

Public Interest Disclosure Procedures

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1. Governing Policy

These procedures are governed by the [Public Interest Disclosure Policy](#). These procedures should be read in conjunction with the [Guidelines For Informants](#).

2. Purpose

To provide:

- a. information to informants on how to make a disclosure to the University
- b. a process for the assessment and investigation of disclosures to the University, and
- c. a process which aims to ensure informants who report suspected wrongdoing or unsafe practices to the University are protected from victimisation.

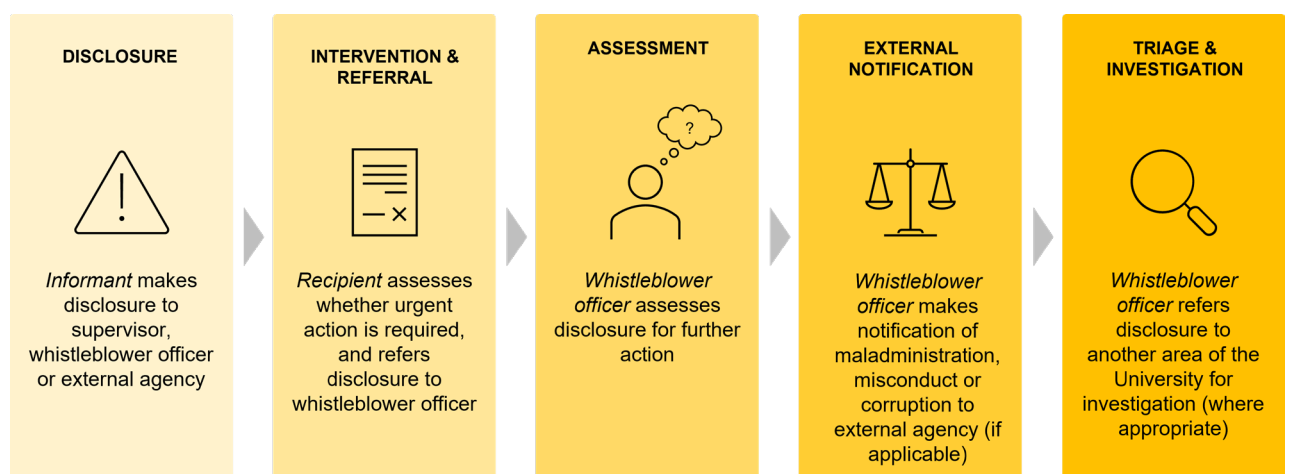
3. Definitions

Terms defined in the [Public Interest Disclosure Policy](#) have the same meaning in these procedures.

Corporations Act	<i>Corporations Act 2001 (Cth)</i>
corruption, misconduct or maladministration in public administration	these terms are defined in the ICAC Act and the Ombudsman Act

disclosure	a verbal or written report of any wrongdoing or unsafe practices
environmental and health information	is defined in the PID Act and means information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public
ICAC Act	<i>Independent Commissioner Against Corruption Act 2012 (SA)</i>
Ombudsman Act	<i>Ombudsman Act 1972 (SA)</i>
PID Act	<i>Public Interest Disclosure Act 2018 (SA)</i>
public administration information	is defined in the PID Act and means information that raises a potential issue of corruption, misconduct or maladministration in public administration
recipient	a staff member or officer of the University to whom a disclosure is made
University community	For the purposes of this policy, University community includes: <ul style="list-style-type: none"> • all employees of the University and its controlled entities • members of Council and other University committees • persons holding an honorary, visiting or adjunct appointment with the University • volunteers, contractors, and consultants of the University or its controlled entities • enrolled Flinders students
unsafe practices	includes, but is not limited to, conduct or practices which raise a potential issue of a risk to the environment or to the health and/or safety of the University community, a section of the public or to the public generally
whistleblower officer	General Counsel and University Secretary, or in their absence the Deputy General Counsel, or another person authorised by the Vice-Chancellor to undertake this role
wrongdoing	includes, but is not limited to, conduct or practices which raise a potential issue of unethical behaviour, dishonesty, illegality, fraud, corruption, misconduct or maladministration.

