



Whistleblower Protection Program

ASC's overall policy about whistleblowing

ASC is committed to being a good corporate citizen, role model, service provider and employer. It is committed to creating and maintaining an open working environment in which all ASC personnel, ASC suppliers and ASC contractors and their personnel, are able to disclose concerns about potential wrong doing or maladministration.

It makes no difference whether the individual is a casual, part-time or full-time worker.

ASC encourages all its personnel, its contractors and its suppliers to report issues and concerns —to speak up.

What this policy is all about

This policy sets out how ASC will handle disclosures of misconduct, or of improper situations, that relate to ASC or any of its subsidiaries and that fall under the Public Interest Disclosure 2013, the Corporations Act 2001 or the Taxation Administration Act 1953 (**protected disclosures**; the laws are **whistleblower laws**).

It describes how ASC supports ASC personnel who make protected disclosures (**whistleblowers**) by:

- (a) encouraging people to make protected disclosures where that is appropriate;
- (b) outlining the protections available to whistleblowers —and to people who are the subject of protected disclosures —under this policy, and under the whistleblower laws; and
- (c) demonstrating ASC's commitment to handling protected disclosures fairly and in a timely way.

It describes the investigation process ASC will undertake following a protected disclosures.

This policy is supported by fact sheets on key issues for ASC personnel.

Whistleblower Protection Program

3 What disclosures does this policy cover?

3.1 Disclosures of what?

a) Public interest disclosures

A disclosure is a **public interest disclosure** if it tends to show, or if the whistleblower believes on reasonable grounds that it tends to show, conduct that:

- (i) contravenes a law;
- (ii) amounts to corruption, perverting the course of justice or abuse of position;
- (iii) amounts to maladministration (where the conduct is based in whole or in part on improper motives; conduct which is unreasonable, unjust or oppressive; or conduct which is negligent);
- (iv) involves wastage of public money; or
- (v) poses an unreasonable danger or risk to, health and safety or the environment.

The conduct could relate to an ASC Group company, ASC personnel or to another Commonwealth public sector body or Commonwealth officials.

(b) Corporate or financial misconduct disclosures

A **corporate or financial misconduct disclosure** is one where the whistleblower has reasonable grounds to suspect that the information concerns **corporate or financial misconduct**, or an **improper corporate or financial situation**, in relation to an ASC Group company.

Examples: Conduct that:

- breaches corporate law (such as the Corporations Act 2001 or the Australian Securities and Investments Act 2001), or financial laws (such as the Superannuation Industry (Supervision) Act 1993);
- constitutes a serious offence against another Commonwealth law; or
- represents a danger to the public or to Australia's financial system.

(c) Tax disclosures

A tax disclosure is a one:

- (i) about **tax-related misconduct**, or an **improper tax situation**, in relation to the tax affairs of an ASC Group company or any of its subsidiaries; or
- (ii) which the whistleblower considers will help ASC or the Commissioner of Taxation to perform their duties under Commonwealth tax law.

3.2 Disclosures by whom (who is a whistleblower)?

This policy and the whistleblower laws treat the following individuals as whistleblowers:

- (a) current and former staff of ASC Group companies;
- (b) current contracted service providers and suppliers to ASC Group companies, and their employees (in certain circumstances); and
- (c) in relation to the Corporations Act 2001 (Cth) and Taxation Administration Act 1953 (Cth), relatives and dependants of either of these groups.

Whistleblowers get the protections of this policy and the whistleblower laws.

3.3 Disclosures to whom?

To be a protected disclosure under this policy and the whistleblower laws, the disclosure must be made to particular people. Who that is depends on the kind of protected disclosure.

Whistleblower Protection Program

(a) Public interest disclosures

The disclosure must be made to an ASC authorised officer.

Position	Current Incumbent	Contact #	Location
Contract Manager Training	Deanna BYERS	08 9410 4392	ASC West, Submarine Training School
Executive Manager Strategy & Communications	Christian HAMILTON	08 8348 7660	ASC North Building 3
Manager, Group Internal Audit	Andrew HENRY	08 8348 7522	ASC North Building 5
People & Culture Operations Manager	Nicole KIDMAN	08 8348 7805	ASC North Building 5
People & Culture Business Partner	Megan NEVILLE	08 9410 4184	ASC West
Business Manager	Simon RUSITI	08 9410 4356	ASC West
General Counsel	Ivan WITT	08 8348 7022	ASC North Building 5
ISSC Commercial Manager	Tony WRIGHT	08 87423 4320	ASC North Building 5

(b) Corporate or financial misconduct disclosures

The disclosure must be made to:

- (i) an officer or senior manager of ASC;
- (ii) an auditor conducting an audit of ASC;
- (iii) a person authorised by ASC to receive these protected disclosures; or
- (iv) the Australian Securities and Investments Commission.

