

Public Interest Disclosures and other Whistleblower Reports

Public Interest Disclosures	Other Whistleblower Reports
Who can make a report?	
<p>Public Official which includes:</p> <ul style="list-style-type: none"> • current University employees and officers, including employees of its controlled entities • University contractors, suppliers and consultants, and their employees • University Council members. 	<p>Eligible Reporter which includes:</p> <ul style="list-style-type: none"> • a University employee or officer • a supplier or their employee • an associate of the University • a relative, spouse or dependent of any of the above individuals.
What must the report be about?	
<p>The Public Official must honestly believe on reasonable grounds that the information reported shows or tends to show:</p> <ul style="list-style-type: none"> • Corrupt Conduct - the dishonest or partial exercise of official functions by a public official including, for example: <ul style="list-style-type: none"> ○ the improper use of knowledge, power or position for personal gain or the advantage of others ○ acting dishonestly or unfairly, or breaching public trust ○ a member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches public trust ○ giving or accepting bribes or other incentives for a favourable decision or outcome. 	<p>The person making the report must have reasonable grounds to suspect that the information being disclosed concerns Reportable Conduct</p> <ul style="list-style-type: none"> • misconduct or an improper state of affairs or circumstances in relation to the University or its related entities. This may include: <ul style="list-style-type: none"> ○ a breach of legislation including the Corporations Act ○ an offence against the Commonwealth punishable by imprisonment for 12 months or more ○ conduct that represents a danger to the public or financial system.

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<ul style="list-style-type: none"> • Maladministration - conduct that involves action or inaction of a serious nature that is contrary to law, or unreasonable, unjust, oppressive or improperly discriminatory, or based wholly or partly on improper motives including, for example: <ul style="list-style-type: none"> ○ making a decision or taking action that is unlawful ○ refusing to approve an application for reasons that are not related to the merits of the application. • Serious and Substantial Waste of Public Money - the uneconomical, inefficient or ineffective use of resources that could result in loss or wastage or public resources, for example: <ul style="list-style-type: none"> ○ not following a competitive tendering process for a large-scale contract ○ having bad or no processes in place for a system involving large amounts of public funds. • A breach of the <i>Government Information (Public Access) Act 2009 (NSW)</i> (GIPA Act). 	
Who must the report be made to?	
<p>Internal:</p> <ul style="list-style-type: none"> • Disclosures Coordinator (Director, Governance Services and Council Secretary) Belinda Atkinson, Email: Belinda.atkinson@scu.edu.au t: (02) 6620 3186 m: 0415 167 490 	<ul style="list-style-type: none"> • Disclosures Coordinator (Director, Governance Services and Council Secretary) Belinda Atkinson, Email: Belinda.atkinson@scu.edu.au t: (02) 6620 3186 m: 0415 167 490 • An officer or senior manager of the University • The University's external auditor (or a member of that audit team)

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<ul style="list-style-type: none"> • Vice Chancellor Professor Tyrone Carlin Email: tyrone.carlin@scu.edu.au t: (02) 6620 3703 • Chair, Academic Board Professor Andrew Rose Email: Andrew.rose@scu.edu.au t: (02) 6620 3189 <p>External:</p> <ul style="list-style-type: none"> • NSW Independent Commission Against Corruption • NSW Ombudsman • NSW Auditor-General • Information Commissioner 	<ul style="list-style-type: none"> • A legal practitioner for the purpose of obtaining legal advice or legal representation in relation to the operation of the whistleblower provisions in the Corporations Act 2001 or the Taxation Administration Act 1953 <p>If the report is in relation to the tax affairs of the University:</p> <ul style="list-style-type: none"> • a University employee or officer who has functions or duties relating to tax affairs of the University • the Commissioner of Taxation.
Protections	
<p>The reporter is protected against any action causing, comprising or involving any of the following:</p> <ul style="list-style-type: none"> • injury, damage or loss • intimidation or harassment • discrimination, disadvantage or adverse treatment in relation to employment • dismissal from, or prejudice in, employment • disciplinary proceedings. 	<ul style="list-style-type: none"> • The reporter is immune from any civil, criminal or administrative legal action (including disciplinary action) for making the report. • No contractual or other remedies may be enforced, and no contractual or other right may be exercised, against the reporter for making the report. • In some circumstances, the reported information is not admissible against the reporter in criminal proceedings or in proceedings for the imposition of a penalty. • Anyone who causes or threatens to cause detriment to a reporter or another person in the belief or suspicion that a report has been made, or may have

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	<p>been made, proposes to or could be made, may be guilty of an offence and may be liable for damages.</p> <ul style="list-style-type: none"> • A reporter's identity cannot be disclosed to a Court or tribunal except where considered necessary. • The person receiving the report commits an offence if they disclose the substance of the report, or the reporter's identity, without the reporter's consent to anyone except ASIC, the AFP or a lawyer for the purpose of obtaining legal advice or representation in relation to the report.