4. Process Overview



5. Making disclosures

5.1. Choosing the most suitable process

- a. Many matters involving wrongdoing or unsafe practices related to Flinders University activities can be appropriately dealt with by:
 - i. raising the matter informally with an appropriate member of senior management, or
 - ii. taking action under another University policy or procedures (for example, the Privacy Policy for complaints about privacy, or the Bullying Prevention and Management Policy, for complaints about bullying and harassment).
- b. If a matter is not suitable for these processes, or the informant considers it to be of high importance and/or sensitive in nature, the following procedures apply to reporting and investigating the matter.

5.2. Reporting options

- a. Disclosures may be made:
 - i. where the disclosure relates to a staff member or other public officer of Flinders University, directly to their supervisor
 - ii. to the whistleblower officer, or
 - iii. to one of the relevant external bodies listed at Table 1 of the [Guidelines For Informants](#).
- b. A disclosure can be made in writing, via email, by letter, by phone or in person, and should clearly identify the concern being raised, contain supporting evidence, and identify who is involved. The [Guidelines For Informants](#) sets out additional information and key contact details for individuals who are considering making a disclosure.
- c. Informants may choose to make an anonymous disclosure, but the University may be limited in its ability to investigate or fully deal with the issues raised if it is unable to 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. The Office for Public Integrity is able to receive anonymous disclosures about the University (see contact details in the [Guidelines For Informants](#)).

5.3. Obligations of informants

- a. Disclosures must be made in good faith. Any person who makes a false or misleading report, including by being selective in the information provided, may not be protected by law and may be subject to statutory penalties or to disciplinary procedures.
- b. 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. Notwithstanding these preferences, the University may still elect to investigate the disclosure.
- c. 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 representative (such as a union representative or lawyer) or an appropriate external organisation (such as the Police, the Office for Public Integrity or the Ombudsman SA).
- d. An informant who is also a public officer must comply with any mandatory reporting obligations as set out in Procedure 10.

6. Handling disclosures

- a. All disclosures should be referred to the whistleblower officer as soon as reasonably practicable unless the disclosure relates to the whistleblower officer or another member of Governance, Legal and Risk.
- b. The role of the whistleblower officer is to provide advice and support to recipients and other University officers or employees involved in handling disclosures to ensure the University complies with its obligations under relevant laws.

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- c. The process for handling a disclosure will depend on a number of factors including the nature of the disclosure, the identity of the informant, and the identity of the recipient of the disclosure, however the process will generally involve the following steps:
- i. **(recipient)**: receiving and reviewing the disclosure as soon as practicable
 - ii. **(recipient)**: making an assessment as to whether there is an imminent risk of harm to a person or the public, and if so, immediately contacting the most appropriate agency (e.g., SA Police, SafeWork SA, SA Ambulance or the Environment Protection Authority)
 - iii. **(recipient)**: referring the disclosure to the whistleblower officer
 - iv. **(whistleblower officer*)**: if the disclosure involves corruption in the University's operations, making a mandatory notification to the Office for Public Integrity about the disclosure and the actions taken in response
 - v. **(whistleblower officer*)**: if the disclosure involves misconduct or maladministration in public administration, making a notification to Ombudsman SA about the disclosure and the actions taken in response, and
 - vi. **(whistleblower officer*)**: ensuring that any additional action is taken as appropriate in the circumstances. This may involve:
 - immediate corrective action to prevent the wrongdoing or unsafe practice
 - investigating the disclosure personally (if appropriate), and/or
 - referring the disclosure to another part of the University for investigation.

** Where the disclosure relates to public administration information or environmental and health information, the recipient may have a personal obligation to ensure these steps are followed. In practice, however, the recipient will be supported by the whistleblower officer*

- d. The ICAC Act, the Ombudsman Act, the Corporations Act and the PID Act set out requirements which may apply to the handling of a disclosure depending on the relevant circumstances. Recipients and other University officers or employees involved in handling disclosures must comply with the requirements of any relevant legislation and any directions or guidelines published by relevant regulators.

7. Investigation of disclosures

- a. If further investigation is required, this should be undertaken by the area of the University with the most appropriate expertise, resourcing, and authority to undertake the investigation having regard to the seriousness of the disclosure.
- b. Matters which do not involve misconduct or other serious information may be handled by a local area and will not necessarily constitute an investigation for the purposes of the Enterprise Agreement. Serious matters regarding staff conduct will generally be referred to People and Culture. The identity of the informant should not be disclosed as part of this referral unless the informant has provided consent.
- c. Any investigation must comply with the principles of procedural fairness, the Enterprise Agreement, any relevant laws, and the University's policies and procedures. Investigations should focus on the substance of a disclosure rather than on the motive of the informant and should be handled by staff who are independent from the matters under investigation.
- d. Informants will be provided with updates as to the progress and outcome of an investigation, where appropriate and in accordance with relevant laws, in order to assure the informant that the University is taking the disclosure seriously.
- e. If it is determined that an investigation is not required, the officer making the determination will inform the informant of this decision and its basis.