(c) Tax disclosures

The disclosure must be made to:

- (i) an officer or senior manager of ASC;
- (ii) an auditor conducting an audit of ASC;
- (iii) a person authorised by ASC to receive these protected disclosures (**authorised ASC officer**);
- (iv) the Commissioner of Taxation; or
- (v) a registered tax or BAS agent engaged by ASC.

3.4 Making protected disclosures

For this policy and the whistleblower laws, protected disclosures can be made orally, or in writing.

A protected disclosure can be anonymous.

It's not necessary to say expressly that a disclosure is a protected disclosure to attract the protections of this policy and the whistleblower laws. It's a protected disclosure if it meets the criteria in this section 3.

3.5 What's not a protected disclosure?

Some disclosures don't attract the protections of this policy or the whistleblower laws.

Disclosures about personal work-related grievances are not covered by this policy, or by the whistleblower protections.

Examples: Disclosures about:

- interpersonal conflicts between ASC personnel;
- decisions about engaging, transferring, promoting, suspending or sacking the whistleblower;
- decisions about the whistleblower's terms and conditions of employment.

Disclosure to foreign public officials are not protected.

Disclosures about Commonwealth policies or proposed policies, or Ministerial or Parliamentary actions, or expenditures relating to either of these are not protected disclosure merely because the whistleblower disagrees with them.

Whistleblower Protection Program

4 What protections are available to whistleblowers?

4.1 Confidentiality

ASC will not disclose the identity of a whistleblower, or the fact that a whistleblower has made a protected disclosure.

If a whistleblower makes an anonymous protected disclosure, ASC will protect the whistleblower's anonymity.

However, ASC may disclose the identity of a whistleblower:

- (a) to the extent strictly necessary to ensure that the information disclosed is properly investigated in accordance with this policy, and any issues properly dealt with; or
- (b) with the whistleblower's consent.

4.2 No action

- (a) ASC will not take any civil, criminal, administrative or disciplinary action against a whistleblower for making a protected disclosure. This includes not enforcing any contract remedy, or other legal remedy, or exercising a contract right that ASC has, against a whistleblower for making a protected disclosure.

Example: ASC will not treat a protected disclosure as a breach of a contract between ASC and the whistleblower.

Example: ASC will not terminate a contract between ASC and the whistleblower on the ground that the whistleblower made a protected disclosure.

- (b) ASC will take all reasonable steps to ensure that whistleblowers are protected from reprisals, detrimental conduct and victimisation for making protected disclosures.

4.3 Court action

Information disclosed in a protected disclosure cannot be used as evidence against the whistleblower in a prosecution (except a prosecution based on the falsity of the information).

4.4 Remedies for breach of protection requirements

If any of the protections available under the whistleblower laws are breached, the whistleblower has a range of remedies, including:

- (a) a right to damages; and
- (b) a right to a court order stopping reprisals or other detrimental action.

The court may make any appropriate order to deal with the matter, including ordering an apology.

5 ASC support

ASC is committed to treating disclosures appropriately and to ensuring that ASC personnel who make protected disclosures receive the protections they are legally entitled to. It is also committed to treating fairly and appropriately any of its personnel about whom protected disclosures are made.

This policy is a key element of ASC's approach.

5.1 Supporting whistleblowers

ASC will support whistleblowers by:

- (a) preserving the confidentiality of their disclosures, in accordance with the whistleblower laws and this policy;
- (b) taking protected disclosures seriously, and ensuring that they are properly investigated;
- (c) responding to complaints of victimisation, bullying and reprisals;
- (d) if appropriate, appointing a support person to assist whistleblowers throughout the investigation process and to monitor their health and wellbeing;
- (e) if necessary and appropriate, adjusting whistleblowers' working conditions (in consultation with them).