

TERMS OF REFERENCE

(1 October 2025)

Following matters of concern raised during a hearing of the Senate Education and Employment Legislation Committee on 12 August 2025 (**Senate Hearing**), the Australian National University Council has established a Special Governance Committee (**Committee**) in accordance with section 18(1) of the *Australian National University Act 1991* (Cth) and clause 25 of the Australian National University (Governance) Statute 2024.

Pursuant to the Committee's functions, the Committee, through Lander & Rogers, appoints Dr Vivienne Thom AM (the **Investigator**) to conduct an independent investigation and provide a report (or reports) of the investigation to the Special Governance Committee (the **Investigation**).

Scope of the Investigation and Investigator's Engagement

1. *Liaise with the University and Regulators to determine where the matters of concern raised at the Senate Hearing are already being dealt with and identify matters that are to be included in the Investigation (the **Investigation Matters**)*. The Investigator will:
 - a. identify any existing internal University processes dealing with or arising from the matters of concern raised at the Senate Hearing, including any existing workplace grievance processes in the Investigation Matters, which the Investigator may, at her discretion, assume responsibility for;
 - b. engage with external agencies and/or third parties, as required, to determine if a matter of concern is within the remit of those regulators or third parties. This may include, but is not limited to:
 - i. the Commonwealth Ombudsman;
 - ii. the National Anti-Corruption Commission (**NACC**);
 - iii. the Tertiary Education Quality and Standards Agency (**TEQSA**);
 - iv. the Australian National Audit Officer (**ANAO**); and
 - v. Comcare; and
 - c. following engagement with external agencies and/or third parties, meet with witnesses and/or impacted people and formulate allegations relating to matters of concern which are not otherwise being investigated or reviewed by an external agency or third party and which will be the Investigation Matters.
2. *Undertake the Investigation in accordance with the Public Interest Disclosure Act 2013 (Cth) and any other applicable legislative requirements.*

The Investigator is required to determine whether the Investigation will be conducted in stages, according to the availability of documents and persons requested to attend an interview. If so, the Investigator will inform the Committee of the proposed stages and timing of the investigations.

Further information about the Investigator's powers and the conduct of the Investigation is provided below.

3. Provide a written report/s to the Committee.

At the conclusion of the investigation, the Investigator will provide the Committee with a written report.

4. Provide interim reports and updates to the Committee.

The Investigator may, at any time, as the Investigator considers appropriate:

- a. make recommendations to the Committee to give effect to measures to preserve the integrity of the Investigation;
- b. refer any matters of concern that the Investigator considers require investigation, but that are outside the scope of the Investigation, to the Committee or the Deputy General Counsel of the Australian National University;
- c. provide interim updates to the Committee during the course of the Investigation; or
- d. request that the Committee vary any of the terms of reference.

Matters outside the scope of the Investigation

The following matters are outside the scope of the investigation:

- a. the governance, leadership and culture of the University generally;
- b. the University Council, outside matters of concern arising from the Senate Hearing;
- c. any allegations or matters that expressly covered by and included in the TEQSA's compliance assessment under section 59 of the *Tertiary Education Quality and Standards Agency Act 2011* of The Australian National University pursuant to Item 2 of the terms of reference released in August 2025;
- d. any current Australian National Audit Office review of the University's Governance and Control Framework;
- e. any matter or allegation referred to, required to be referred to or being investigated by:
 - i. the Commonwealth Ombudsman;
 - ii. the NACC; and/or

iii. Comcare.

unless otherwise approved or agreed with such agencies.

The Investigator's powers

The conduct of the Investigation will be determined by the Investigator as she considers appropriate and may include:

- reviewing and considering relevant University policies concerning workplace conduct, conflict of interest and codes of conduct for employees and Council members;
- conducting interviews and receiving relevant information and submissions from current and former Council members and University employees;
- conducting interviews and receiving relevant information or submissions from third parties;
- determining the location, dates, duration, manner and attendees at an interview, including accompanying support persons or legal representatives;
- requesting and reviewing relevant documents and information from the University, Council members, University employees and third parties;
- liaising with external agencies and third parties, including but not limited to the external agencies and third parties identified at paragraph 1.a; and
- assuming responsibility for and the investigation of existing internal workplace grievances, where the Investigator considers they are appropriately dealt with in the scope of this investigation.

The conduct of the investigation will take a trauma-informed approach and conform with the principles of natural justice and procedural fairness, taking into account where appropriate the procedures set out in:

- the *Public Interest Disclosure Act 2013 (Cth)*
- [*ANU Public Interest Disclosure Policy*](#)
- *The Australian National University Enterprise Agreement 2023-2026*
- *The University Staff Grievance Procedure*

Confidentiality

The Investigation will be conducted on a confidential basis.

There will be no public interviews or release of any information in the public domain in the course of the investigation.

During the course of the investigation, the Investigator may obtain assistance as she requires, including independent legal and other

professional advice to inform the University of what responses are required, including but not limited to the management of workplace complaints or grievances and any obligation to refer or report to external agencies.

Reporting

The Investigator will provide a written report/s to the Committee that:

1. addresses findings in relation to the Allegations; and
2. recommends any referrals to any relevant external agency or third party, as required by law.

The Investigator may determine whether the findings will be provided in one report or presented in separate reports.

The Investigator will identify any parts of a report/s that should be treated as confidential or requiring redactions to ensure the safety, welfare and wellbeing of any person.

The Investigation will be completed as expeditiously as a proper consideration of the matters allows.