8. Protection of informants

8.1. Statutory protections

- a. If a disclosure is made in accordance with Table 1 of the [Guidelines For Informants](#), the informant may be entitled to statutory protection.
- b. The available statutory protections include criminal penalties for those wrongfully divulging the identity of an informant, immunity from civil and criminal liability as a result of the disclosure, and protections against detrimental treatment.
- c. Where statutory protections are not available, the University still aims to provide informants with confidentiality and protection from detrimental treatment.

8.2. Confidentiality

- a. All members of the University community with knowledge of a disclosure made under these procedures are required to:
 - i. assist in protecting and supporting informants
 - ii. keep the identity of informants and any information which might lead to their identification confidential, unless they consent to the disclosure or the disclosure is otherwise permitted or required by law. This may require proactive steps to be taken to prevent breaches of confidentiality, such as:
 - ensuring the informant's name and other identifying information is redacted from reports, communications etc.
 - referring to the informant in a gender-neutral context
 - ensuring investigations are carried out by trained staff
 - ensuring that all records relating to the disclosure are stored securely and only accessible by those handling the disclosure, and
 - iii. if an informant has elected to remain anonymous, not try to identify the informant.
- b. The Corporations Act and the PID Act require the recipient of a disclosure to keep the identity of the informant, and any information which might lead to their identification, confidential unless the informant consents to their identity being disclosed. The law imposes serious penalties for breaches of confidentiality.
- c. In limited circumstances it may be permissible to disclose information which could lead to the identification of an informant where necessary to investigate the matters which have been disclosed. Legal advice should be sought prior to doing this.

8.3. Protection from detrimental treatment

- a. All members of the University community with knowledge of a disclosure are required to ensure informants are not subjected to detrimental treatment as a result of their disclosure.
- b. Detrimental treatment could include dismissal, demotion, harassment, damage to reputation, discrimination, disciplinary action, bias, or other unfavourable treatment or threat connected with making a disclosure.
- c. Complaints about breaches of confidentiality or detrimental treatment in connection with a disclosure may be lodged with the Office for Public Integrity, ASIC, or with the University via the whistleblower officer.

9. False reporting

- a. An informant will still be protected from detrimental treatment even if their disclosure turns out to be incorrect.

- b. However, anyone who makes a disclosure knowing it to be false, or being reckless as to whether it is false, may be subject to disciplinary action in accordance with the University's disciplinary procedures.

10. Mandatory reporting

- a. Employees, officers and contractors of Flinders are public officers for the purposes of the ICAC Act and the Ombudsman Act.
- b. Under the ICAC Act, any public officer who reasonably suspects corruption in public administration is required to make a report to the Office for Public Integrity (unless they know that the matter has already been reported). This is a mandatory obligation.
- c. Under guidelines published by the Ombudsman SA, any public officer who reasonably suspects misconduct or maladministration in public administration is expected (but not legally obliged) to make a report to the Ombudsman SA (unless they know that the matter has already been reported). The University supports and adheres to these requirements.
- d. In practice, Governance, Legal and Risk or People and Culture will discharge these reporting requirements or alternatively assist the public officer with their obligations.

11. Authorities and responsibilities

All members of the University community	<ol style="list-style-type: none"> a. Assist in protecting informants. b. Protect the confidentiality and identity of informants. c. Ensure informants are not subjected to detrimental treatment as a result of their disclosure.
Recipients	d. Respond to disclosures in accordance with Procedure 6, the PID Act, the ICAC Act, the Ombudsman Act, and the Corporations Act.
Whistleblower officer	<ol style="list-style-type: none"> e. Provide advice and support to recipients and other University officers and employees involved in handling disclosures. f. Ensure the University and recipients respond to disclosures in accordance with these procedures, the PID Act, the ICAC Act, the Ombudsman Act, and the Corporations Act.

