



Public Interest Disclosure Policy

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OVERVIEW

The University does not tolerate *Wrongdoing* and is committed to building an organisational culture based on integrity. The University strives to ensure its processes and systems promote accountability, good governance and ethical conduct.

All members of the University Community are encouraged to report concerns of possible *Wrongdoing* to the University, or relevant external bodies – **Annexure 1** sets out further information for individuals wanting to make a *Disclosure*.

The purpose of this Policy is to:

- provide guidance to individuals (also known as 'whistleblowers' and referred to in this Policy as *Informants*) who raise concerns of possible *Wrongdoing* that is of *Public Interest* (called *Disclosures*) about the protections that may be available to them, and
- give *Informants* confidence to disclose information either to the University, or to a relevant external agency established to receive such reports.

Informants are only entitled to statutory protection from victimisation provided certain requirements are met. These requirements depend on the identity of the informant, the subject matter of the *Disclosure*, and to whom the *Disclosure* is made. **Annexure 1** provides a summary of these requirements.

Regardless of whether statutory protections are available, the University has processes in place and is committed to ensuring that informants are provided with confidentiality and not subjected to detrimental treatment as a result of making a genuine *Disclosure* in good faith.

Some members of the *University Community*, including all *Staff* and *Contractors* are *Public Officers* and are required by law to report corruption in public administration to the Office for Public Integrity (OPI) and are encouraged to report misconduct or maladministration in public administration to a Relevant Authority, such as the Ombudsman SA. Making a report of possible *Wrongdoing* to the University under this Policy can be done **in addition** to making a disclosure to these external bodies.

Further information about the implementation of *Disclosure* procedures is available from the [Integrity Unit](#).

SCOPE AND APPLICATION

All members of the University Community wanting to make a *Disclosure* about matters of *Public Interest* and be afforded *Protective measures* must comply with this Policy.

This Policy applies only to persons who seek to report information to the University that is of *Public Interest*, for example, information that raises a potential issue of corruption, misconduct or maladministration in public administration. If the *Disclosure* is not one of *Public Interest* then one of the University's other procedures for reporting staff or student grievances and complaints of misconduct should be followed. For clarity, this Policy does not apply to work or study-related complaints or grievances of a personal nature, such as interpersonal conflicts, or dissatisfaction with a grade or performance assessment.

This Policy sets out the principles and procedures by which the University will manage *Disclosures*, including those received from external individuals and those made anonymously.

In the case of information supplied anonymously, the University may be limited in its capacity to investigate or fully deal with the issues raised.

This Policy operates in conjunction with and does not detract from:

- Any statutory protections or obligations which exist under State and Commonwealth legislation, including the [Public Interest Disclosure Act 2018](#) (SA) (the PID Act) and the [Corporations Act 2001 \(Cth\)](#); or
- The rights and obligations of individuals wanting to make reports to the Office for Public Integrity (OPI) under the [Independent Commission Against Corruption Act 2012](#) (SA) (the ICAC Act) or the [Ombudsman Act 1972](#) (SA).

In complying with its statutory obligations, the University must ensure that:

- Procedures are in place for *Disclosures* to be made, acknowledged and assessed for further action
- Measures to protect *Informants* are implemented during the management of *Disclosures*.

POLICY PRINCIPLES

1) The University's does not tolerate *Wrongdoing* and is committed to:

- a) Operating with the highest legal and ethical standards
- b) Requiring all staff and titleholders to behave in a way that is lawful, ethical, and upholds and is consistent with the University's Code of Conduct at all times
- c) Supporting and protecting *Informants* making *Disclosures* under this Policy or under a relevant law
- d) Dealing with *Disclosures* made under this Policy thoroughly and impartially and in a confidential manner
- e) Conducting investigations in a fair, confidential and objective manner
- f) Monitoring the outcome of investigations to ensure that the outcome is fair and the response is appropriate
- g) Taking appropriate action against any person found to have engaged in *Wrongdoing* and, where appropriate, notifying external agencies
- h) Taking all appropriate action to rectify any confirmed *Wrongdoing*.

