

Public Interest Disclosure (PID) & Whistleblower Policy

Policy statement

This policy applies to:

- All current and former personnel;
- Individuals and organisations that provide goods or services under a Commonwealth contract or sub-contract and their officers or employees.

The purpose of the Public Interest Disclosure Act (PID Act) and the ASIC Whistleblower rights and protections under the Corporations Act 2001 is to promote the integrity and accountability of the Commonwealth public sector and ensure whistleblowers that come forward with concerns are protected, by:

- Encouraging and facilitating the making of disclosures of wrongdoing by public officials
- Ensuring that public officials who make protected disclosures are supported and protected from adverse consequences relating to the making of a disclosure
- Ensuring that disclosures are properly investigated and resolved or managed.

These two areas of legislation operate together and provide substantially the same protections.

What is an internal public interest disclosure?

When a public official (s69) (current or former)	discloses information (s26)	about disclosable conduct (s29)	to an authorised internal recipient (s34)	they receive protection
<ul style="list-style-type: none"> • Public servants • Service providers under a Cwth contract • Defence Force members • Australian Federal Police appointees • Statutory office holders • Staff of Cwth companies • Individuals taken to be public officials 	<p>The information tends to show, or the public official believes on reasonable grounds that the information tends to show disclosable conduct</p>	<ul style="list-style-type: none"> • Conduct engaged in by an agency, public official or contracted service provider <p>AND</p> <ul style="list-style-type: none"> • Involves illegal conduct, corruption, maladministration, abuse of public trust, deception relating to scientific research, wastage of public money, unreasonable danger to health or safety, danger to the environment, or abuse of position on grounds for disciplinary action 	<ul style="list-style-type: none"> • Principal officer or authorised officer of own agency, agency where the public official previously belonged, or agency to which the disclosable conduct relates • Supervisor or manager • Commonwealth Ombudsman • IGIS (if the matter relates to an intelligence agency) 	<p>Protection from:</p> <ul style="list-style-type: none"> • Reprisals (ss14-16 & 19) • Exposure of their identity (ss20 & 21) • Civil, criminal or administrative liability (s10)

Criteria for protection as a whistleblower per ASIC:

Criteria	The law requires
Your role	<p>You MUST be a current or former:</p> <ul style="list-style-type: none"> • Employee of the organisation your disclosure is about, or a related company or organisation • Officer (usually meaning a director or company secretary) of the organisation your disclosure is about • Contractor, or an employee of a contractor who has supplied goods and services to the organisation your disclosure is about. This can be either paid or unpaid and can include volunteers • Associate of the organisation, usually a person with whom the organisation acts in concert • Trustee, custodian or investment manager of a superannuation entity • Spouse, relative or dependant of one of the people above.
Organisation your disclosure is about	<p>The organisation your disclosure is about MUST be:</p> <ul style="list-style-type: none"> • A company • A bank • A provider of general insurance or life insurance • A superannuation entity or trustee, or • An incorporated association or other body corporate that is a trading or financial corporation. This includes not for profit organisations that trade in goods or services, lend or borrow money, or provide other financial services, and their trading or financial services make up a sufficiently significant proportion of their overall activities.
Who you make your disclosure to	<p>You MUST make your disclosure to:</p> <ul style="list-style-type: none"> • A director, company secretary, company officer, or senior manager of the organisation, or a related company or organisation • An auditor, or a member of the audit team, of the organisation • An actuary of the organisation • A person authorised by the organisation to receive whistleblower disclosures • ASIC or the Australian Prudential Regulation Authority (APRA), or • Your lawyer <p>While you must make your disclosure to one these people or organisations, you can raise your concerns anonymously.</p>
Subject of your disclosure	<p>You MUST have reasonable grounds to suspect that the information you are disclosing about the organisation concerns:</p> <ul style="list-style-type: none"> • Misconduct, or • An improper state of affairs or circumstances. <p>This information can be about the organisation, or an officer or employee of the organisation, engaging in conduct that:</p> <ul style="list-style-type: none"> • Breaches the Corporations Act • Breaches other financial sector laws enforced by ASIC or APRA • Breaches an offence against any other law of the Commonwealth that is punishable by imprisonment for a period of 12 months, or • Represents a danger to the public or the financial system. <p>'Reasonable grounds' means that a reasonable person in your position would also suspect the information indicates misconduct or a breach of the law.</p> <p>There are additional protections if your concerns relate to matters in the public interest or an emergency.</p>

Whistleblowers may report to journalists or parliamentarian in limited circumstances such as in matters of public interest or emergencies. These reports must have previously been reported to ASIC. If you disclose your concerns to the public in another way, these protections do not apply.

The PID Act and whistleblower rights complement existing notification, investigation and complaint handling policies and procedures. For example, where a public interest disclosure concerns suspected fraud, the investigation will be conducted in accordance with the Fraud policy.

These processes provide additional protections for disclosers and reporting obligations for agencies.

Who can make a Public Interest Disclosure?

A person must be a current or former 'public officer' to make a public interest disclosure. This is a broad term which encompasses AAFCANS employees and contractors.

Who to contact with a Public Interest Disclosure or Whistleblower concern?

For further information regarding this policy or to make a disclosure, please refer to the Commonwealth Ombudsman website (at <http://www.ombudsman.gov.au>). For report an internal matter, please contact AAFCANS' Head of Governance & Risk or our In-House Counsel who are the PID Officer and Deputy PID Officer respectively on 07 3320 2649 between 7.30am and 3.30 pm Monday to Friday.

AAFCANS commitment

AAFCANS is committed to ensuring the highest level of ethics in our organisation and support public interest disclosure.

We encourage any person who considers that they have witnessed wrongdoing to come forward and make a disclosure.

The welfare and safety of employees and customers is AAFCANS' first priority. Damage to our business through inappropriate conduct or wrongdoing must be addressed and corrected as soon as possible.



Tim Manic
Managing Director

RESPONSIBILITIES	
Policy Manager: Head of Governance & Risk	Approval Authority: Managing Director
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