

Public Interest Disclosure and Whistleblower Policy

Section 1 - Objectives and Scope.

- (1) The purpose of this Policy is to establish a framework at the University of New England (UNE) for reporting and investigating allegations of wrongdoing without fear of reprisal.
- (2) This policy gives effect to the University's obligations regarding protected disclosures under the [Public Interest Disclosures Act 1994 \(NSW\)](#) (PID Act) and the protection of whistleblower provisions in the [Corporations Act 2001 \(Cth\)](#) (Corps Act) Part 9.4AAA.
- (3) Reports of wrongdoing concern allegations about public officials relating to matters such as Corrupt Conduct, Maladministration, Serious and Substantial Waste of Public Money, Breach of the [GIPA Act](#) and Misconduct or an improper state of affairs or circumstances, an offence/contravention of specified Commonwealth legislation or conduct which represents a danger to the public or financial system under the [Corps Act](#).
- (4) This Policy sets out details of what can be reported, who can receive reports and how reports of wrongdoing will be dealt with by UNE.
- (5) For reporters who are UNE Representatives, this Policy is designed to complement normal communication channels between supervisors and their staff. UNE Representatives are encouraged to raise matters of concern at any time with their supervisors. They also have the option of making a report about a public interest issue to persons occupying designated positions at UNE or external bodies, as appropriate in accordance with this Policy.
- (6) This Policy is not intended to be used for personal work-related staff grievances, though if such matters are reported the reporter may be referred to the relevant area of the University.
- (7) This Policy applies to all UNE Representatives and other individuals identified as an Eligible Discloser, as defined in Section 4 below.
- (8) Within this Policy:
- a. Part A – outlines key Public Disclosure Principles;
 - b. Part B – describes how to make a report;
 - c. Part C – outlines UNE's process for review and/or Investigations and Feedback; and
 - d. Part D – outlines key roles and responsibilities;

Part A - Disclosure Principles

- (9) The University of New England (UNE) is committed to:
- a. creating a climate of trust, where UNE Representatives and other Eligible Disclosers are comfortable and confident about reporting wrongdoing;
 - b. encouraging persons to come forward if they are aware of or suspect wrongdoing within the University;

- c. keeping the identity of the person reporting wrongdoing, confidential, where this is possible and appropriate;
- d. protecting individuals from any adverse action resulting from making a report;
- e. dealing with reports thoroughly and impartially and, if some form of wrongdoing has been found, taking appropriate action to address it;
- f. keeping individuals who make reports, informed of their progress and the outcome, and ensuring they have access to support as required;
- g. encouraging individuals to report wrongdoing within the University, but respect any decision to disclose wrongdoing outside the University in accordance with the provisions of the [PID Act](#) or protection of whistleblower provisions within [Corps Act](#);
- h. having support processes in place for persons who make or are the subjects of reports;
- i. ensuring managers and supervisors at all levels in the University understand the benefits of reporting wrongdoing, are familiar with this policy, and are aware of and sensitive to the concerns and support needs of those who report wrongdoing;
- j. reassessing/reviewing the Policy periodically to ensure they are relevant and effective; and
- k. provide adequate resources to:
 - i. encourage reports of wrongdoing;
 - ii. protect and support those who make reports of wrongdoing;
 - iii. support those who are the subject of a report of wrongdoing;
 - iv. provide training for staff about how to make reports and the benefits of internal reports to the University and the public interest generally;
 - v. properly assess and investigate or otherwise deal with reports;
 - vi. properly manage any workplace issues that the allegations identify or that result from a report; and
 - vii. appropriately address any identified problems.

Part B - Making a report and what happens after a report is lodged

(10) This section outlines how to make a report, the positions or bodies that can receive reports, and what to expect after a report is made.

How to make a report

What should be reported?