2) The University will support *Informants* to disclose conduct they reasonably suspect to be wrong by:

- a) Establishing policies which assist *Informants* to understand and act on their legal and ethical obligations
- b) Developing procedures and guidelines to encourage and facilitate the *Disclosure* of *Wrongdoing* in the University
- c) Ensuring confidentiality of the *Informant's* identity
- d) Taking appropriate action to protect *Informants* from *Victimisation*
- e) Ensuring that the *Informant* is kept informed about the progress and outcomes of any investigation arising from their *Disclosure* to the extent possible having regard to privacy and confidentiality restrictions
- f) Providing a procedure to allow *Informants* to make a complaint if they believe that their *Disclosure* is not being dealt with appropriately
- g) Providing a procedure to allow *Informants* to make a complaint if they believe that they are being victimised or suffering detriment because they made the *Disclosure*
- h) Taking appropriate action to rectify any *Wrongdoing* which is confirmed or making improvements to processes to avoid recurrence and/or to reduce any risk identified

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- i) Taking appropriate action against any individual found to have engaged in *Wrongdoing* or *Victimisation*
 - j) Reporting to and liaising with external agencies including the OPI as required
 - k) Notifying external agencies of *Wrongdoing* and responding to requests or directions from external agencies as appropriate.

3) Members of the University Community will support the safety and integrity of operations and administration including by:

- a) Complying with their legal and ethical obligations and the policies of the University
- b) Disclosing conduct they reasonably suspect is *Wrongdoing* by making a report either to the University or a relevant external body
- c) Not making false or vexatious reports of alleged *Wrongdoing*
- d) Co-operating with investigations conducted in relation to a *Disclosure* made under this Policy or under a relevant law
- e) Supporting and protecting *Informants* who make a *Disclosure*
- f) Keeping an *Informant's* identity and information contained in a *Disclosure* confidential as required under this Policy and by law
- g) Not engaging in *Victimisation* and reporting *Victimisation* perpetrated by others to the University's Integrity Unit.

PROCEDURES

1) Making a Disclosure as an Informant

- a) A *Disclosure* should be made to the University's Integrity Unit. Alternatively, a *Disclosure* can be made to a supervisor or line manager of the *Public Officer* about whom the *Disclosure* relates or to relevant external bodies as listed in **Annexure 1**.
- b) A *Disclosure* can be made to the University in writing, via email, letter or using the Integrity Unit online reporting form, by phone, or in person. In order for appropriate action to be taken, the *Disclosure* should contain:
 - i) sufficient information to clearly identify the *Wrongdoing* or concern being raised,
 - ii) supporting evidence where that is available and
 - iii) identify who is involved, including any witnesses.
- c) If the *Disclosure* concerns the Integrity Unit then it must be made in writing to the University's Chief Operating Officer (COO) and emailed to coo@adelaide.edu.au
- d) A *Disclosure* of information must be made in good faith. Any person who makes a false or misleading report, including by being selective in the information provided, will not be protected by law and may be subject to statutory penalties or to disciplinary procedures under the University's Enterprise Agreement (as amended) or University rules, policies and procedures. The University may also exercise its rights under contract, if applicable, against a person who so makes a false or misleading report.
- e) Once a *Disclosure* has been made it cannot be withdrawn but the *Informant* may state that they do not want the *Disclosure* to be investigated and may refuse to give their name and contact details or provide any other information or assistance.
- f) An *Informant* who has made a *Disclosure* should not discuss the details of their *Disclosure* with anyone who does not have a need to know about it, except to obtain support or advice from a *Support Person* (such as a *Close Family Member*, doctor or psychologist) or a legal representative such as a union representative or lawyer, or an external organisation such as the Police, the OPI, the Ombudsman SA. There are also protections in place under the law for some *Informants* who are *Public Officers* and who make a *Disclosure* to a parliamentarian or journalist provided that they have met the legal requirements for such *Disclosure*.
- g) *Informants* may choose to make an anonymous *Disclosure* but *Recipients* may be limited in their ability to investigate or fully deal with the issues raised if they cannot seek/obtain further information from the *Informant*. Additionally, anonymous *Informants* cannot be updated on the progress or outcome of any investigation or on actions taken.

