



Purpose

1. To:
 - 1.1. set out the principles to be applied by the University in receiving and handling disclosures of information in the public interest concerning the University; and
 - 1.2. ensure the University meets its obligations under the South Australian *Public Interest Disclosure Act 2018 (SA) (PID Act 2018)* and the *Corporations Act 2001 (Cth)* with respect to 'whistleblowers'.

Scope

2. The policy applies to:
 - 2.1. any person making a disclosure of information in the public interest concerning the University;
 - 2.2. any person making a disclosure of environmental and health related information; and
 - 2.3. all University Council members, staff, titleholders, volunteers, adjuncts, affiliates, or contractors.
3. This Policy is to be read in conjunction with the Public Interest Disclosures (Whistleblowing) Procedure.

Responsibilities

4. Council is the Approving Authority for this Policy.
5. The Whistleblower Service Provider is the appropriate recipient of a disclosure.
6. Vice Chancellor is the *Principal Officer* (Section 12 of the *PID Act 2018*).
7. Head: Risk and Assurance Services is the *Responsible Officer* (Section 13 of the *PID Act 2018*).
8. Senior Staff, as defined in the Senior Staff Employment Conditions Policy, are appropriate persons to investigate a disclosure of public interest information.

Policy Principles

9. Important protections (see part 19 of the Policy) relating to confidentiality, liability and victimisation apply to eligible whistleblowers who report disclosable matters outlined in this Policy and accompanying Public Interest Disclosure (Whistleblowing) Procedure.
10. The University encourages an environment and culture of transparency in which people are supported to disclose information in the public interest.
11. The University, via the Whistleblower Service Provider, will receive and respond to information disclosed in the public interest in accordance with this Policy and the associated Procedure.
12. The University will comply with the *PID Act 2018* and the *Corporations Act 2001* when receiving and handling protected public interest disclosures.

Additional information

13. A disclosure of information in the public interest regarding the University may be made by any person and could be information relating to:
 - 13.1. the administration of the University;

- 13.2. the activities of the University;
 - 13.3. the conduct of University staff, Council members, students, non-paid personnel (e.g., adjuncts, affiliates, and volunteers), alumni or contractors in connection with the University or its activities; or
 - 13.4. facilities, policies, procedures, and practices of the University.
14. A disclosure of information will be in the public interest where the subject matter of the disclosure has broader application, interest, or importance, than solely the interests of the individual making the disclosure.
 15. A disclosure will be protected where it meets the requirements of the *PID Act 2018* or the *Corporations Act 2001*. There are requirements under each Act in relation to the:
 - 15.1. subject matter of the disclosure;
 - 15.2. the identity of the informant; and
 - 15.3. the identity of the recipient of the disclosure.These requirements are set out in the attachment to this Policy.
16. The ***Public Interest Disclosure Act 2018*** protects disclosure of:
 - 16.1. environmental and health information, being 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; and
 - 16.2. public administration information, being information raising a potential issue of corruption, misconduct, or maladministration in public administration, provided that the requirements to attract protection are satisfied.
 17. The ***Corporations Act 2001*** protects disclosure of information:
 - 17.1. regarding misconduct or an improper state of affairs in relation to the University or a subsidiary of the University; and
 - 17.2. indicating that the University, an officer or employee of the University, a subsidiary of the University or an officer or employee of a subsidiary of the University, has committed an offence listed in section 1317AA(5) of the *Corporations Act* or other offence punishable by imprisonment for at least 12 months, or represents a danger to the public or the financial system, provided that the requirements to attract protection are satisfied.
 18. A protected public interest disclosure must be dealt with in accordance with the processes set out in the legislation which protects the disclosure. The Public Interest Disclosures (Whistleblowing) Procedure sets out these processes.
 19. A person who makes a protected public interest disclosure (**informant**) has protections under legislation. These protections relate to:
 - 19.1. the confidentiality of the informant;
 - 19.2. immunity of an informant from any liability as a result of their disclosure; and
 - 19.3. prohibition against victimising the informant as a consequence of the disclosure.

Related Documentation:

- > *Public Interest Disclosures (Whistleblowing) Procedure*
- > *Attachment: Protected public interest disclosures*
- > *Corporations Act 2001 (Cth)*
- > *Public Interest Disclosure Act 2018 (SA)*
- > *Senior Staff Employment Conditions Policy*

Officer Responsible for Update and Review: Head: Risk and Assurance Services

Approving Authority: Council

Commencement Date: 2 May 2024

Review Date: 2 May 2029

Attachment: Protected public interest disclosures

The requirements for a disclosure to be protected as a public interest disclosure are outlined below. To be protected the disclosure must meet the subject matter, informant and recipient requirements under one of the Acts.

	Public Interest Disclosure Act 2018 (SA)	Corporations Act 2001 (Cth)
Subject matter	<p>Environmental and health information 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>Public administration information Information raising a potential issue of corruption, misconduct or maladministration in public administration.</p>	<p>Misconduct or improper state of affairs Information concerning misconduct, or an improper state of affairs or circumstances in relation to UniSA or a subsidiary of UniSA.</p> <p>Unlawful or dangerous conduct Information indicating that UniSA, an officer or staff member of UniSA or a subsidiary of UniSA or an officer or staff member of a subsidiary of UniSA has committed an offence listed in section 1317AA(5) of the Corporations Act or other offence punishable by imprisonment for at least 12 months or represents a danger to the public or the financial system.</p>
Informant	<p>Environmental and health information Any person 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>Public administration information Any public officer reasonably suspecting that the information raises a potential issue of corruption, misconduct, or maladministration in public administration.</p>	<p>Misconduct or improper state of affairs Unlawful or dangerous conduct An individual who is, or has been:</p> <ul style="list-style-type: none"> • an officer or staff member of UniSA. • a supplier of goods or services to UniSA. • a staff member of a person who supplies goods or services to UniSA. • a director or company secretary of a related body corporate of UniSA. • a relative of a person listed above. • a dependant or spouse of a person listed above.
Recipient	<p>Environmental and health information Public administration information</p> <p>All disclosures: Office for Public Integrity and Ministers of the Crown for South Australia Disclosures relating to:</p> <ul style="list-style-type: none"> • public officers: person who manages or supervises the public officer. • agency for the purposes of the <i>Ombudsman Act 1972</i>: Ombudsman. • environment: Environment Protection Authority. • irregular and unauthorised use of public money or substantial mismanagement for public resources: Auditor-General. • an offence: SA Police. 	<p>Misconduct or improper state of affairs Unlawful or dangerous conduct</p> <ul style="list-style-type: none"> • Australian Securities and Investment Commission (ASIC). • Australian Prudential Regulation Authority (APRA). • an officer or senior staff at UniSA. • an auditor, or member of the audit team, conducting an audit at UniSA. • an actuary of UniSA. • a person authorised to receive disclosures. • legal practitioner for the purposes of obtaining legal advice or legal representation. • Independent Commission Against Corruption South Australia (ICAC).

