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Ms Sophie Dunstone
Committee Secretary
Senate Legal and Constitutional Affairs Legislation Committee

By email: legcon.sen@aph.gov.au

Dear Ms Dunstone

Inquiry into the Public Interest Disclosure Amendment (Review) Bill 2022

Thank you for your letter of 8 February 2023 and your offer to The Australian National University (ANU) to respond to a submission which reflects adversely on ANU.

As the Committee's inquiry is a legislative one, into the provisions of the Public Interest Disclosure Amendment (Review) Bill 2022 (Bill), it was considered appropriate that I respond on behalf of ANU, as its General Counsel. This letter has, however, been seen and is endorsed by Professor Brian P. Schmidt AC, Vice-Chancellor and President, as recipient of your invitation and the principal officer of ANU under the *Public Interest Disclosure Act 2013* (Act).

While your invitation is appreciated, I am afraid it is quite difficult to respond to the submission, part extracted, which makes broad and unsubstantiated assertions, and which appears to have been made by a person or persons who did not make any public interest disclosures, at all; but, who 'know that several [disclosures] were submitted' (itself perhaps surprising, given the confidentiality expectations surrounding disclosures).

It is also difficult to understand how those broad and unsubstantiated assertions, of persons who have seemingly not used the disclosure scheme nor have any direct knowledge of any disclosures made to ANU, are relevant to the Committee's inquiry into the provisions of the Bill; particularly as the submission offers no apparent reflections on the Bill.

In those circumstances, and insofar as ANU may respond, the University's position is that it has investigated and reported on all public interest disclosures allocated to it where investigation was justified. In all instances those investigations and reports were undertaken in accordance with the Act. Where any disclosures claimed disclosable conduct of a particularly serious nature (of a kind referred to in the extract of the submission), then ANU has engaged external, expert and independent investigators to investigate and report for ANU. Of the disclosures to which the submission might conceivably refer, those investigators found no disclosable conduct.

Thank you for also drawing attention to another submission, published on the Committee's website, which provides some further commentary on ANU's handling of public interest disclosure claims.

What has been said in respect of the University's actions above applies equally here. Where the submission also refers to propositions said to arise from the discloser's correspondence with the Ombudsman, to which ANU was not privy, ANU is not in a position to offer a response, other than to refer to what is said above.

Should you have any questions in relation to this response, please do not hesitate to contact ANU.

Yours sincerely

Philip Harrison
General Counsel