How the University will handle *Disclosures*

2) Receiving disclosures

- a) A *Recipient* (if not the Integrity Unit) of a *Disclosure* must immediately refer the *Disclosure* to the Integrity Unit or if about the Integrity Unit to the Chief Operating Officer for assessment and appropriate action.
- b) Legislation places certain obligations on *Recipients* but in practice, staff of the University's Integrity Unit will, in their role as *Authorised Disclosure Officers*, discharge the *Recipient's* legal obligations for and on their behalf and will notify *Recipients* of when they have done so. This will include the requirements to:
 - i) take all reasonable steps to respond immediately and take any action necessary if there is the potential for serious harm to any person, the public or the environment. which may include making immediate contact with external agencies such as SA Police, SA Ambulance, or the Environment Protection Authority, and
 - ii) where there is a reasonable suspicion that the information relates to corruption in public administration and they are aware that the matter has not been reported, they will make a report to the OPI to meet the obligations of a *Public Officer* under the ICAC Act (refer to ICAC Resources for Public Officers).
- c) The Integrity Unit will also make other notifications as required, depending on the type of *Disclosure* and the applicability of relevant legislation and this Policy. For example, where a *Disclosure* is research related, the relevant external funding body will be notified where required.

Note: Authorised Disclosure Officer (ADOs) are officers authorised to receive and assess Disclosures of information about Wrongdoing on the University's behalf and support the implementation of this Policy. All staff of the University's Integrity Unit and the University's Chief Operating Officer (COO) are ADOs.

3) The ADO must determine the type of *Disclosure* and apply the relevant law

- a) Where it is an *Appropriate Disclosure of Public Administration Information* under the *PID Act* (refer to Annexure 1 for details) the ADO must:
 - i) Manage the *Appropriate Disclosure* in accordance with *Public Interest Disclosure Guidelines* issued by the Independent Commission Against Corruption which are accessible online at <https://www.icac.sa.gov.au/publications/directions-guidelines>
 - ii) Consult with the General Counsel, Legal Services Branch on the proper handling of *Appropriate Disclosures* in accordance with the *Public Interest Disclosure Guidelines*
 - iii) Ensure that the OPI is notified of any *Appropriate Disclosures* and provided with updates on the actions taken by the University as appropriate
- b) Where it is a *Reportable Matter* under the Corporations Act (refer to Annexure 1 for details) the ADO must:
 - i) Consult with the General Counsel, Legal Services Branch on the proper handling of a *Reportable Matter* in accordance with the statutory protections under the Corporations Act.

4) The ADO must acknowledge and manage the *Disclosure*

Management of a *Disclosure* requires the ADO to:

- a) Formally acknowledge the *Disclosure* as soon as practicable and within five days.
- b) Issue a *Disclosure Reference Number* to the *Informant* to use for confidential communication and for linking records related to the management of the *Disclosure* rather than referring to the subject matter, location or people involved. A *Disclosure Reference Number* can only be obtained from the Integrity Unit.
- c) Ensure the identity of the *Informant* is protected, including by de-identifying any communication or notifications needed to collect additional information or to make a referral for an investigation by using the *Disclosure Reference Number* in all communication.
- d) Confirm with the *Informant* whether the *Disclosure* is the subject of a report to any other person or agency as this may impact on the way the *Disclosure* must be managed.
- e) **Notify** the OPI of an *Appropriate Disclosure* under the *PID Act* and provide updates to that Office on any investigation undertaken and on the outcomes of that action.
- f) Not disclose to any other person the *Informant's* identity without the *Informant's* knowledge and consent, except as required by law.
- g) Provide the *Informant* and *Recipient* with regular updates on the actions being taken by the University to respond to information in the *Disclosure*, including:

