

Whistleblower Reporting (Improper Conduct) Procedure

Section 1 - Preamble

(1) 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.

(2) 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.

Section 2 - Purpose

(3) This procedure provides guidance on how University staff and members of Council can fulfil their reporting obligations under the ICAC Act should they become aware of any form of misconduct or corruption that within the scope of the ICAC. The procedure also outlines the appropriate responses that should be undertaken by the University should a report be made.

Section 3 - Scope

(4) All staff of the University and other members of the University community including students, contractor and adjuncts must be aware of their obligations under the ICAC Act to report improper conduct. All members of the senior staff of the University, including Council, must be aware of their obligations to protect Whistleblowers from reprisals.

Section 4 - Procedure

Who Can Make a Report

(5) Anyone who has reasonable grounds to suspect that improper conduct has occurred or is occurring within or against the University must 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. a staff member, member of Council or another committee;
- b. a student;
- c. a contractor, supplier or tenderer;
- d. another person, paid or unpaid, who has business dealings with the University;
- e. a relative or dependent of such a person referred to above; or
- f. any other individual prescribed by law.

(6) Whistleblower protections may apply to anyone who meets the criteria for eligibility. The University will not tolerate harassment of, retaliation against or victimisation of persons who report concerns.

How to Report

(7) A report of suspected corruption or improper conduct can be made verbally or in writing to the University's [Disclosure Officer](#) appointed in accordance with the ICAC Guidelines, or directly to the [Office of the Independent Commissioner Against Corruption](#) (Office of the ICAC). If a staff member receives a report, they must immediately refer it to the [Disclosure Officer](#). A person who chooses to make a report to the University may also make a report directly to the [Office of the ICAC](#) at any time.

(8) The Vice-Chancellor and the University's senior executives are the principal Disclosure Officers.

(9) The Vice-President Governance and University Secretary (privacy@cdu.edu.au) 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.

(10) If the Vice-President Governance and University Secretary has a conflict of interest in respect of, or is the subject of a report, or is otherwise unavailable, the Director People and Culture will be a Disclosure Officer.

(11) A report made to the [Disclosure Officer](#) should include details of:

- a. the nature of the conduct alleged;
- b. the person or people responsible for the conduct;
- c. the facts on which the allegation is based on; and
- d. the nature and whereabouts of any further evidence that would substantiate the allegations.

(12) A report can be made anonymously, however, the investigation of anonymous reports may be limited as will whistleblower protections where identity is unknown.

(13) 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.

(14) 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.

(15) A Whistleblower report made to the Office of the ICAC (either directly or as reported to the Office of the ICAC by the University) may be determined to be a 'protected action'. A person taking a protected action incurs no civil or criminal liability and is not subject to disciplinary action (or other adverse administrative action) in relation to the protected action. It is an offence to provide information that is known to be misleading as part or all of the protected action.

(16) There are safeguards in place under the [ICAC Act](#) to prevent a person from retaliation as a result of undertaking a protected action. Retaliation includes causing or threatening to cause a person harm in order to discourage a person or persons;

- a. from taking a protected action; or
- b. supporting a person taking a protected action.

(17) It may also include causing or threatening to cause harm because of a protected action taken or action taken to

support a person in taking protected action.

(18) Under the [ICAC Act](#), the identity of a person taking protected action will be protected wherever possible, as anonymity is considered to be the best protection from retaliation.

(19) Persons making a Whistleblower report should report any actual or potential retaliation to the [complaints officer](#). They may also make a complaint in relation to the handling of the protected action. Such complaints will be investigated as a separate matter by the University's Complaints Management Unit, who will ensure all reasonable steps are taken to stop the activity and protect the Whistleblower.

(20) The University counselling service is available to Whistleblowers and persons who may be subject to disclosures under this Policy. Information regarding the University counselling service is available from the Disclosure Officer.

Response to a Report

(21) 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 retaliation plan.

(22) If a report is made verbally, the person making the report may be required to provide more details in writing.