(11) Eligible Disclosers should report any suspected wrongdoing within UNE or any activities or incidents they see within UNE that they have reasonable grounds to suspect are wrong (see Tip 1 below for more information):

- a. Wrongdoing covered by this policy includes the following conduct engaged in by the University or an officer or employee of the University — Corrupt Conduct, Maladministration, Serious and Substantial Waste of Public Money, Breach of the [GIPA Act](#), or conduct which otherwise meet the criteria of a public interest disclosure or whistleblowing under the [Corps Act](#) (eg: Misconduct or an improper state of affairs or circumstances, an offence/contravention of specified Commonwealth legislation or represents a danger to the public or financial system).
- b. All other wrongdoing or suspected wrongdoing should be reported by UNE Representatives to a supervisor, to be dealt with in line with the relevant policies. This might include:
 - i. harassment or unlawful discrimination;
 - ii. personal work-related staff grievances;
 - iii. contractual breaches or disputes; and
 - iv. practices that endanger the health or safety of staff, students or the public.

- c. Even if a report is not dealt with as a protected interest disclosures, UNE recognises such reports may raise important issues.

Tip: Further information relating to what can be reported under the [PID Act](#) can be found in the [NSW Ombudsman's Guidance relating to Public Interest Disclosures](#). The Australian Charities and Not-for-Profits Commission (ACNC) also provides guidance on [Whistleblower protections](#).

Honesty in reporting and sanctions for making false or misleading statements

(12) Eligible Disclosers may make enquiries or reports where they have reasonable grounds to suspect wrongdoing and are encouraged and supported to do so. However it is a criminal offence under the [PID Act](#) and [Corps Act](#) to wilfully make a false or misleading statement when reporting wrongdoing. UNE will not support UNE Representatives who wilfully make false or misleading reports. Such conduct may also be a breach of the UNE [Code of Conduct](#) resulting in disciplinary action.

Form of the report

(13) Eligible Disclosers can report wrongdoing in writing or verbally. Eligible Disclosers are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. The [Internal Reporting Form](#) is available to use to make a report.

(14) If a report is made verbally, the person receiving the report will make a record of the report and ask the person making the report to sign this record. The Eligible Discloser will be provided with a copy.

Anonymous reports

(15) There will be some situations where an Eligible Discloser may not want to identify themselves when they make a report. Although these reports will still be considered by UNE, it is preferable if Eligible Disclosers identify themselves as:

- a. this allows UNE to provide the Eligible Discloser with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation; and
- b. an anonymous disclosure may not prevent a person from being identified by the subject of the report or their colleagues. If the Disclosures Officer does not know who made the report, it is very difficult for UNE to prevent any reprisal should others identify the person making the report.

Where to send a report

Roles which can receive reports at UNE

(16) The following positions are the only roles within UNE who are authorised to receive a protected disclosure:

- a. Vice-Chancellor and Chief Executive Officer;
- b. Disclosures Coordinator (Chief Audit Executive or equivalent);
- c. Disclosures Officers:
 - i. Associate Director Audit and Risk or equivalent; or
 - ii. any position that substantially replaces such a position in the future.
- d. Chair of the UNE Audit and Risk Committee, where a disclosure is made regarding the actions of the Vice-Chancellor and Chief Executive Officer.

(17) Any supervisor who receives a report that they believe may be a protected disclosure is obliged to assist the

Eligible Discloser to make the report to one of the positions listed above.

(18) A summary of roles and responsibilities is provided in Table 2 below.

External bodies who can receive reports

(19) A protected disclosure can also be made to the following external parties and investigating authorities depending on the circumstances:

- a. the NSW Independent Commission Against Corruption (ICAC) — for disclosures about Corrupt Conduct;
- b. the NSW Ombudsman — for disclosures about Maladministration;
- c. the NSW Auditor-General — for disclosures about Serious and Substantial Waste;
- d. the NSW Information Commissioner — for disclosures about a Breach of the [GIPA Act](#);
- e. the NSW Audit Office;
- f. Australian Securities and Investment Commission (ASIC);
- g. Australian Prudential Regulation Authority (APRA);
- h. Australian Tax Office (ATO) – for disclosures about the tax affairs of the University;
- i. a prescribed Commonwealth authority;
- j. any legal practitioner, for the purpose of obtaining legal advice or representation in relation to the making of a disclosure under this policy; or
- k. a journalist or a member of the Parliament of the Commonwealth or of a State or Territory under certain circumstances (see (21)-(23)).

