 <b>BOND UNIVERSITY</b>	<b>WHISTLEBLOWER AND PUBLIC INTEREST DISCLOSURE POLICY</b>
Policy Owner	Chief Integrity Officer
Contact Officer	Chief Integrity Officer
Endorsement Authority	Vice Chancellor
Date of Next Review	18 July 2026

## 1. PURPOSE AND OBJECTIVES

### 1.1 Purpose

Bond University (University) is committed to fostering an ethical, transparent culture and values the disclosure of information about suspected unlawful or improper conduct or about danger to public health or safety of the environment.

The University is committed to the creation of an environment where everyone is treated fairly and with respect, and free from racism and unlawful discrimination. All staff, students and visitors are required to comply with the University's Anti-discrimination Policy.

The University supports the disclosure of information about suspected wrongdoing as this contributes to the University's integrity and ensures the trust of the community that the University serves.

This Policy demonstrates the University's commitment to:

- (a) deterring and discouraging wrongdoing;
- (b) encouraging disclosures of wrongdoing;
- (c) ensuring individuals who disclose wrongdoing can do so safely, securely and with confidence that they will be protected and supported;
- (d) ensuring disclosures of wrongdoing are properly assessed, investigated (if appropriate) and that appropriate action is taken in relation to any wrongdoing;
- (e) ensuring appropriate consideration is given to the interests of persons who are the subject of a disclosure;
- (f) providing transparency around the University's framework for handling and investigating disclosures; and
- (g) encouraging a high standard of conduct in accordance with the University's Code of Conduct Policy.

### 1.2 Objectives

This Policy has been specifically developed to facilitate the effective management of Protected Disclosures about Reportable Conduct within the University in accordance with the *Corporations Act 2001* (Cth), *Tax Administration Act 1953* (Cth) and the *Public Interest Disclosure Act 2010* (Qld).

This Policy and Procedure establish a common understanding of:

- (a) what [Reportable Conduct](#) is;
- (b) the types of disclosures which qualify for specific protection as a [Protected Disclosure](#);
- (c) the mechanisms by which Protected Disclosures can be made (refer to [Procedure](#));
- (d) how the University will investigate Protected Disclosures (refer to [Procedure](#)); and
- (e) the [Protection and Support](#) that is available to our people who make a Protected Disclosure.

## 2. AUDIENCE AND APPLICATION

This Policy applies to the University, including Bond University College.

All University staff are encouraged to make disclosures where they suspect wrongdoing.

As discussed below, special protections also apply to persons disclosing wrongdoing under different legislative regimes. The different regimes provide that current and former officers, employees and contractors of the University and their family members are protected in certain circumstances.

## 3. ROLES AND RESPONSIBILITIES

See [Procedures](#)

## 4. POLICY STATEMENT

### 4.1 Reportable Conduct

Reportable Conduct includes conduct, which in the objectively reasonable view of the individual making the disclosure, is:

- (a) serious misconduct or dishonesty, including conduct which is:
  - (i) fraudulent;
  - (ii) corrupt;
  - (iii) unethical; or
  - (iv) an illegal act;
- (b) a serious and repeated breach of the University's Policy or administrative processes;
- (c) a breach of Commonwealth or State legislation or local authority by-laws;
- (d) an unsafe work practice which involves substantial risk to the health and safety of staff, students or the public;
- (e) any other conduct which may cause financial or non-financial loss to the University or be otherwise detrimental to the interests of the University, including:
  - (i) demonstrable grossly inefficient or ineffective management or administration (where action is taken which is unlawful, oppressive, improper, improperly discriminatory etc. and which adversely and substantially affects the University's interests, including that of the staff or students);
  - (ii) objectively negligent or improper management of resources resulting in a substantial waste of University funds;
  - (iii) substantial and specific dangers to health, safety, or the environment;
- (f) any deliberate concealment relating to any of the above; or
- (g) reprisal action against a discloser for raising a concern about a Protected Disclosure.

### 4.2 Protected Disclosures

A Protected Disclosure is a disclosure of particular types of Reportable Conduct which attracts special protections, and which falls within the statutory definition of:

- (a) an eligible disclosure under the *Corporations Act 2001* (Cth) or *Tax Administration Act 1953* (Cth) (Corporations Act and Tax-Related Disclosures); or
- (b) a public interest disclosure under the *Public Interest Disclosure Act 2010* (Qld) (Public Interest Act Disclosures).