Approval Authority	General Counsel and University Secretary
Responsible Officer	General Counsel and University Secretary
Approval Date	25 September 2023
Effective Date	25 September 2023
Review Date*	2026
CM file number	CF23/621

* Unless otherwise indicated, this procedure will still apply beyond the review date.

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GUIDELINES FOR INFORMANTS

Purpose

These guidelines provide key information and guidance for individuals wishing to make a disclosure relating to wrongdoing or unsafe practices to Flinders University. They should be read in conjunction with the [Public Interest Disclosure Policy](#) and the [Public Interest Disclosure Procedures](#).

Legislative context

There are multiple State and Commonwealth integrity laws which regulate Flinders 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.

Table 1 provides a summary of these requirements. 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, Flinders 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.

Key contacts

Office for Public Integrity	https://www.publicintegrity.sa.gov.au/ General enquiries - 8463 5173 Complaints - 1300 782 489 admin@opi.sa.gov.au
Ombudsman SA	https://www.ombudsman.sa.gov.au/ Telephone: (08) 8226 8699 Toll free: 1800 182 150 (outside metro SA only)
Whistleblower officer (Flinders University)	Marc Davies General Counsel and University Secretary whistleblower@flinders.edu.au 8201 2887

Table 1

Subject matter of the disclosure	Public Interest Disclosure Act 2018 (SA)		Corporations Act 2001 (Cth)
	<p data-bbox="411 304 847 331"><i>Environmental and health information</i></p> <p data-bbox="323 371 932 456">Information raising a potential issue of a substantial risk to the environment or to the health or safety of the public or a significant section of the public.</p> <p data-bbox="435 506 820 533"><i>Public administration information</i></p> <p data-bbox="323 573 791 631">Information about <i>corruption, misconduct</i> or <i>maladministration</i> in public administration</p>	<p data-bbox="1031 304 1479 331">Misconduct or improper state of affairs</p> <p data-bbox="987 371 1461 456">Information concerning misconduct, or an improper state of affairs or circumstances in relation to Flinders or its subsidiaries.</p> <p data-bbox="1070 506 1437 533">Unlawful or dangerous conduct</p> <p data-bbox="987 573 1481 689">Information about an offence by Flinders, its subsidiaries, or their officers or employees, or which represents a danger to the public or the financial system.</p>	
Informants who are protected under the law	<p data-bbox="411 797 847 824"><i>Environmental and health information</i></p> <p data-bbox="323 875 903 992">Any <u>person</u> believing on reasonable grounds that the information is true or believing on reasonable grounds that the information may be true and is sufficiently significant to justify its disclosure.</p> <p data-bbox="435 1028 820 1055"><i>Public administration information</i></p> <p data-bbox="323 1099 932 1180">Any <i>public officer</i> reasonably suspecting that the information raises a potential issue of <i>corruption, misconduct</i> or <i>maladministration</i> in public administration.</p>	<p data-bbox="1031 797 1479 855">Misconduct or improper state of affairs Unlawful or dangerous conduct</p> <p data-bbox="987 875 1362 902">Any individual who is, or has been:</p> <ul data-bbox="995 920 1501 1122" style="list-style-type: none"> • an officer or employee of Flinders • a supplier of goods or services to Flinders (or their employee) • a director or company secretary of a related body corporate of Flinders • a relative, dependant or spouse of a person listed above 	
	Eligible recipients	Type of disclosure	Recipient
All disclosures		The Office for Public Integrity, Ministers of the Crown, or Ombudsman SA	<p data-bbox="1035 1413 1433 1471">Australian Securities and Investment Commission (ASIC)</p> <p data-bbox="1035 1487 1485 1545">Australian Prudential Regulation Authority (APRA)</p> <p data-bbox="1035 1561 1461 1588">An officer or senior manager at Flinders</p> <p data-bbox="1035 1603 1469 1662">An auditor, or member of the audit team, conducting an audit at Flinders</p> <p data-bbox="1035 1677 1273 1704">An actuary of Flinders</p> <p data-bbox="1035 1720 1517 1778">A legal practitioner for the purposes of obtaining legal advice or legal representation</p> <p data-bbox="1035 1794 1353 1821">Flinders' whistleblower officer</p>
About a University staff member or contractor		Their supervisor	
Environmental information		EPA	
An offence		SA Police	
Irregular and unauthorised use of public money or substantial mismanagement of public resources		Auditor-General	

* *Italicised terms* are defined in the [Public Interest Disclosure Procedures](#)