(20) Eligible Disclosers should contact the relevant investigating authority for advice about how to make a disclosure to them. Eligible Disclosers should be aware that an investigating authority may discuss any such reports with UNE. UNE will make every effort to assist and cooperate with the investigating authority. UNE will also provide appropriate support and assistance to UNE Representatives who report wrongdoing to an investigating authority, if UNE is made aware that this has occurred.

(21) To have the protections of the [PID Act](#), an Eligible Discloser reporting wrongdoing to a member of Parliament or a journalist must have:

- a. already made substantially the same disclosure to UNE or an officer of UNE authorised to receive disclosures or an investigating authority in accordance with the [PID Act](#);
- b. the investigating authority, UNE or authorised officer of UNE must have:
 - i. decided not to investigate the matter;
 - ii. decided to investigate the matter, but not completed the investigation within six months of the original report;
 - iii. investigated the matter but not recommended any action as a result; or
 - iv. not told the Eligible Discloser, within six months of the report being made, whether the matter will be investigated; and
 - v. the Eligible Discloser must have reasonable grounds for believing that the disclosure is substantially true.

(22) An Eligible Discloser who has made a protected disclosure (original disclosure) to ASIC, APRA, or a Commonwealth authority may make a further disclosure (Public Interest Disclosure). The Public Interest Disclosure will qualify as a protected disclosure when it is made to a journalist or a member of Federal, State or Territory Parliament and:

- a. at least 90 days have passed since the original disclosure was made;
- b. the Eligible Discloser has no reasonable grounds to believe that action is being, or has been, taken in response

to the original disclosure;

- c. the Eligible Discloser has reasonable grounds to believe that making the Public Interest Disclosure would be in the public interest; and
- d. the Eligible Discloser has given written notice to the organisation to which they may the original disclosure that they intend to make a Public Interest Disclosure. The notice must include sufficient information to identify the original disclosure.

(23) An Eligible Discloser who has made a protected disclosure (original disclosure) to ASIC, APRA, or a Commonwealth authority may make a further disclosure (Emergency Disclosure). This will qualify as a protected disclosure where the Emergency Disclosure is made to a journalist or a member of Federal, State or Territory Parliament and the Eligible Discloser has:

- a. reasonable grounds to believe that the original disclosure concerned a substantial and imminent danger to the health and safety of one or more persons or to the natural environment; and
- b. given written notice to the organisation to which they made the original disclosure that they intend to make the Emergency Disclosure. The notice must include sufficient information to identify the original disclosure.

(24) If an Eligible Discloser reports wrongdoing to a person or authority that is not listed in clause 19 above, or makes a report to a member of Parliament or journalist without following the steps outlined in clauses 21-23 above, they will not be protected under the [PID Act](#) or the [Corps Act](#). For UNE Representatives this may mean they are in breach of legal obligations or the UNE [Code of Conduct](#), for example, by disclosing confidential information.

Response to reports of wrongdoing

(25) Eligible Disclosers who report wrongdoing will be kept informed as to the status of their report including:

- a. Acknowledgement: the Disclosures Coordinator (or nominee) will contact them to confirm that their report has been received and to advise:
 - i. the timeframe within which you will receive further updates; and
 - ii. the name and contact details of the people who can provide updates or handle any concerns or questions they may have.
- b. Assessment: while a report is being assessed, Eligible Disclosers will be given:
 - i. information about the progress of the assessment or other enquiries and reasons for any delay;
 - ii. advice of any decision by UNE not to proceed with the matter; and
 - iii. advice if their identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.
- c. Progress: after a decision is made about how a report will be dealt with, the Disclosures Coordinator (or nominee) will contact the Eligible Discloser providing:
 - i. information about the internal and external resources or services available that they can access for support;
 - ii. the likely timeframes for any investigation or other action; and
 - iii. information about the proposed action that will be taken in response to their report.

