
PUBLIC INTEREST DISCLOSURE POLICY AND PROCEDURE

1. Policy Statement

The Public Interest Disclosure (**PID**) scheme enables public officials to disclose suspected wrongdoing by ANI personnel or by another public official without fear of detriment or reprisal. The scheme is governed by the *Public Interest Disclosure Act 2013* (Cth) (**PID Act**).

The purpose of the PID Act is to promote the integrity and accountability of the Commonwealth public sector. It encourages and facilitates the disclosure of wrongdoing by public officials and provides a means for protecting individuals who make a disclosure from adverse consequences of disclosing information that, in the public interest, should be disclosed. It also requires disclosures to be properly investigated and dealt with.

ANI is committed to compliance with the PID Act and fostering and maintaining a culture that encourages reporting of inefficiency and wrongdoing.

Andrew Seaton, as ANI's Managing Director and CEO, is ANI's Principal Officer (and an Authorised Officer) under the PID Act. The Principal Officer has appointed Sally McLennan, General Counsel and Company Secretary, as ANI's Authorised Officer.

While disclosures can be made to other persons, ANI encourages disclosures to be made to its Principal Officer or Authorised Officer at pid@ani.com.au.

2. Key Concepts

2.1. What is a public interest disclosure (PID)?

A PID can be made in different ways. The most common type of disclosure is an internal disclosure. To make an internal disclosure:

- The person disclosing the information must be a current or former public official (**Whistleblower**) (refer to 2.2 below);
- The information must tend to show, or the Whistleblower honestly believes on reasonable grounds the information tends to show, one or more instances of 'disclosable conduct' (refer to 2.3 below); and
- The disclosure is made to an authorised recipient (refer to 3.1 below) (**Authorised Recipient**).

If a disclosure is made, then an investigation must be carried out. This must be done confidentially and the Whistleblower must be protected from reprisals (refer to 3.4 below). External disclosures (outside ANI) are also possible in some limited circumstances (refer to 3.3 below).

The PID Act provides the following protections for Whistleblowers:

- The protection of the Whistleblower's identity;
- The Whistleblower is not subject to any civil, criminal or administrative liability for making a PID (except where the individual knowingly makes a statement that is false or misleading);
- Support and protection from reprisal. The Principal Officer must ensure investigations are confidential and to assess and minimize the risks of reprisal against Whistleblowers;
- Additionally, it is an offence to take reprisal, or threaten to take reprisal, against a person because of making a PID.

NB: Whistleblowers are **not** protected from the consequences of their own wrongdoing, if any.

2.2. Public Officials

To receive protection under the PID Act, a Whistleblower must be a current or former 'public official'. This includes current and former:

- Directors and employees of ANI;
- Persons who perform duties for ANI;
- Contracted service providers (and their subcontractors) (and their officers or employees) under a Commonwealth contract, i.e. contracts for the supply of goods or services to ANI.

ANI's Authorised Officer may deem an individual to be a 'public official' if they reasonably believe the individual has information about wrongdoing and proposes to make a disclosure.

2.3. Disclosable Conduct

Disclosable conduct relevantly includes conduct that is engaged in by ANI, a public official in connection with their position in ANI, or an officer or employee of a contracted service provider in connection with that contract.

Disclosable conduct includes conduct that is:

- Contravening a law;
- Perverting or attempting to pervert, the course of justice or is corrupt;
- Maladministration, including conduct that is based on improper motives or is unreasonable, unjust, oppressive or negligent;
- An abuse of public trust;
- The wastage of public money or property;
- Unreasonable endangerment of health and safety;
- Endangering the environment; or
- A public official abusing their position, or conduct which could give reasonable grounds for disciplinary action against a public official.

2.4. What is not a PID?

Conduct, that does not fall within the categories listed above, will generally not be a PID for ANI's purposes. However, a public official is not required to show it is in the public interest for them to make a disclosure.

A public official may choose to make a disclosure under the PID Act about a matter that appears to reflect a personal interest, such as an individual grievance or workplace conflict, even if there is another mechanism available to them to report these concerns.

ANI will investigate all disclosures that meet the requirements of the PID Act, even if it is primarily a matter of personal interest. However, when handling a PID about individual grievances or workplace conflict, ANI will have regard to the overall seriousness of the disclosure, and the other mechanisms available to deal with it.

Whistleblowers are not protected by the PID Act for disclosures that are intentionally false or misleading.

