interests in commissioning and procurement

Any person with a material personal conflict of interest or related party interest in a commissioning or purchasing outcome is excluded from participating in:

- The determination of procurement specifications and selection criteria
- The determination of how the approach to market will be made
- The assessment of procurement bids
- The awarding of commissioning or purchasing contracts
- The monitoring and management of a contract.

To ensure transparency, Advance Housing will publish details of all contracts over \$100,000 on the Advance Housing website. The details published as a minimum include: name and address of successful supplier, a description of the goods and/or services procured, date of award OR contract date, and value of contract.

8.6 Breaches and disputes

Any breaches of this policy could constitute a possible act of misconduct and will be dealt with under the relevant Advance Housing misconduct and disciplinary policies and procedures.

Disputes regarding related parties and/or conflicts of interest will be managed in accordance with the relevant dispute procedure.

Independent external mediation may be used where conflicts cannot be resolved through the usual procedures, or when there is a dispute as to whether an actual, potential or perceived conflict exists.

Where mediation is not successful or the chosen course of action, advice will be sought from a suitability qualified or experienced expert and the board will take appropriate action in the light of that advice.

9 Risk Management Policy

Refer *AHL Risk Management Policy*.

10 Confidentiality Policy

Version: 2

Date last approved: October 2021

Date Due for review: October 2023

Authority to amend: Board

Related documents

Advance Housing Constitution

Advance Housing requires Directors, staff, volunteers and contractors to respect and maintain the confidentiality of individuals and the company's business generally.

Advance Housing personnel will:

- Retain all confidential information in the strictest confidence and not disclose any confidential information to any person other than for purposes directly related to their Advance Housing duties.
- Not use any confidential information that they have acquired for their own interests.
- Not make copies of any confidential information for any other reason other than those directly related to their Advance Housing duties.

Upon employment all staff will sign a contract of employment that includes the employee's agreement to not disclose any confidential information collected by the organisation or heard during their involvement with Advance Housing. The only exception is when information is disclosed with the express permission of the person from whom the information was collected, or in cases where it is required by law, a court order or duty of care to protect the safety of an individual.

Further during orientation, volunteers and Directors will sign a Confidentiality Agreement that details their obligations and agreement to meet these obligations in the same way as employees.

Confidential information includes:

- Personal staff, volunteer or Director information.
- Personal information provided by individuals or about individuals in the course of performance reviews, leave applications, supervision sessions or similar discussions.
- Information about any internal dispute or grievance.
- Business conducted in Board meetings, other than that identified as being for public discussion.
- Confidential information concerning financial transactions, competitive tenders or any other organisational plans or activities identified by the Board or Manager.
- Confidential information provided by tenants, prospective tenants or third parties.

10.1 Compliance

Failure to comply with this policy will be considered misconduct and give rise to the application of Advance Housing disciplinary procedures.

The CEO will determine whether a breach by staff is serious enough to warrant immediate termination. If the breach is not considered serious enough to warrant immediate termination, a written warning should be issued to the staff member concerned stating that any further similar cases of misconduct may result in instant termination.

The Chairperson will oversee the management of breaches of confidentiality by Directors.

11 Privacy Policy

Version: 2

Date last approved: October 2021

Date Due for review: October 2023

Authority to amend: Board

Related documents

Privacy Act 1988

Advance Housing recognises the importance of protecting the privacy of individuals and is committed to maintaining its obligations under the Privacy Act 1988 and upholding the Australian Privacy Principles. This privacy policy sets out what information Advance Housing gathers and how it is used, in order to ensure that we manage personal information in an open and transparent way.

11.1 Definitions

Personal information is information that can identify an individual, whether or not the information is true or not and regardless of how it is collected.

Sensitive personal information includes ethnicity, political or religious affiliations or beliefs, memberships, health and criminal records.

11.2 Personal information that AHL collects and how it is used

Advance Housing collects information in order to:

- Deliver customer services
- Comply with legal and contractual obligations,
- Comply with duty of care to tenants, workers and child protection obligations
- Better plan and evaluate its services.

- Meet employment compliance requirements
- Meet company compliance requirements

The types of personal information that Advance Housing collects and uses includes but is not limited to:

- Information for identification purposes, such as names, dates of birth, driver's license numbers and contact details (including address, phone numbers and email addresses).
- Information related to housing eligibility and requirements, such as occupation, dependents, household composition and income, Centrelink details, basic health information, support needs, migration status, and circumstances that may give rise to priority assistance.
- Information for tenancy management purposes, such as bank account details, relationships with support agencies, special needs and financial circumstances.
- Information required for the engagement of company Directors and all employees including taxation identifiers, legal status, personal identifiers as outlined above, qualifications and experience, references, disabilities and relevant health information, bankruptcy, criminal record checks, and in the case of Company Directors, their related parties where this impacts on actual or potential conflicts of interest.