Part C - How UNE assesses and investigates a report

Assessment Steps

(26) Table 1 – Assessment Steps

Step	Action	Notes
1. Acknowledge receipt of report	Disclosures Coordinator (or nominee) to 1. acknowledge receipt of report; 2. provide guidance on expected timeframes for further updates; 3. provide contact details of people who can handle any concerns or questions ; and 4. advise the Vice-Chancellor and Chief Executive Officer that a report has been received.	Template acknowledgement and contact information.
2.a Undertake Assessment of report	Disclosures Coordinator (or nominee) to undertake an assessment using relevant forms. The conduct of the assessment may include: 1. taking actions necessary to ensure the safety of persons, animals, resources or the environment; 2. contacting relevant parties to clarify and/or gather facts (subject to confidentiality obligations imposed by the Policy and applicable legislation); 3. seeking expert or legal advice (subject to confidentiality obligations imposed by the Policy and applicable legislation); or 4. consulting with the Vice-Chancellor and Chief Executive Officer (or alternate Principal Officer under clause 42) regarding the potential conduct; or 5. considering if there is a legal obligation to report the alleged wrongdoing to a law enforcement or investigative agency.	All reports are to be promptly and thoroughly assessed to determine if the report qualifies for protection as a protected disclosure and the legislation that applies to the report (PID Act or Corps Act or both) and what action will be taken to deal with the report. Timeframe is 10 working days from the date of receipt of the report by the Disclosures Coordinator. Forms which support assessment include: 1. "Assessment of an Internal Report Against the Criteria in the Public Interest Disclosure Act 1994 and Corps Act" Form 2. the "Checklist for Recipient of Internal Report Form"
2.b Decide if the matter is a public interest disclosure to be investigated	The Disclosures Coordinator (or nominee) to decide whether a report should be accepted as a protected disclosure and action to be taken. The Disclosures Coordinator (or nominee) may decide and record in writing: 1. the report is not accepted as a protected disclosure and: 1. should be referred elsewhere; or 2. not action will be taken by the University; or 2. the matter is accepted as a protected disclosure and: 1. should be investigated; or 2. no action can be taken due to insufficient evidence.	All reports will be assessed on the information available to the Disclosures Coordinator at the time. Template – Rationale for no action or referral. Template – Rationale for Investigation.
3.a Provide update re assessment outcome	The Disclosures Coordinator (or nominee) will: 1. provide the assessment outcome to the reporter; 2. advise whether the report will be treated as a protected interest disclosure and action to be taken and provide the reporter with a copy of this Policy.	Template assessment outcome letter. Timeframe is 10 working days from the date of receipt of the report by the Disclosures Coordinator.
3.b Risk assessment if protected disclosure	The Disclosures Coordinator (or nominee) will assess the level of workplace risk for the matter and make recommendations for action if required. Where actions are considered necessary, the Disclosures Coordinator (or nominee) will: 1. communicate proposed work place protections with reporter; and 2. monitor potential reprisals and offer support	Template: Workplace risk assessment template Template: Recommendations re workplace protections (reference to clauses 23, 24 and 25 and 27)

4.a If required, conduct Investigation	The Disclosures Coordinator (or nominee) will determine scope and conduct an investigation of the matter. The conduct of an investigation may include: 1. taking actions necessary to ensure the safety of persons, animals, resources or the environment; 2. contacting relevant parties to clarify and/or gather facts (subject to confidentiality obligations imposed by the Policy and applicable legislation); 3. seeking expert or legal advice (subject to confidentiality obligations imposed by the Policy and applicable legislation); or 4. consulting with the Vice-Chancellor and Chief Executive Officer (or alternate Principal Officer under clause 42) regarding the potential conduct; or 5. considering if there is a legal obligation to report the alleged wrongdoing to a law enforcement or investigative agency.	The objective of the investigation is to determine if the evidence substantiates the matters reported. Records of the investigation to be filed securely in the UNE Records Management System.
4.b Communicate with person who is subject of report	The Disclosure Coordinator (or nominee) will advise persons who are subject to a report at the appropriate time and consider their rights.	Refer clause 28
5.a. Feedback – Final update	The Disclosures Coordinator (or nominee) to provide an update regarding the investigation of the conduct to the Vice-Chancellor and Chief Executive Officer (or alternate Principal Officer).	Oral update
5b.Finalise investigation report and provide to the Principal Officer	The Disclosures Coordinator (or nominee) to prepare a final report regarding the investigation and any recommendations to the Vice-Chancellor and Chief Executive Officer (or alternate Principal Officer).	Template – Protected Disclosure Investigation report
6. Further action	The Vice-Chancellor and Chief Executive Officer (or alternative Principal Officer) will consider proposed recommendations and decide whether they accept outcome and determine if further action is required. Action may involve internal actions or referral or reporting to external bodies.	Record of action taken made.

