

Whistleblowing (Reporting Wrongdoing) Policy

Note: From 1 October 2023, the [Public Interest Disclosures Act 2022](#) introduces changes that are not addressed in this version of the policy. A revised version is pending.

The [Public Interest Disclosure \(Whistleblowing\) Procedure](#) has been amended to address the changes to the Act and should be referred to if you wish to make a public interest disclosure to the University, or if a public interest disclosure is made to you.

Section 1 - Purpose

(1) This policy supports Charles Sturt University's commitment to integrity, accountability and good management, by establishing:

- a. the correct channels for reporting wrongdoing within Charles Sturt University (the University),
- b. the procedure that will be followed for managing reports of wrongdoing, and
- c. the requirements for making, receiving and managing protected reports of wrongdoing under the [Public Interest Disclosures Act 1994 \(NSW\) \(PID Act\)](#) and Part 9.4AAA (Protection for whistleblowers) in the [Corporations Act 2001 \(Cth\) \(Corporations Act\)](#).

Scope

(2) This policy applies to all members of the University community, however, see the relevant headings in this policy for information on who can make and receive reports of wrongdoing.

Section 2 - Glossary

(3) For the purpose of this policy, the following terms have the meanings stated:

- a. Protected report – means a report or disclosure of a wrongdoing that meets the necessary requirements for protection under the [NSW Public Interest Disclosures Act](#) or the [Commonwealth Corporations Act](#).
- b. Relative – as defined by the [Corporations Act](#), means a parent, child, sibling, grandparent, grandchild, or other direct lineal ancestor or descendant.

Section 3 - Policy

Types of wrongdoing that should be reported

(4) A report of wrongdoing under this policy can be made by a person who has reasonable grounds to suspect conduct that is:

- a. misconduct, fraud, corruption or an improper state of affairs in relation to the University or any of its controlled entities,
- b. illegal, including theft, violence or threats of violence, harassment, intimidation, or criminal damage to property,
- c. in breach of Commonwealth or NSW legislation,
- d. unethical, a breach of the Code of Conduct or University policies, for example dishonestly altering University information, adopting questionable accounting practices, or the unauthorised disclosure of confidential information,
- e. potentially damaging to the public, the University or its community, the environment, or the financial system,
- f. a reprisal against a person who has reported a wrongdoing, or
- g. an attempt to conceal or delay disclosure of any of the above conduct.

(5) Further information and examples of the types of wrongdoing that may be reported under this policy are provided in the [Whistleblowing \(Reporting Wrongdoing\) Guidelines](#).

(6) Other matters may also be wrongdoing but should be reported in accordance with other University policies, including:

- a. [Complaints Management Policy](#) and/or the [Complaints Procedure - Workplace](#) – for dissatisfaction about conduct or services, including quality of service/product, failure to provide information and competence or conduct of staff.
- b. [Research Misconduct Procedure](#) – for research misconduct and breaches of the [Australian Code for the Responsible Conduct of Research](#) involving staff.
- c. [Student Misconduct Rule](#) – for matters of general, academic and research misconduct involving students.

(7) This policy is not intended to replace normal communication channels between management and employees. If employees have any concerns about what is proper conduct for themselves or others, it is expected they will raise their concern with their immediate supervisor.

Legislative protections for reports of wrongdoing

(8) This policy supports the [New South Wales PID Act](#) and the [Commonwealth Corporations Act](#) to allow people to make protected reports of wrongdoing under certain conditions.

(9) Protected reports have specific requirements under each legislation about who may make the report, who the report must be made to, and what the report must be about:

- a. A report will be a protected report under the [PID Act](#) where it relates to corrupt conduct, maladministration, serious and substantial waste of public money, or a breach of the [Government Information \(Public Access\) Act \(GIPA Act\)](#); and is made in accordance with this policy and the [Public Interest Disclosure \(Whistleblowing\) Procedure](#).
- b. A report will be a protected report under the [Corporations Act](#) where it relates to misconduct, an improper state of affairs or circumstances in relation to the University or its controlled entities, a contravention of or offence under various Commonwealth financial laws, an offence under a Commonwealth law that is punishable by imprisonment for a period of 12 months or more, or represents a danger to the public or the financial system; and is made in accordance with this policy and the [Public Interest Disclosure \(Whistleblowing\) Procedure](#).

(10) Where practicable, the University will aim to apply a consistent approach to all reports of wrongdoing, however, this policy may distinguish between the requirements for protected reports made under the provisions of the different legislation.

People who can report a wrongdoing

(11) All members of the University community are encouraged to make a report where they have reasonable grounds to suspect wrongdoing in relation to the University.

(12) Relevant reports (see clause 9a and b) made by the people listed in the following table will be protected under the [PID Act](#) and the [Corporations Act](#) as stated:

a. People who can make a protected report under the Public Disclosures Act :	b. People who can make a protected report under the Corporations Act :
<ol style="list-style-type: none">1. All University staff, including staff of controlled entities.2. Consultants and individuals engaged under a contract to provide services to or on behalf of the University.3. Employees of contractors engaged to provide services to or on behalf of the University.4. Other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.	<ol style="list-style-type: none">1. All University staff, including staff of controlled entities.2. Individuals who supply services or goods to the University (whether paid or unpaid).3. Employees of a person that supplies services or goods to the University (whether paid or unpaid).4. An individual that makes, or participates in making, decisions that affect the whole, or a substantial part, of the business of the University, or have the capacity to significantly affect the University's financial standing (officers and associates as defined in the Corporations Act).5. Any person that was formerly a person stated at sub-clause 12b.i-iv.6. A relative, dependant or spouse of any person stated at sub-clause 12b.i-iv.

Anonymous reports

(13) The University will accept an anonymous report as a protected report if it is made to an authorised disclosure officer listed at clause 14 and otherwise meets the requirements of this policy.

