

## Whistleblower Reporting (Improper Conduct) Procedure

### INTRODUCTION

Whistleblowers play a role in ensuring integrity in public administration. The University is committed to fostering an ethical, transparent culture, which values the disclosure of information about actual or suspected corruption and other wrongdoing, including the danger to public health or safety of the environment.

As a public body established by an Act of the Northern Territory Parliament, the University has mandatory reporting obligations under the Northern Territory [Independent Commissioner Against Corruption Act 2017 \(ICAC Act\)](#) and other legislation. As such, all University staff members and members of Council are public officers who are obliged to report any instance of actual, or suspected, improper conduct or breaches of the law under the ICAC Act mandatory reporting obligations.

### PROCEDURE

#### 1. Who can make a report

1.1. Anyone who has reasonable grounds to suspect that improper conduct has occurred or is occurring within or against the University is encouraged to make a report in accordance with this Procedure. This includes a person who is currently, or was previously an associate of the University, including:

- a staff member, member of Council or another committee;
- a student;
- a contractor, supplier or tenderer;
- another person, paid or unpaid, who has business dealings with the University;
- a relative or dependent of such a person referred to above; or
- any other individual prescribed by law.

1.2. Whistleblower protections may apply to anyone who meets the criteria for eligibility. Reports must be made in good faith without malice or an intention to damage the reputation of the University or staff members.

#### 2. How to report

2.1. A report of corruption and other wrongdoing can be made verbally or in writing to the University's [Disclosure Officer](#) or directly to the [Office of the Independent Commissioner Against Corruption](#). If a staff member receives a report, they must immediately refer it to the [Disclosure Officer](#).

2.2. The Vice-Chancellor is the principal Disclosure Officer.

- 2.3. The [University Secretary](#) will be a Disclosure Officer if a report involves the Chancellor, the Vice-Chancellor or a member of the Council or one of its committees.
- 2.4. If the University Secretary has a conflict of interest in respect of, or is the subject of a report, or is otherwise unavailable, the [Director People & Capability](#) will be a Disclosure Officer.
- 2.5. A report made to the [Disclosure Officer](#) should be made in writing with details of:
  - the nature of the conduct alleged;
  - the person or people responsible for the conduct;
  - the facts on which the allegation is based on; and
  - the nature and whereabouts of any further evidence that would substantiate the allegations.
- 2.6. A report can be made anonymously, however, the investigation of anonymous reports may be limited as will whistleblower protections where identity is unknown.
- 2.7. Persons making a Whistleblower report should carefully consider the legislation under which their disclosure is being made to ensure they meet the requirements of the applicable law to be protected. This may involve obtaining independent legal advice.
- 2.8. A report made through the media, or to a political party, or industrial organisation does not attract protection under the [ICAC Act](#). A Whistleblower report made to the University or ICAC ensures that adequate investigation is undertaken and the reputation of persons against whom allegations are made is not damaged by inappropriate publication.

### 3 Response to a report

- 3.1. As soon as reasonably practicable, and with the degree of confidentiality consistent with the nature of the report, the person making the report will be contacted to have explained the process for assessing the report and where required, the development of an appropriate risk reprisal plan.
- 3.2. If a report is made verbally, the person making the report may be required to provide more details in writing.
- 3.3. The report is then assessed to decide whether:
  - the matter qualifies as a Whistleblower disclosure;
  - the matter should be investigated, taking into consideration whether:
    - the matter can be properly investigated; or
    - the matter can be more appropriately resolved through another process either separately or concurrently;
  - the matter should be investigated internally or referred to an external investigator;
  - the report involves a criminal offence, corrupt or improper conduct that should be reported to the police or an investigating authority such as ICAC;
  - there is a risk of reprisal; and
  - any legal or professional advice should be obtained
- 3.4. A report will not be accepted if they appear to be:
  - an unsubstantiated allegation with no specific information that points to alleged wrongdoing; and/or

- not made as an honest or genuine report on reasonable grounds or contains false or misleading information.
- 3.5 A report that does not involve wrongdoing but involves a complaint of another kind, will be referred to the relevant area and dealt with under the relevant policy or process.
- 3.6 The person making the report will be notified of the assessment and what actions, if any, will occur next.