Other key information

(27) A report will be treated as a protected interest disclosure:

- a. if it is made by an Eligible Discloser (Section 4);
- b. if it meets the criteria under the [PID Act](#) and/or [Corps Act](#):
 - i. the report concerns one of the categories of wrongdoing — Corrupt Conduct, Maladministration, Serious and Substantial Waste of Public Money, Breach of the [GIPA Act](#), Misconduct or an improper state of affairs or circumstances, an offence/contravention of specified Commonwealth legislation or conduct which represents a danger to the public or financial system; and
 - ii. the person making the disclosure has reasonable grounds to suspect that the report concerns wrongdoing; and
- c. The report has to be made to an Eligible Recipient (clauses 16 and 19).

(28) Reports by UNE Representatives are not public interest disclosures if they:

- a. mostly question the merits of government or UNE policy; and
- b. are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

(29) Where a protected disclosure has been received by an Eligible Recipient, the University has a legal obligation to protect the identity of the Eligible Discloser, unless an exception applies (see clause 28). Steps to maintain confidentiality may include:

- a. Where possible and appropriate, steps will be taken to keep the identity of and Eligible Discloser, and the fact you have reported wrongdoing, confidential. The Disclosures Coordinator will discuss with the reporter whether it is possible to keep your identity confidential.
- b. If confidentiality cannot be maintained, the Disclosures Coordinator will develop a plan to support and protect the reporter from reprisal in consultation with the reporter.
- c. If a Eligible Discloser report wrongdoing, it is important that you only discuss their report with those responsible for dealing with it, for example the Disclosures Coordinator. The fewer people who know about the report, before and after it is made, the more likely it will be that UNE can protect the Eligible Discloser from any reprisal.
- d. Any UNE Representatives involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

(30) The University is permitted to disclose identifying information or information that tends to identify the Eligible Discloser as follows and subject to the applicable legislation:

- a. the Eligible Discloser consents to the disclosure in writing ([PID Act](#) and [Corps Act](#));
- b. the Eligible Discloser identifies themselves ([PID Act](#));
- c. the Eligible Discloser's identity is generally known ([PID Act](#));
- d. it is essential having regard to the principles of natural justice, that identifying information may be disclosed to a person whom the information provided by the disclosure may concern ([PID Act](#));
- e. it is reasonably necessary to investigate the matter effectively or it is in the public interest to do so ([PID Act](#));
- f. it is made to an Eligible Recipient in clause (19) ([Corps Act](#));
- g. the identity of the Eligible Discloser is not disclosed, it is reasonably necessary for the purpose of investigating a matter to which the disclosure relates and the University has taken all reasonable steps to reduce the risk that the discloser will be identified as a result of the disclosure ([Corps Act](#)).

(31) Managing the risk of reprisal and workplace conflict:

- a. When an Eligible Discloser reports wrongdoing, UNE will undertake a thorough risk assessment to identify the risk to the reporter of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.
- b. Depending on the circumstances, UNE may:
 - i. relocate the Eligible Discloser or the subject of the allegation within the current workplace;
 - ii. transfer the Eligible Discloser or the subject of the allegation to another position for which they are qualified; or
 - iii. grant the Eligible Discloser or the subject of the allegation leave of absence during the investigation of the disclosure.
- c. These courses of action are not punishment and will only be taken in consultation with the Eligible Discloser.

(32) Protection against reprisals:

- a. UNE will not tolerate any reprisal or detrimental action against persons who report wrongdoing or are believed to have reported wrongdoing.

- b. The [PID Act](#) and [Corps Act](#) provide protection for persons who have made a protected disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a protected disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a protected disclosure, even if they did not.
- c. A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action.
- d. UNE may commence disciplinary action against officers or employees where it has grounds to believe that such detrimental action or reprisal has been taken or threatened.

