

## Whistleblower and Public Interest Disclosures

### 1 Purpose of this policy

Individuals with concerns of possible misconduct, maladministration, or other improper activity by ONRSR can report them in good faith. The purpose of this policy is to provide information on how individuals are protected by Law, the obligations of ONRSR staff, and how ONRSR will uphold confidentiality and protect whistleblowers and those that make public interest disclosures.

### 2 Who can make a protected disclosure?

Current or former employees and other stakeholders (including spouses and family members) may make a protected disclosure relating to ONRSR's administration.

The disclosure may be protected as a whistleblower under the *Corporations Act 2001* or as a person or public officer making an appropriate disclosure under the *Public Interest Disclosure Act 2018* (South Australia). While you must hold or have held certain roles to access the protections, you can also raise your concerns anonymously.

### 3 What can I report and be protected?

The legislation requires that you have reasonable grounds to suspect that the information you are disclosing about ONRSR concerns possible corruption, misconduct, maladministration or an improper state of affairs.

To report on *reasonable grounds* means that a reasonable person in your position would also suspect the information indicates misconduct or a breach of the law. No further evidence is required.

### 4 What types of reports are *not* protected under whistleblower or public interest disclosure provisions?

If your concern is about a personal grievance, it is unlikely to be a protected disclosure unless it relates to a wider more significant concern, such as illegal activity or systematic misconduct, or you have suffered detriment by reporting a concern.

If your concern relates to a rail safety matter, this can be reported confidentially through the ATSB Confidential Reporting Scheme (REPCON). The contact details are on the [ATSB website](#). Such reports are not subject to this policy.

If your concern relates to ONRSR operations, please notify us via the [feedback form](#) on our website.

### 5 How should I report a concern about ONRSR's conduct to ONRSR directly?

Confidential or anonymous reports to ONRSR should be made via the [feedback form](#) on our website, this will be referred to ONRSR's nominated officer.

ONRSR's nominated officer for the purposes of this policy is the Senior Manager, Human Resources; and General Counsel may also receive disclosures. ONRSR's nominated officer will keep your identity confidential, or you may choose to remain anonymous. Note that whilst the nominated officer is eligible to receive whistleblower reports and handle these in accordance with this policy and the Corporations Act, a public interest disclosure must be made to a relevant authority. Notwithstanding this, the nominated officer can provide further information on your options.

Any staff member who receives a potential report of misconduct, maladministration or other improper activity by ONRSR should refer the person to the nominated officer, or an Executive Director if appropriate. If that staff member knows your identity, they must not share this, or any information that may lead to your identity being disclosed.

## 6 How will I be protected?

Legislation protects persons who have been determined to be whistleblowers and, in some circumstances, where persons make a public interest disclosure.

ONRSR will uphold the protections, which include:

- confidentiality of identity; and
- prohibition to cause detriment and victimisation

The nominated officer will assess the circumstances and risks to the individual and make any necessary changes to protect them from detriment. For a current employee, this may include such things as a change in work location, access to counselling support, or taking extended leave (for example). The nominated officer will act as your first point of contact and support on behalf of ONRSR. Notwithstanding this, you are encouraged to seek independent advice for more information on your rights and protections.

## 7 How will ONRSR investigate my concerns?

The nominated officer will assess whether the disclosure qualifies for protection as a whistleblower and whether a formal investigation is required, or another action is more appropriate. As part of the assessment, the nominated officer may need to speak with you for the purposes of obtaining further information. If an investigation is required, the nominated officer will determine:

- the nature and scope of the investigation;
- the person(s) within and/or outside of ONRSR that should lead the investigation;
- the nature of any technical, financial or legal advice that may be required to support the investigation; and
- the timeframe for the investigation.

The nominated officer is required to keep any information that may lead to your identification confidential and will establish secure record-keeping and a process for contacting you.

If you have chosen to keep your identity anonymous, arrangements for contacting you may be accommodated if possible, for example, through a third party. If, as part of the assessment it has been determined that your identity is reasonably necessary to investigate the disclosure, the nominated officer will advise you of the reasons why, who and how your details may be disclosed prior to commencing the investigation. If you do not consent, ONRSR will investigate as best as it can but it may be limited to a general review of the subject matter or work area.

The purpose of the investigation is to determine whether there is enough evidence to substantiate or refute the matters reported. The investigation will be undertaken objectively and independently of the person or team at the subject of the disclosure. Staff members of ONRSR who participate in investigations conducted in accordance with this policy will be bound by confidentiality requirements. Additionally, to ensure procedural fairness, allegations that relate to the conduct of an ONRSR staff member(s) will be put to them as part of the investigation process to afford an opportunity to respond. In these circumstances staff members will also be bound by confidentiality. Any person at the subject of the disclosure will be treated fairly and will be notified of the outcome of the investigation including a summary of findings.

ONRSR will aim to complete the investigation within 90 days of notification, however this may vary depending on the scope, nature and availability of those required as part of the investigation. The nominated officer will notify you when the investigation has concluded.

## 8 Further information

If you have concerns with the way ONRSR is handling your disclosure, or your concerns are unlikely to fall within the legislation, you may contact our nominated officer for advice. You may also seek independent legal advice, or contact the [South Australian Ombudsman](#), the [Office of Public Integrity \(OPI\)](#) or [ASIC](#).

Any matters referred to ONRSR by an agency either informing us of an external investigation or advising it is a matter for ONRSR to investigate internally, will be handled confidentially (where possible) and in the same manner as this policy.