Where to report a wrongdoing

Authorised disclosure officers

(14) The following authorised disclosure officers have been authorised to receive reports of wrongdoing on the University's behalf:

- a. Chancellor
- b. Vice-Chancellor
- c. Senior executive staff:
 - i. Deputy Vice-Chancellor (Academic)
 - ii. Deputy Vice-Chancellor (Research)
 - iii. Chief Operating Officer
 - iv. University Secretary
- d. Chief Security Officer
- e. Director, Risk and Compliance
- f. Internal Auditor
- g. Internal Audit Officer
- h. University Ombudsman
- i. Executive Director, People and Culture
- j. Manager, Employee Relations and Policy
- k. Any member of the University Council
- l. i-Sight and Whistleblower Security - independent external service providers contracted by or on behalf of the

University to receive reports of wrongdoing.

External investigation authorities

(15) People are encouraged to make reports of wrongdoing internally to the authorised disclosure officers listed in this policy. However, where a report will otherwise meet the criteria for a protected report under the [PID Act](#) or the [Corporations Act](#), a protected report may also be made to the relevant investigating authorities:

- a. Independent Commission Against Corruption (ICAC) – for reports about corrupt conduct.
- b. NSW Ombudsman – for reports about maladministration.
- c. NSW Auditor-General – for reports about serious and substantial waste.
- d. Information and Privacy Commissioner – for reports about a breach of the [GIPA Act](#).
- e. Australian Securities and Investments Commission (ASIC) or the Australian Prudential Regulation Authority (APRA) – for reports related to breaches of Commonwealth financial legislation.
- f. Australian Taxation Office (ATO) – for reports related to the taxation affairs of the University.

Members of parliament, journalists and external lawyers

(16) The [PID Act](#) and the [Corporations Act](#) will protect disclosures made to members of parliament or journalists under very specific conditions. The [Corporations Act](#) will also protect disclosures made to external lawyers under certain conditions.

(17) Any person considering reporting a wrongdoing to a member of parliament, a journalist or an external lawyer must review the relevant provisions of the [PID Act](#) and the [Corporations Act](#) to ensure their disclosure meets the necessary conditions for a protected report.

Reporting to other people or external bodies

(18) A report of wrongdoing to a person or authority that is not listed in this policy, or made to an MP or journalist without following the steps outlined in the [PID Act](#) or [Corporations Act](#), will not be a protected report and may be in breach of the University's legal obligations or policies – for example by disclosing confidential information.

Confidentiality of reports

(19) Subject to clause 20, for all protected reports of wrongdoing and, as far as practicable, any non-protected report, the identity of the person making the report and any information that may lead to their identification will remain confidential.

(20) The [PID Act](#) and [Corporations Act](#) provide for situations where the identity of the person reporting a wrongdoing may be disclosed, as listed in the following table:

a. Situations where a reporter's identity may be disclosed under the Public Disclosures Act :	b. Situations where a reporter's identity may be disclosed under the Corporations Act :
<ol style="list-style-type: none">1. The person reporting the wrongdoing consents in writing to having their identity disclosed.2. It is generally known that the person has reported the wrongdoing as a result of that person identifying themselves as having done so (otherwise than by making the report under this policy).3. It is essential under the principles of natural justice that the identifying information is disclosed to the person that is the subject of the report.4. It is necessary to investigate the matter effectively or it is otherwise in the public interest to do so.	<ol style="list-style-type: none">1. The person reporting the wrongdoing consents to having their identity disclosed.2. The report is referred by any of the authorised disclosure officers (see clause 14) to ASIC, APRA or a member of the Australian Federal Police.3. The University is seeking legal advice or legal representation in relation to the operation of the whistleblower provisions in Part 9.4AAA of the Corporations Act.4. The disclosure of the person's identity is made by ASIC, APRA or a member of the Australian Federal Police, and is made to another Commonwealth, state or territory authority, in the circumstances stated in the Corporations Act.

(21) The person reporting a wrongdoing must only discuss the report with those responsible for dealing with it as stated in the [Public Interest Disclosure \(Whistleblowing\) Procedure](#).

(22) Any person involved in the investigation or handling of a report, including witnesses, must maintain confidentiality and not disclose information about the process or allegations to any person except for those responsible for handling the report.

Investigation of wrongdoing

(23) Where a report of wrongdoing is made to an authorised disclosure officer stated in this policy, the report will be managed and investigated as stated in the [Public Interest Disclosure \(Whistleblowing\) Procedure](#).

Protection against reprisals

(24) Any person that makes a protected report of wrongdoing in accordance with this policy will be protected against reprisals and detrimental actions.

(25) For a protected report, it will be a breach of this policy, and possibly NSW and Commonwealth legislation, for any person to:

- a. engage in conduct that causes detriment to a reporter of a wrongdoing (or someone they suspect has or may report a wrongdoing), and/or
- b. threaten to cause detriment to a reporter of a wrongdoing (or someone they suspect has or may report a wrongdoing).

(26) Where an investigation of a report finds that the person making the report was also engaged in wrongdoing, they may be disciplined under the relevant University processes.

False or misleading reports

(27) The University will not support people who wilfully make false or misleading statements or reports under this policy. A false or misleading report may be a criminal offence under the [PID Act](#), the [Corporations Act](#), or serious misconduct under the [Enterprise Agreement](#).

Section 4 - Procedures

(28) The [Public Interest Disclosure \(Whistleblowing\) Procedure](#) provides information on how a report of wrongdoing made to the University will be managed and investigated.

Section 5 - Guidelines

(29) The [Whistleblowing \(Reporting Wrongdoing\) Guidelines](#) provide further information for people considering making a report of wrongdoing.

Status and Details

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