(33) Responding to allegations of reprisal:

- a. If a UNE Representative believes that detrimental action has been or is being taken against them or someone else in reprisal for reporting wrongdoing, they should tell their supervisor, the Disclosures Coordinator or the Vice-Chancellor and Chief Executive Officer immediately.
- b. All supervisors must notify the Disclosures Coordinator or the Vice-Chancellor and Chief Executive Officer if they suspect that reprisal is occurring or has occurred, or if any such allegations are made to them.
- c. If UNE becomes aware of or suspects that reprisal or detriment is being or has been taken against a person who has made a disclosure, UNE may:
 - i. assess the report to decide whether it should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue;
 - ii. if the report allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff;
 - iii. if it is established that reprisal or detriment is occurring against someone who has made a report, take all steps possible to stop that activity and protect the Eligible Discloser;
 - iv. take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure; and
 - v. refer any evidence of an offence to the appropriate authority.
- d. If an Eligible Discloser alleges reprisal, they will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation.
- e. If an Eligible Discloser has reported wrongdoing and are experiencing reprisal or detriment which they believe is not being dealt with effectively, they should contact the Disclosures Officer or Vice-Chancellor and Chief Executive Officer, or an investigating authority (depending on the type of wrongdoing they reported).

(34) Protection against legal action: If an Eligible Discloser makes a protected disclosure in accordance with the PID Act or Corps Act, subject to the applicable legislation, they will not be subject to any liability, and no action, claim or demand can be taken against them for having made the public interest disclosure. The Eligible Discloser will not have breached any confidentiality or secrecy obligations and they will have the defence of absolute or qualified privilege in defamation.

(35) Support For Eligible Disclosers may include:

- a. access to any professional support they may need as a result of the reporting process — such as stress management or counselling services; and
- b. access to an independent support person.

(36) Considering rights of persons who are the subject of a report:

- a. UNE is committed to ensuring staff or officers who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report and the allegations or investigation confidential, where this is practical and appropriate.
- b. A person who is the subject of the report will be advised of the allegations made against them at an appropriate time and before any adverse findings. At this time they will be:
 - i. advised of the details of the allegation(s);
 - ii. advised of their rights and obligations under the relevant related policies and procedures;
 - iii. kept informed about the progress of any investigation;
 - iv. given a reasonable opportunity to respond to any allegation made against them; and
 - v. told the outcome of any investigation, including any decision made about whether or not further action will be taken against them.

Roles and Responsibilities

Table 2 – Summary of Roles and Responsibilities

<p>(37) Principal Officer – Vice-Chancellor and Chief Executive Officer</p>	<p>1. The Vice-Chancellor and Chief Executive Officer as the Principal Officer, has ultimate responsibility to ensure that the University complies with its obligations under this Policy, the PID Act and the relevant Corps Act provisions. The Principal Officer (Vice-Chancellor and Chief Executive Officer or alternate under clause 41) can receive reports and:</p> <ol style="list-style-type: none"> 1. consults with the Disclosures Coordinator during the assessment of reports by the Disclosures Coordinator or nominee; 2. ensures there are strategies in place to support Eligible Disclosers, protect Eligible Disclosers from reprisal and manage workplace conflict that may arise in relation to a report; 3. makes decisions following any investigation by the Disclosures Coordinator (or nominee) or appoints an appropriate decision-maker; 4. takes appropriate referral or remedial action where wrongdoing is substantiated or systemic problems are identified.
<p>(38) Disclosures Coordinator</p>	<p>1. The Disclosures Coordinator has a central role in UNE's internal reporting system. The Disclosures Coordinator can receive and assess reports (unless as per clause 42 the report relates to the Disclosures Coordinator), and is the primary point of contact within UNE for the reporter. The Disclosures Coordinator, will consider whether they are affected by a conflict of interest in relation to the report, and whether any other person involved in the report, is affected by a conflict of interest. Any conflict of interest must be disclosed in writing and managed in accordance with the UNE Conflicts of Interest Policy. Where appropriate as a result of a conflict of interest, an alternative person must be appointed by the Principal Officer to take on the role of the Disclosures Coordinator in relation to the report. Conflict of interest in this context includes actual, potential or perceived conflicts.</p> <p>2. The Disclosures Coordinator has a responsibility to:</p> <ol style="list-style-type: none"> 1. Unless clause 42 applies, advise the Vice-Chancellor and Chief Executive Officer of the nature of the potential wrongdoing immediately a report is lodged (note: the identity of the reporter is not to be disclosed); 2. assess reports to determine whether or not a report should be treated as a public interest or whistleblower disclosure, and to decide how each report will be dealt with; 3. coordinate UNE's response to a report; 4. acknowledge reports and provide updates and feedback to the reporter; 5. assess whether it is possible and appropriate to keep the reporter's identity confidential; 6. assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified; 7. where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any person who is the subject of a report; 8. provide a report on the matter, with recommendations, to the Principal Officer, following any investigation undertaken; 9. ensure all reports lodged are formally closed off in UNE's records management system, with a copy of the investigation report or a file note providing reasons why the matter is being closed; 10. ensure that UNE complies with the PID Act and Corps Act provisions; and 11. provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