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- i) That the information provided has been referred to an Investigation Officer or *Research Integrity Officer* for disclosures of research misconduct
 - ii) Updates on the progress of any investigation, or
 - iii) Reasons why no further action will be taken.
- h) Seek advice from the *Senior Research Integrity Officer* or General Counsel as necessary.

5) **The ADO must assess the information provided in the *Disclosure***

- a) The ADO must assess the information to determine whether investigation is required and, if so, refer the *Disclosure* to the most appropriate area within the University in accordance with the steps below for investigation.
- b) In referring the matter the ADO must take steps to ensure information identifying the *Informant* as the source of the *Disclosure* is removed. The ADO must also ensure that the protections outlined in Annexure 1 are met should a referral for investigation be made.
- c) If the assessment of the information finds that it does not require investigation, the ADO must provide reasons to the *Informant* such as:
 - i) the information does not justify further action to be taken
 - ii) the information relates to an issue that has already been investigated or acted upon and there is no reason to re-examine the issue.
- d) If the assessment finds that the information requires investigation, the ADO is to determine the most appropriate area to conduct that investigation with reference to the procedures set out in the University's Enterprise Agreement (as amended) and existing policies related to reports of illegal or improper activity for example the Fraud and Corruption Prevention and Control Policy, Research Misconduct Procedures, or Behaviour and Conduct Policy.
- e) The ADO will liaise with the area responsible for managing investigations to identify an appropriate Investigation Officer to deal with the *Disclosure*.
- f) If the ADO forms a reasonable suspicion that the information relates to corruption in public administration, unless the ADO is aware that the matter has been reported, then the ADO will make a report to the OPI to meet their obligations as a Public Officer under the ICAC Act (refer to ICAC Resources for Public Officers) and inform the Recipient of this.
- g) The ADO must ensure the investigation of a *Disclosure* will be conducted in as confidential a manner as is possible. In particular, the identity of the person alleged to have engaged in the disclosable conduct should not be revealed, except where this is reasonably necessary for the effective investigation of the *Disclosure*. The identity of the Informant should only be revealed where they are a relevant witness whose evidence is necessary to the investigation process, and their role as an Informant should not be disclosed.

6) **The ADO must apply Protective measures where necessary to protect the *Informant***

Protections must be incorporated into the process used to manage any *Disclosure* and must be adapted to the circumstances of the *Informant*. At a minimum, the ADO should apply the following measures to protect an *Informant*:

- a) Respond immediately to reports of *Victimisation* or other detrimental treatment.
- b) Always protect the *Informant's* identity by removing identifying information from any communications and documents circulated as part of the management or investigation of the disclosure.
- c) Maintain a secure record of all details.
- d) Understand the type of *Disclosure* that has been made and the legal rights afforded to the *Informant*
- e) Ensure that any University staff involved in the response to the *Disclosure* are aware of their obligations and that significant penalties, including imprisonment, may apply to any person who:
 - i. Discloses the identity of an *Informant* without their consent, or
 - ii. Victimises or threatens an *Informant*, or
 - iii. Acts to hinder or sway an *Informant* making a *Disclosure*.
- f) Consider the circumstances of the *Informant* and any potential risks that may arise and recommending appropriate mitigation actions as required. Where mitigation actions require temporary changes to the employment or workplace arrangements of the Informant or another individual, the ADO will consult with the Executive Director, Human Resources.

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- g) Provide practical support to the *Informant*, such as encouraging and reassuring the *Informant* of the value of reporting *Wrongdoing*, taking steps to assist their wellbeing, recommending that they contact a Support Person for professional assistance or support as appropriate, and regular communication.