Making a disclosure does not in itself protect the Whistleblower from the consequences of their own conduct.

3. Procedure

3.1. Making a Disclosure

To obtain the protections of the PID Act, a Whistleblower's report of disclosable conduct (for internal reports) must be made to an Authorised Recipient, who are:

- The Whistleblower's supervisor/manager;

- An Authorised Officer (including the Principal Officer); or
- The Commonwealth Ombudsman.

As above, Andrew Seaton, as ANI's Managing Director and CEO is ANI's Principal Officer (and an Authorised Officer) under the PID Act, and Sally McLennan, General Counsel and Company Secretary, is an Authorised Officer.

3.2. How to make a disclosure

A person making a PID:

- Can do so in person, over the telephone or in writing;
- May do so anonymously or using a pseudonym;
- Should be discreet;
- Must provide reasonable assistance as required by ANI during any investigation; and
- Should not make misleading, false, frivolous or vexatious reports of conduct.

Whistleblowers should also be clear and accurate in disclosing the suspected wrongdoing, providing the details of the nature of the disclosable conduct and any background information including supporting evidence. Particularly, ANI encourages Whistleblowers:

- To raise any concerns as soon as possible;
- To ensure disclosures are clear and factual;
- To avoid speculation, personal attacks and emotive language.
- To NOT investigate a matter before making a disclosure as this may hinder a future investigation;
- Generally to cover as many of the following as possible to help ANI determine how to proceed:
 - name and contact details [refer to NOTE 1 below];
 - the nature of the suspected wrongdoing;
 - who is believed to have committed the suspected wrongdoing;
 - when and where the suspected wrongdoing occurred;
 - how they became aware of the suspected wrongdoing;
 - whether the suspected wrongdoing has been reported to anyone else;
 - if so, what has that person done to fix, stop or prevent it;
 - whether the Whistleblower is concerned about possible reprisals from making a disclosure.

NOTE 1: A Whistleblower can make an anonymous disclosure. ANI will act on anonymous disclosures wherever possible. However, ANI suggests Whistleblowers consider identifying themselves to an Authorised Officer, or alternatively providing a means of contact for the following reasons:

- Although the PID Act requires a Whistleblower's identity to be kept confidential (unless the Whistleblower consents), that person's identity may become apparent if an investigation is commenced;
- It will be difficult for ANI to protect a Whistleblower from reprisals if their identity is unknown;
- ANI's Authorised Officer must have reasonable grounds to suspect disclosable conduct has occurred before allocating the matter for investigation. If the Authorised Officer cannot contact the Whistleblower for further information then this may not be possible.
- It may also be difficult for ANI to conduct an investigation in this case.
- ANI is not able to update a Whistleblower on the progress or outcome of any investigation unless ANI has a means of contact.

3.3. External Disclosures

A Whistleblower can disclose disclosable matters outside ANI in certain limited circumstances, including:

- If the disclosure was made internally but the subsequent investigation was inadequate or incomplete;
- If there is an emergency, i.e. if there is a substantial and imminent danger to a person’s health or safety or the environment;
- To seek legal advice.

However, there are some important limitations to these exceptions. These limitations can affect whether Whistleblower protections are available for external disclosures.

3.4. Investigation Process

Below is a high-level summary of the investigation process ANI will follow.

- Upon receipt of a disclosure, the Authorised Officer must determine whether there is disclosable conduct.
- If there is disclosable conduct, the Authorised Officer must use best endeavours to allocate the investigation of the disclosure within 14 days. Where the disclosable conduct relates to ANI, ANI’s Authorised Officer will generally handle the investigation. Where appropriate, ANI may allocate the disclosure to another Commonwealth agency.
- The Authorised Officer will also conduct a risk assessment of the reprisal risk against the Whistleblower.
- For disclosures handled by ANI, ANI’s Authorised Officer will consider whether to investigate and notify the Whistleblower. A Whistleblower (as a public official) is required to use their best endeavours to assist in any investigation.
- Where ANI’s Principal Officer decides to investigate, they will do so. ANI’s Principal Officer may delegate any investigation to the Authorised Officer or, where appropriate, to an appropriately qualified external investigator.
- ANI’s investigation will generally be completed within 90 days of the disclosure being made. ANI will provide a copy of the investigation report, which may be redacted, to the Whistleblower.

ANI will at all times comply with the principle of procedural fairness in conducting investigations. The Principal Officer will take appropriate action in response to the findings.

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