#### 4 Risk assessment

- 4.1 Following receipt of a report that qualifies as a whistleblower disclosure, a risk assessment must be conducted to assess:
- the likelihood of reprisals using a matrix which considers the seriousness and likelihood of potential reprisals; and
  - the likely impact on the person who is the subject of the report, taking into account the seriousness of the matters raised in the report.
- 4.2 Where there is a risk of reprisal a plan must be developed, in conjunction with the person who made the report, to minimise or control risks of reprisals and other adverse impacts.
- 4.3 The risk assessment plan must be monitored and regularly reviewed to ensure the strategies remain effective and take into consideration any changed circumstances.

#### 5. Reporting to ICAC

- 5.1. Where there is a reasonable suspicion that a matter may involve improper conduct, the Vice-Chancellor is bound by section 22 of the [ICAC Act](#) to report the matter to the ICAC as soon as reasonably practicable.
- 5.2. This action takes precedence over the University's responsibility to deal with the matter, unless ICAC refers the matter back to the University for investigation.
- 5.3. The ICAC Commissioner may also choose to:
- dismiss the matter;
  - investigate the matter;
  - investigate the matter in cooperation with the University – this approach may be undertaken for a variety of reasons, including if it is in the public interest, and where particular investigative powers are required; and/or
  - refer allegations involving criminal offences to the Police.

#### 6. Investigation

- 6.1. An Investigation will be conducted according to the principles of procedural fairness and all reasonable steps taken to ensure a confidential, timely, fair and unbiased investigation.
- 6.2. All staff members are required to assist the Disclosure Officer and their delegated investigator to the maximum possible extent in conducting those investigations.
- 6.3. On conclusion of the investigation, the Disclosure Officer will prepare a written report and notify the person making the report of the outcome.

#### 7. Records and reports

- 7.1. The Director, Strategic Services & Governance will keep records of all reports and investigations. All evidence will be retained until the case is fully closed, and any criminal charges or disciplinary action arising from the investigation outcomes have been finalised.

7.2. The Director, Strategic Services & Governance will provide a summary report to the University’s Audit and Risk Committee, of whistleblower reports, the conduct of investigations and outcomes as well as any rectification actions required to ensure that any corrupt conduct or other wrongdoing does not recur.

7.3. Retention or disposal of all information related to whistleblower matters will be managed in accordance with the University’s [Records Disposal Schedules](#) and the [Information Act](#).

**8. Escalation of reports**

8.1. The person making the report may escalate the matter further to an appropriate authority if at any time they are unsatisfied with the outcome or handling of their report or concerns around confidentiality.

**9. Breach of Procedure**

9.1. The University will not tolerate harassment, retribution or victimisation of a person they know or suspect to have made a whistleblower report. Those who are found to be engaging in retaliation will be subject to disciplinary action under the [Code of Conduct](#).

**NON-COMPLIANCE**

Non-compliance with Governance Documents is considered a breach of the Code of Conduct and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures.

**RELATED AND SUPPORTING DOCUMENTS**

<p><b>Legislation</b></p>	<p><a href="#">Corporations Act 2001</a> (Cth)  <a href="#">Criminal Code Act 1983</a> (NT)  <a href="#">Independent Commissioner Against Corruption Act 2017</a> (NT)  <a href="#">Information Act 2002</a> (NT)  <a href="#">Taxation Administration Act 1953</a> (Cth)</p>
<p><b>Policy</b></p>	<p><a href="#">Code of Conduct</a>  <a href="#">Fraud and Corruption Control Policy</a>  <a href="#">Gifts and Benefits Policy</a>  <a href="#">Privacy and Confidentiality Policy</a>  <a href="#">Records Management Policy</a></p>
<p><b>Procedures</b></p>	<p><a href="#">Employee Grievance Procedure</a>  <a href="#">Conflicts of Interest Procedures</a></p>

## GOVERNANCE

Owner	Vice-Chancellor	
Category	Governance	
Audience	<p>All activities (including teaching, learning and research) and members of the University community, including Council or committee members, staff members and students of the University.</p> <p>Any external party involved in providing goods or services, to the University, such as contractors, consultants, outsourced service providers and suppliers.</p> <p>This Procedure may be adopted by the University's controlled entities.</p>	
Approving authority	Vice-Chancellor	
Effective date	22 Sep 2020	
Review date	22 Sep 2022	
Version	1.01	Pro - 150
Content enquiries	<a href="mailto:governance@cdu.edu.au">governance@cdu.edu.au</a>	