Sometimes the information AHL requires is of a sensitive nature, such as health records or court proceedings. AHL only collects this information with consent and will only use this information for the reasons explained.

Tenants and prospective tenants may choose not to provide AHL with personal information. However, without all the required information AHL may not be able to provide the full range of services to a tenant or prospective tenant.

Where job applicants, prospective company directors, and contractors choose not to provide AHL with requested personal information this may prevent AHL with offering positions or contracts. Where complainants choose not to provide identifying information this may make it difficult to conduct an effective investigation of their complaint.

AHL may send direct marketing communications and information about its services. This may be done by telephone, post, email or SMS. AHL will endeavour to use the method that a tenant most prefers. At any time, a tenant may opt-out of receiving marketing materials by contacting AHL.

11.3 How AHL collect personal information

AHL generally collects personal information directly, for example, when a tenant fills in an application form or when AHL initially meets with a tenant or prospective tenant or

employee. Sometimes it may be necessary for AHL to collect personal information from a third party, for example, from Centrelink or a support agency. However, we will only do so with consent or where it is not reasonable and practical to collect the personal information from the individual directly.

AHL may also collect personal information from use of our websites and information provided through online requests or surveys.

In some cases, AHL may collect information electronically through the use of cookies, for example, when providing online services or for website or survey analytics. A cookie is a short piece of data which is sent from a web server to a web browser on the user's machine when the browser visits the website and is stored on the user's machine. The information collected by these cookies is not capable of identifying a person.

AHL may also be provided with personal information without having sought it through our normal means of collection. This is known as “unsolicited information” and is often collected by:

- Misdirected emails or postal mail
- Employment applications sent to us that are not in response to an advertised vacancy
- Complaints
- Additional information provided to us which was not requested.

Additional information provided to AHL which was not requested will only be held, used and or disclosed if it is considered as personal information that could have been collected by normal means. If that unsolicited information could not have been collected by normal means then AHL will destroy, permanently delete or de-identify the personal information as appropriate.

11.4 How AHL hold personal information

AHL may store personal information in hard copy or electronic format, in storage facilities that AHL owns and operates, or that are owned and operated by third parties. AHL takes measures to ensure the privacy and security of personal information, including physical and technical security controls, such as locks, passwords and restricted access.

When personal information is no longer needed for the purpose for which it was obtained, AHL takes reasonable steps to destroy or permanently de-identify any personal information. However, most of the information is or will be stored in client files which will be kept for a minimum of 7 years.

11.5 When AHL might disclose personal information

AHL may share your personal information to others in the following circumstances:

- Tenancy and housing management services, such as maintenance, repairs or debt-recovery.
- When you have provided consent for information to be shared, such as to support agencies, someone representing you, or because you have applied for some service or benefit.
- When AHL are required to do so by law.
- When AHL have strong reason to believe that you or another person is in serious and imminent harm.

AHL will not provide your personal information to other parties for the purposes of direct marketing.

Personal information of Children and Young People Under 18 Years

The Privacy Act does not differentiate between adults and children and does not specify an age after which individuals can make their own decisions with respect to their personal information.

AHL takes a common sense approach to dealing with a minor's personal information. In the context where the minor is a dependent of a tenant or applicant for tenancy, generally AHL will refer any requests for personal information to their parents/carers. AHL will treat notices provided to parents/carers as notices provided to the child and will treat consents provided by parents/carers as consents provided by the child.

In certain circumstances (especially when dealing with older children and especially when dealing with sensitive information), it will be appropriate to seek and obtain consents directly from the child or young person. AHL acknowledges that there may be occasions where a young person may give or withhold consent with respect to the use of their personal information independently from their parents/carers.

There may also be occasions where parents/carers are denied access to information with respect to their child or young person, because to provide such information would have an unreasonable impact on the privacy of others, or result in a breach of AHL's child safe policies.

Sending Personal Information Overseas

Personal information is not likely to be disclosed to overseas recipients.

The quality of personal information

AHL takes all reasonable steps to ensure the personal information it holds, uses and discloses is accurate, complete and up-to-date, including at the time of using or disclosing the information.