(39) Disclosures Officers	<ol style="list-style-type: none"> 1. Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting procedures, receive reports of wrongdoing and assist Eligible Disclosers to make reports. 2. Disclosures Officers have a responsibility to: <ol style="list-style-type: none"> 1. document in writing any reports received verbally, and have the document signed and dated by the reporter. See Internal Report Form; 2. make arrangements to ensure Eligible Disclosers can make reports privately and discreetly when requested, if necessary away from the workplace; 3. maintain confidentiality of the reporter, discussing only with Disclosures Coordinator; 4. discuss with the reporter any concerns they may have about reprisal or workplace conflict; and 5. carry out assessments and forward reports to the Disclosures Coordinator.
(40) Supervisors and Line Managers	<ol style="list-style-type: none"> 1. Supervisors play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors should be aware of the internal reporting procedures and are responsible for creating a local work environment where UNE Representatives are comfortable and confident about reporting wrongdoing. They have a responsibility to: <ol style="list-style-type: none"> 1. encourage UNE Representatives to report known or suspected wrongdoing within the organisation and support staff when they do; 2. identify reports made to them in the course of their work which could be public interest disclosures, and assist the UNE Representative to make the report to an officer authorised to receive public interest disclosures under this policy; 3. maintain confidentiality of any reports with the UNE Representative and the Disclosures Coordinator or Disclosures Officer; 4. implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report; and 5. notify the Disclosures Coordinator or Vice-Chancellor and Chief Executive Officer immediately if they believe a UNE Representative is being subjected to reprisal or detriment as a result of reporting wrongdoing.
(41) UNE Representatives	<ol style="list-style-type: none"> 1. UNE Representatives play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All UNE Representatives are obliged to: <ol style="list-style-type: none"> 1. report all known or suspected wrongdoing and support those who have made reports of wrongdoing; 2. if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality; 3. treat any staff member or person dealing with a report of wrongdoing with courtesy and respect; and 4. respect the rights of officers who are the subject of reports. 2. UNE Representatives must not: <ol style="list-style-type: none"> 1. victimise or harass anyone who has made a report; and/or 2. make false or misleading reports of wrongdoing. 3. Additionally, the behaviour of all UNE Representatives involved in the internal reporting process are obliged to adhere to UNE's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.
(42) Chair of Audit and Risk Committee of Council or Chancellor	<p>Reports relating to the Vice-Chancellor and Chief Executive Officer, the Disclosures Coordinator or a Disclosures Officer</p> <ol style="list-style-type: none"> 1. A report which concerns the conduct of the Vice-Chancellor and Chief Executive Officer should be directed to the Chair of the Audit and Risk Committee of the UNE Council. In this instance the Chair of the Audit and Risk Committee will assume the role of the Disclosure Coordinator or they will appoint an appropriate independent person to assume the role of Disclosures Coordinator. The Chancellor would assume the role of Principal Officer. 2. A report which concerns the conduct of the Disclosures Coordinator or a Disclosures Officer should be directed to the Vice-Chancellor and Chief Executive Officer. In this instance they will assume the role of Disclosures Coordinator, or the Vice-Chancellor and Chief Executive Officer will appoint an appropriate independent person to assume the role of Disclosures Coordinator. The Chair of Audit and Risk Committee would assume the role of Principal Officer.

More Information

(43) Staff can also seek advice and guidance from the Disclosures Coordinator and via the disclosures or whistleblower sections of the websites of the NSW Ombudsman, ACNC or ASIC.