7) **Concerns held by an *Informant***

- a) If an *Informant* has concerns that they have or are experiencing *Victimisation* or other detrimental treatment, they should immediately notify an *ADO*.
- b) If an *Informant* has concerns about the way their *Disclosure* or a report of possible *Victimisation* has been handled by the University, the *Informant* may raise their concerns with the Executive Director, Integrity Unit, the OPI or Ombudsman SA.

8) **Reporting**

All *Disclosures* received by the University will be recorded in a central register maintained by the Integrity Unit and will form the University's *Disclosures management system* together with this Policy and Procedures. The performance of the *Disclosures management system* will be reported to the University Council on an annual basis, or as otherwise necessary.

9) **Roles, responsibilities, and authorities**

University Council

The University's Risk Committee will assist and advise the University Council regarding the effectiveness of the University's systems of control and accountability, including the effectiveness of the *Disclosures management system*.

Vice-Chancellor and President

The Vice-Chancellor and President will ensure that the University's *Disclosures management system* is effective and appropriate, and that Council receives regular reports.

Executive Director, Integrity Unit

The Executive Director of the Integrity Unit is responsible for:

- a) Ensuring the University complies with its obligations under the PID Act, Corporations Act, ICAC Act, and Ombudsman Act in relation to the implementation of this Policy
- b) Providing training and awareness to staff on the identification and management of *Disclosures*
- c) Ensuring staff within the Integrity Unit perform their functions as *ADOs* in accordance with this Policy and Procedure
- d) Creating and maintaining confidential records on the University's *Disclosures management system* for *Disclosures* received and managed by the University under this Policy
- e) Collating and recording statistics from the University's *Disclosures management system* and providing regular reports to senior management and Council
- f) Ensuring that any recommendations for systems improvements are provided to the relevant business unit for consideration.

Authorised Disclosure Officers (ADOs)

In their capacity as Authorised Disclosure Officers the Integrity Unit staff and the COO are responsible for:

- a) Advising the *Informant* making the *Disclosure* of the process and available support
- b) Assessing the information as soon as practicable after the *Disclosure* is made and taking such action as is appropriate in the circumstances
- c) Notifying the *Informant* that an assessment has been made and advising them of the action being taken or, if no action is being taken, the reasons why no action is being taken
- d) Applying the relevant law in taking action in response to the *Disclosure*
- e) Listening and responding to any concerns of harassment, intimidation or victimisation in reprisal for making a *Disclosure*
- f) Coordinating and providing support to the *Informant*, including any immediate *Protective measures* needed to safeguard the *Informant*
- g) Arranging for the investigation of the *Disclosure*, ensuring a report is prepared (including findings, evidence and recommendations) and taking appropriate action where warranted

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- h) Advising the *Informant* of progress and the outcome of any investigation once known.
 - i) Providing the OPI with information relating to the *Disclosure* where it is an *Appropriate Disclosure*
 - j) Keeping confidential records of all aspects of case management of the *Informant*, including all contact and follow-up action and, in the case of the COO, providing this information to the Integrity Unit for record-keeping at the conclusion of the investigation
 - k) Explaining to the *Informant* likely outcomes to help them to form realistic expectations.

DEFINITIONS

Appropriate Disclosure means a *Disclosure* of public interest information made under the *Public Interest Disclosure Act 2018* to a *Relevant Authority*, including the University and the Office for Public Integrity.

Authorised Disclosure Officer (ADOs) are officers authorised to receive and assess *Disclosures* of information about *Wrongdoing* on the University's behalf and support the implementation of this Policy. All staff of the University's Integrity Unit as well as the University's Chief Operating Officer (COO) are ADOs.

Contractor means a person engaged by the University under a contract for goods or services.

Close Family Member is a person's spouse, parent, grandparent, brother, sister, guardian or carer.