If AHL becomes aware that the Personal Information is incorrect or out of date, it will take reasonable steps to rectify the incorrect or out of date information.

11.6 Gaining access to personal information AHL hold

A person may request access the information that AHL holds about them and correction of any errors. AHL will respond to the request in a timely manner, no later than 30 days after the request is made.

Responding to data breaches

AHL will take appropriate, prompt action if AHL has reasonable grounds to believe that a data breach may have, or is suspected to have occurred. Depending on the type of data breach, this may include a review of AHL internal security procedures, taking remedial internal action, notifying affected individuals and the Office of the Australian Information Commissioner (OAIC).

If AHL is unable to notify individuals, AHL will publish a statement on the AHL website and take reasonable steps to publicise the contents of this statement.

11.7 Making a complaint

Complains relating to privacy matters cane be made directly to AHL. Complaints are also able to be lodged with the Australian Information Commissioner (www.oaic.gov.au).

11.8 Policy updates

This policy may change from time to time.

12 Media Policy

Version: 2

Date last approved: October 2021

Date Due for review: October 2023

Authority to amend: Board

Related documents

Chart of Delegated Authority

Advance Housing will maintain a positive relationship with the media to assist with the promotion of the company's objectives.

The Board authorises the Chairperson and CEO, or their delegated representative, to be media spokespeople on behalf of the company in line with the Chart of Delegated Authority in place at the time of the comment being made.

The first point of contact for media enquiries should be the CEO. This includes requests for information or interviews. No media calls or queries will be handled directly by any other staff member.

If media contact staff directly, they should refer the query to the CEO. The CEO will then confer with the Chairperson and either the Chairperson will comment, the CEO will make comment directly, or they (Chairperson and CEO) may decide to decline to make comment.

The CEO is responsible for the preparation and distribution of all media releases and materials. No written material should be forwarded to the media on behalf of Advance Housing without prior clearance from the CEO. Media releases relating to matters of advocacy, government policy or contentious matters must be authorised by the Chairperson of the Board.

The views expressed to the media should reflect those of Advance Housing, not those of the individual. Occasionally, members of the Board or staff may be approached by the media to speak in an individual capacity on a particular area of personal expertise. In these instances, it must be made clear by the speaker that she or he is speaking in a private capacity and not as a representative of Advance Housing, unless specifically authorised to do so by the Chairperson or CEO.

The CEO (or delegated staff member) will approve all media materials of a marketing or promotional nature. Any paid advertising requires the CEO (or delegated staff member) to approve the final format and expenditure.

The CEO will report to the Board all public statements made to the media by Advance Housing.

A copy of all newspaper articles, advertisements and editorials relating to Advance Housing will be filed for future reference.

13 Board Grievance Policy

Version: 2

Date last approved: October 2023

Date Due for review: October 2023

Authority to amend: Board

Related documents

Advance Housing Constitution

Board Code of Conduct

The Board of Advance Housing is committed to reaching a prompt and fair resolution of any disputes, conflicts, or disagreements that may arise from time to time, and that may threaten the functioning of the Board.

The purpose of this policy is to provide an avenue through which Advance Housing Directors can resolve grievance as they arise.

It is the responsibility of all Directors to ensure that they attempt to resolve grievances in good faith, at the earliest opportunity and informally in the first instance, where possible and appropriate.

Disputes between Directors or between a Director and the company shall be conducted in accordance with procedures outlined in the Advance Housing Constitution. Should the mediation procedure detailed in the Constitution fail to result in a resolution of the dispute, the parties may seek to resolve the dispute by a resolution of the Board or at law.

Dissatisfaction with the outcome of a dispute resolution process is not in itself grounds for further complaint, unless the complainant is unhappy with the manner in which the grievance was dealt with.

No Director will be intimidated or unfairly treated in any respect if they utilise dispute resolution procedures to resolve an issue.

All parties must maintain the highest standards of confidentiality. Whilst absolute confidentiality cannot be guaranteed in all circumstances, all parties should be aware of the circumstances where information confidential to the process will be divulged to another party.

14 VERSION CONTROL & DOCUMENT HISTORY

Date	Section	Reason	Author	Ratified
2018	All	Inception	Christina Kadmos	April 2018
Nov 2019	1.11	Registration requirement	Karen Marwick – FM	NR
Jan 2020	All	Periodic Review	John Lysaught - CEO	Jan 2020
November 2020	11	Legislative review	John Lysaught - CEO	November 2020
October 2021	All	Periodic Review	John Lysaught - CEO	N/A – no change