(23) The report is then assessed to decide whether:

- a. the matter qualifies as a Whistleblower disclosure;
- b. the matter should be investigated, taking into consideration whether:
- c. the matter can be properly investigated; or
- d. the matter can be more appropriately resolved through another process either separately or concurrently;
- e. the matter should be investigated internally or referred to an external investigator;
- f. the report involves a criminal offence, corrupt or improper conduct that should be reported to the police or an investigating authority such as ICAC;
- g. there is a risk of reprisal; and
- h. any legal or professional advice should be obtained

(24) A report may not be investigated if it appears to be:

- a. an allegation with no specific information that points to wrongdoing; and/or
- b. not made as an honest or genuine report on reasonable grounds.

(25) 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.

(26) The person making the report will be notified of the assessment and what actions, if any, will occur next. If it is determined that the report will be investigated, the University will provide the person making the report a notice setting out the following:

- a. a statement saying the University has received the report;
- b. the date the University received the report;
- c. the University's understanding of the content of the report;
- d. a statement saying it is a protected communication; and
- e. information about the role of the Office of ICAC and the Office of ICAC's contact details.

Risk Assessment

(27) Following receipt of a report that qualifies as a whistleblower disclosure, a risk assessment will be conducted to assess:

- a. the likelihood of retaliation using a matrix which considers the seriousness and likelihood of potential reprisals; and
- b. 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.

(28) Where there is a risk of retaliation a plan must immediately be developed, in conjunction with the person who made the report, to minimise or control risks of retaliation and other adverse impacts.

(29) The risk assessment plan must be monitored and regularly reviewed to ensure the strategies remain effective and take into consideration any changed circumstances.

Reporting to ICAC

(30) Where there is a reasonable suspicion that a matter may involve improper conduct, the Disclosure Officer is bound by section 22 of the [ICAC Act](#) to report the matter to the ICAC as soon as reasonably practicable.

(31) The Disclosure Officer must report improper conduct to the ICAC, even in the event that it has already been referred to another public body or public officer, including but not limited to, the Ombudsman, the Auditor-General or the relevant police force.

(32) The ICAC Commissioner may also choose to:

- a. dismiss the matter;
- b. investigate the matter;
- c. 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
- d. refer allegations involving criminal offences to the Police.

Investigation

(33) An Investigation will be conducted in accordance with the principles of procedural fairness by an independent investigator appointed by the Disclosure Officer. All reasonable steps will be taken to ensure a confidential, timely, fair and unbiased investigation.

(34) All staff members are required to assist the Disclosure Officer and their delegated investigator to the maximum possible extent in conducting those investigations.

(35) On conclusion of the investigation, the investigator will prepare a written investigation report for the Disclosure Officer, who will notify the person that made the improper conduct report of the outcome.

Records and Reports

(36) The Vice-President Governance and University Secretary will keep records of all reports and investigations. 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 2002](#).

(37) 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.

(38) The Vice-President Governance and University Secretary will provide a summary report to the University's Audit, Risk and Compliance 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.

Breach of Procedure

(39) The University will not tolerate harassment, retaliation or victimisation of a person they know or suspect to have made a whistleblower report. The University must report any potential, actual or suspected retaliation or reprisal to the Office of the ICAC immediately after it becomes aware of it. Those who are found to be engaging in retaliation will be subject to disciplinary action under the [Code of Conduct - Employees](#).

Section 5 - Non-Compliance

(40) Non-compliance with Governance Documents is considered a breach of the [Code of Conduct – Staff](#) or the [Code of Conduct – Students](#), as applicable, and is treated seriously by the University. Reports of concerns about non-compliance will be managed in accordance with the applicable disciplinary procedures outlined in the [Charles Darwin University and Union Enterprise Agreement 2022](#) and the [Code of Conduct – Students](#).

(41) Complaints may be raised in accordance with the [Code of Conduct – Staff](#) and [Code of Conduct - Students](#).

(42) All staff members have an individual responsibility to raise any suspicion, allegation or report of fraud or corruption in accordance with the [Fraud and Corruption Control Policy](#) and [Whistleblower Reporting \(Improper Conduct\) Procedure](#).

Status and Details

Status	Current
Effective Date	15th January 2022
Review Date	24th June 2024
Approval Authority	University Council
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Responsible Executive	Brendon Douglas Vice-President Governance and University Secretary
Implementation Officer	Brendon Douglas Vice-President Governance and University Secretary
Enquiries Contact	Brendon Douglas Vice-President Governance and University Secretary