Eligible Whistleblower is defined in Section 1317AAA of the *Corporations Act 2001 (Cth)*.

Eligible Recipient is defined in Section 1317AAC of the *Corporations Act 2001 (Cth)* and includes those entities listed in *Table 2* at *Annexure 1*.

Disclosure means any confidential report of *Wrongdoing* or concerning activity reported in good faith to the University under this Policy, which the Informant reasonably believes to be of Public Interest. It includes an *Appropriate Disclosure* or a report about a *Reportable Matter*.

Disclosure management system means the central register used to record all *Disclosures* made to the University and related information and materials and includes this Policy and Procedures.

Disclosure Reference Number is a number used to de-identify communications and ensure confidential record-keeping.

Environmental and health information means information that raises a potential issue of a substantial risk to the environment or the health and safety of the public.

Informant means a person who makes a *Disclosure* of information under this Policy.

Investigation Officer is a University officer appointed to oversee the management and investigation of a disclosure made under this Policy.

Protective measures include steps that can be taken to reduce the risk of reprisal to an *Informant* by ensuring that the identity of that person is protected while an investigation is conducted and/or arranging for working arrangements to be temporarily adapted (e.g., change to work location) and for supports services to be made available (e.g., Employee Assistance Program).

Public administration has the same meaning as in the *Independent Commission Against Corruption Act 2012* and the *Ombudsman Act 1972*.

Public administration information means information that raises a potential issue of corruption, misconduct or maladministration in public administration as defined by the *Public Interest Disclosure Act 2018 (SA)*.

Public interest means issues or concerns that affect more than just one person's private or personal interests, such as corruption, misuse of public resources, unlawful decisions or actions, danger to public health or safety, or danger to the environment.

Public Officers are as defined by the *Independent Commission Against Corruption Act 2012 (SA)*. Most University *Personnel* are Public Officers.

Recipient means a person who receives a *Disclosure* of information contemplated by this Policy.

Relevant Authority as defined in Section 5(5) of the *Public Interest Disclosure Act 2018 (SA)* - refer to *Table 1 at Annexure 1*.

Research Integrity Officer is a professional staff member responsible for supporting investigations into complaints about the conduct of research and can be contacted at researchintegrity@adelaide.edu.au.

Staff or Staff Member means a person employed by the University.

Student is defined in the Statutes of the University, and means:

- a person who is enrolled in, or has deferred enrolment in, or is on formal leave of absence or suspension from, an academic program, a course or a group of courses at or offered by the University or an affiliated educational establishment that leads to a University award;
- a person who is authorised to participate in learning or research training activities of any type at the University; or
- a Student of another educational institution who is authorised to have access to University premises or facilities or both.

Support Person is a person's doctor, psychologist or *Close Family Member*.

Titleholder means appointees to adjunct, affiliate, clinical, visiting, honorary, and emeritus positions in accordance with the Titleholder – Conferral of Honorary Roles Procedure or the Award of Emeritus/Emerita Professor, Emeritus Fellow and Honorary University Fellow Titles Policy.

University Community means *Students, Staff, Titleholders, Volunteers, Visitors and Contractors*.

Victimisation means when a person causes detriment including by injury, damage, loss, intimidation, harassment, discrimination, disadvantage, adverse treatment regarding employment or threats of reprisal on the ground that another person has or intends to make a *Disclosure*.

Visitor is any person not paid by the University, who is engaged in an activity related to official University business, for which they are granted a Visitor ID card and/or Visitor IT and/or security access, and who is not otherwise a University *Student, Staff Member, Titleholder, Contractor or Volunteer*.

Volunteer means a person who freely gives their time and expertise for an approved purpose, in order to contribute to an aspect of the University's Community, in accordance with the University's Volunteer Policy.