Section 2 - Authority and Compliance

(44) The custodian of this Policy and principles the Audit and Risk Committee of Council makes this Policy.

(45) UNE Representatives must observe this Policy in relation to public interest and whistleblower disclosures. A failure to comply with this Policy may amount to misconduct/serious misconduct and/or unsatisfactory performance.

(46) This Policy is consistent with the [PID Act](#) and with guidelines of the NSW Ombudsman and with the protection of whistleblowers provisions of Part 9.4AAA of the [Corps Act](#).

(47) This Policy operates as and from the Effective Date. Previous rules and procedures are replaced from the Effective Date.

(48) This Policy take effects pursuant to Section 25 of the [University of New England By-law 2005](#). To the extent this Policy conflicts with the [University of New England Act 1993 \(NSW\)](#) (the UNE Act) or UNE [University of New England By-law 2005](#), [University of New England Act 1993 \(NSW\)](#) or [University of New England By-law 2005](#) prevails to the extent of the conflict and this Policy must be read down accordingly. This Policy operates as a delegation by Council under Section 17 of the [University of New England Act 1993 \(NSW\)](#).

Section 3 - Quality Assurance

(49) UNE will report on statistics of public interest disclosures and whistleblowing to the NSW Ombudsman and yearly in its annual report.

(50) Records and communications regarding these matters will be kept securely in UNE's records management system.

Section 4 - Definitions (specific to this Policy)

(51) Associate means a person or entity connected to the University within the meaning of the term Associate as defined in the [Corps Act](#).

(52) Eligible Discloser means:

- a. a current or past UNE employee or officer;
- b. a current or past employee or officer of one of UNE's controlled entities (see UNE controlled entities page);
- c. a person or an employee of a person that supplies services or goods to UNE, whether paid or unpaid (or an employee of any such supplier);
- d. an Associate of UNE;
- e. a Relative or dependant of the persons above or a dependent of the person's spouse or de factor partner; or
- f. a person prescribed by the Corps Regulations (see the [Corp Acts](#) 1317AAA (i)).

(53) Eligible Recipient means the authorised officers and external bodies in clauses (16) and (19).

(54) Breach of the [GIPA Act](#). A breach of the [Government Information \(Public Access\) Act 2009 \(NSW\)](#) (GIPA Act) is a failure to properly fulfil functions under that Act. For example, this could include a. destroying, concealing or altering records to prevent them from being released; b. knowingly making decisions that are contrary to the legislation; or c. directing another person to make a decision that is contrary to the legislation.

(55) Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could

include: the improper use of knowledge, power or position for personal gain or the advantage of others; acting dishonestly or unfairly, or breaching public trust; or a public official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust. For more information about corrupt conduct see the NSW Ombudsman's Guidelines on what can be reported.

(56) Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this could include: a. making a decision and/or taking action that is unlawful; or awarding contracts and tenders to private parties that are related by family, friendship or association. For more information about Maladministration see the NSW Ombudsman's Guidelines on what can be reported.

(57) Misconduct is defined in section 9 of the [Corps Act](#) to include fraud, negligence, default, breach of trust or breach of duty.

(58) Protected disclosure means a report about any type of wrongdoing listed in clauses 11a and 27b of this Policy which is made by an individual who is eligible to make such a report (Eligible Discloser) to a person who is eligible to receive such a report (Eligible Recipient).

(59) Relative, in relation to a person means the spouse, parent or remoter lineal ancestor, child or remoter issue or brother or sister of the person.

(60) Serious and Substantial Waste of Public Money is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money. For example, this could include: a. misappropriation or misuse of public property; or b. the purchase of unnecessary or inadequate goods and services. For more information about Serious and Substantial waste of public money see the NSW Ombudsman's Guidelines on what can be reported.

Status and Details

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Unit Head	Kate McNarn Director Governance and University Secretary
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Glossary Terms and Definitions

"UNE Representative" - Means a University employee (casual, fixed term and permanent), contractor, agent, appointee, UNE Council member, adjunct, visiting academic and any other person engaged by the University to undertake some activity for or on behalf of the University. It includes corporations and other bodies falling into one or more of these categories.