Wrongdoing has the same meaning as defined under *International Standard ISO 37002 Whistleblower management systems – Guidelines*. *Wrongdoing* means conduct (action(s) or omission(s)) by a person or persons connected with the University, which, in the view of an *Informant* acting in good faith, can cause harm, including but not limited to, the following:

- (a) breach of national, state or international law such as fraud, or corruption including bribery;
- (b) breach of the University's or other relevant code of conduct or breach of the University's rules or policies
- (c) gross negligence, bullying, harassment, discrimination, unauthorised use of funds or resources, abuse of authority, conflict of interest, gross waste or mismanagement
- (d) actions or omissions resulting in damage or risk of harm to human rights, the environment, public health and safety, safe work practices, or the public interest.

Wrongdoing or the resulting harm can have happened in the past, be currently happening, or can happen in the future. Potential harm can be determined by reference to a single event or a series of events.

Public Interest Disclosure Policy

Annexure 1 – Guidelines for Informants

These guidelines provide key information and guidance for individuals wishing to make a *Disclosure* relating to wrongdoing about the relevant legislative schemes which afford protections for *Informants*.

Legislative context

There are multiple State and Commonwealth integrity laws which regulate the University:

- The PID Act provides protections to certain people who make *Appropriate Disclosures* of public interest information.
- The Corporations Act provides protections to *Eligible Whistleblowers* wishing to make disclosures of reportable matters.
- The ICAC Act established a Commissioner to identify and investigate corruption in public administration, and prevent or minimise corruption, misconduct and maladministration in public administration.
- The Ombudsman Act established a South Australian Ombudsman to identify and investigate misconduct and maladministration in public administration.

Protections for informants

Informants are only entitled to statutory protection from victimisation provided certain requirements are met. These requirements depend on the identity of the informant, the subject matter of the disclosure, and whom the disclosure is made to. These requirements are summarised below. The Office of Public Integrity can provide additional information to informants who are concerned about detrimental treatment and wish to understand more about their legal rights.

Regardless of whether statutory protections are available, the University has processes in place and is committed to ensuring that informants are provided with confidentiality and not subjected to detrimental treatment as a result of making a genuine disclosure in good faith.

1. **Making an ‘*Appropriate Disclosure*’ under the [Public Interest Disclosure \(PID\) Act 2018 \(SA\) \(PID Act\)](#)**
- a) *Informants* making an *Appropriate Disclosure* of information under the *Public Interest Disclosure Act 2018 (SA) (PID Act)* have a statutory right to confidentiality of identity, protection from *Victimisation* and immunity from certain legal action
- b) When the *Appropriate Disclosure* concerns corruption, misconduct or maladministration in public administration, protection under the PID Act only applies to *Informants* who are *Public Officers*, as defined by the *Independent Commission Against Corruption Act 2012 (SA)*
- c) *Disclosures* made to external agencies may be referred back to the University if it is appropriate for the University to conduct the investigation and to take appropriate follow-up action
- d) An *Informant* may make an *Appropriate Disclosure* of information involving conduct or behaviour they have reasonable grounds to believe:
 - i. May be corruption, misconduct or maladministration in public administration (*Public Administration Information*) involving one or more *Public Officers*; or
 - ii. May present a substantial risk to the environment or the health and safety of the public.
- e) The most appropriate reporting option will depend on the circumstances and nature of the information being disclosed and of the individual making a report, but may include one of the options listed in the Table 1 below:

<i>If you have reasonable grounds, you can make an Appropriate Disclosure of information that raises a potential issue of:</i>	<i>By contacting one of the following Relevant Authority:</i>
Any <i>Public Administration Information</i> about the University for example raising a potential issue of corruption, misconduct or maladministration in public administration	<ul style="list-style-type: none"> ▪ The University's Integrity Unit, or ▪ A line manager or supervisor of the Public Officer/s about whom the Disclosure relates, or ▪ SA Office for Public Integrity, or ▪ Ombudsman SA
Substantial risk to the environment	<ul style="list-style-type: none"> ▪ The University's Integrity Unit, or ▪ Environment Protection Authority (EPA)
Substantial risk to the health and safety of the public generally	<ul style="list-style-type: none"> ▪ Any <i>Relevant Authority</i> listed under Section 5(5) of the PID Act
Irregular or unauthorised use of public money or substantial mismanagement of public resources	<ul style="list-style-type: none"> ▪ South Australian Auditor-General
The commission, or potential commission, of an offence	<ul style="list-style-type: none"> ▪ A member of the police force

Table 1: Appropriate disclosures to Relevant Authority under the PID Act

2. Disclosing a 'Reportable Matter' under the Corporations Act 2001 (Cth)

- a) *Informants* who make a *Disclosure* under the criteria set by the *Corporations Act 2001 (Cth)* as *Eligible Whistleblowers* and have a statutory right to confidentiality of identity, protection from *Victimisation*, and immunity from certain legal action.
- b) A *Reportable Matter* will involve information that an *Informant* has reasonable grounds to believe involves misconduct, an improper state of affairs or circumstances, or a breach of a relevant Commonwealth law.
- c) To be considered an *Eligible Whistleblower* a *Disclosure* must meet the [legislative criteria](#) set out in the [Corporations Act 2001 \(Cth\)](#) at Volume 5, Part 9.4AAA, section 1317AA.
- d) A *Reportable Matter* made to any external agency may be referred back to the University if it is appropriate for the University to conduct the investigation and to take appropriate follow-up action.
- e) A *Reportable Matter* does not include personal work-related grievances, such as an interpersonal conflict between the employee and another employee or a decision relating to the engagement, transfer or promotion of the employee.
- f) The most appropriate reporting option will depend on the circumstances and nature of the information being disclosed and of the individual making a report, but may include one of the options listed in the Table 2 below.

<i>A Reportable Matter can involve any one of the following:</i>	<i>By contacting any one of the following Eligible Recipients:</i>
Misconduct	<ul style="list-style-type: none"> ▪ The University's Integrity Unit or ▪ A senior manager or Council member of the University or a Director of the Controlled Entity about which the disclosure relates or ▪ An internal or external auditor of the University or ▪ The Australian Securities and Investments Commission (ASIC) or ▪ The Australian Prudential Regulation Authority (APRA) or ▪ The Commissioner of Taxation or ▪ A Tax agent or Business Activity Statement (BAS) agent of the University or Controlled Entity or ▪ An actuary of the University or Controlled Entity
An improper state of affairs or circumstances	
Behaviour that represents a danger to the public or the financial system	
A breach of the <i>Corporations Act</i>	
A breach of the <i>Taxation Administration Act</i> or improper conduct in relation to tax affairs in relation to the University or a related corporate entity (e.g. controlled entity)	

Table 2: Disclosing a Reportable Matter to an Eligible Recipient under the Corporations Act 2001 (Cth)

RMO File No.	2023/3624
Policy Custodian	Vice-Chancellor and President
Responsible policy officer	Executive Director, Integrity Unit
Endorsed by	Risk Committee on 14 September 2023
Approved by	Council on 16 October 2023
Related Documents and Policies	Fraud and Corruption Control Policy Health, Safety and Wellbeing Policy Behaviour and Conduct Policy Staff Complaints Procedure Fair Treatment Procedure Conflict of Interest Procedure Responsible Conduct of Research Policy Research Misconduct Procedure IT Acceptable Use and Security Policy IT Acceptable Use and Security Procedures
Related Legislation	Public Interest Disclosure Act 2018 (SA) Corporations Act 2001 (Cth) Independent Commission Against Corruption Act 2012 (SA) Ombudsman Act 1972 (SA)
Superseded Policies	Whistleblower Policy 2015
Effective from	16 October 2023
Review Date	15 October 2026
Contact for queries about the policy	Integrity Unit Tel: 8313 0609