Making a Protected Disclosure entitles the discloser to particular protections from reprisal and [Detriment](#) because they have made the disclosure.

A disclosure can amount to a Protected Disclosure even if the:

- (a) discloser reports the information as part of their duties;
- (b) disclosure is made anonymously – the discloser is not required to give their name or any identifying information;
- (c) discloser has not identified the material as a Protected Disclosure. The University must assess the information received and decide if it is a Protected Disclosure; or
- (d) disclosure is unsubstantiated following investigation. The discloser is protected when the information they provide is assessed as a Protected Disclosure, whether or not it is subsequently investigated or found to be unsubstantiated.

### 4.3 Types of Protected Disclosures: Commonwealth Disclosure Protection Scheme

The *Corporations Act 2001* (Cth) and the *Tax Administration Act 1953* (Cth) provide for protections for people making Corporations Act and Tax-Related Disclosures (Commonwealth Disclosure Protection Scheme).

#### **Corporations Act Disclosures**

The primary types of disclosures that 'qualify' for protection under the *Corporations Act 2001* (Cth) are:

- (a) disclosures by current and former officers, employees and contractors of the University and their family members made to:
  - (i) the Australian Securities and Investments Commission;
  - (ii) a prescribed Commonwealth authority; or
  - (iii) a legal practitioner (for the purpose of obtaining legal advice about the operation of the Commonwealth Disclosure Protection Scheme); and

where:

- (b) the discloser has 'reasonable grounds' to 'suspect' that the disclosed information:
  - (i) concerns misconduct or an improper state of affairs or circumstances in relation to the University or one of its related bodies corporate, including in relation to its tax affairs; or
  - (ii) indicates that the University, a related body corporate or one of its or their officers or employees has engaged in conduct that:

- (A) constitutes an offence against, or contravention of, the *Corporations Act, Australian Securities and Investments Commission Act 2001* (Cth) and any instrument made under those Acts ;
- (B) an offence against other Commonwealth legislation that is punishable by imprisonment for 12 months or more; or
- (C) represents a danger to the public or the financial system.

### **Tax-Related Disclosures**

The primary types of disclosures that 'qualify' for protection under the *Tax Administration Act 1953* (Cth) are:

- (a) disclosures by current and former officers, employees and contractors of the University and their family members made to the Commissioner of Taxation where the discloser considers that the information may assist the Commissioner to perform his or her functions or duties; or
- (b) disclosures by current and former officers, employees and contractors of the University and their family members made to:
  - (i) an auditor or a member of the University's audit team conducting an audit; or
  - (ii) a registered tax agent of the University,

where

- (c) the discloser has reasonable grounds to suspect that the information indicates misconduct or an improper state of affairs or circumstances in relation to the tax affairs of the university and the discloser considers that the information may assist the recipient to perform functions or duties in relation to the tax affairs of the University.

### **Scope of the Commonwealth Disclosure Protection Scheme**

Protected Disclosures under the Commonwealth Disclosure Protection Scheme do not necessarily involve a contravention of a law. For example, '*misconduct or an improper state of affairs or circumstances*' could involve conduct that, whilst not unlawful, indicates a systemic issue of concern that the relevant regulator should know about to properly perform its functions. It may also relate to business behaviour or practices that may cause student harm.

A disclosure does not qualify for protection under the Commonwealth Disclosure Protection Scheme to the extent that the information disclosed concerns a 'personal work-related grievance', which is where:

- (a) the information concerns a grievance about any matter in relation to the discloser's employment, or former employment, having (or tending to have) implications for the discloser personally; and
- (b) the information:
  - (i) does not have significant implications for the University, or another regulated entity, that do not relate to the discloser; and
  - (ii) does not concern conduct, or alleged conduct, referred to in paragraphs 4.2, 4.3 or 4.4 of this Policy.

### **Other disclosures protected**

There are two additional categories of disclosures which are protected under the Commonwealth Disclosure Protection Scheme:

- (a) 'public interest disclosures' (as defined under the *Corporations Act*) which can be made to journalists and members of Parliament **but only if** the eligible discloser complies with the strict requirements set out in the legislation; and
- (b) 'emergency disclosures' which can be made to journalists and members of Parliament where there is a **substantial and imminent danger** to the health or safety of one or more persons or to the natural environment, **and only if** the discloser complies with strict requirements set out in the legislation.

Before making a public interest or emergency disclosure, it is important that a discloser understands the criteria for protection under the relevant legislation. The University encourages disclosers to obtain independent legal advice prior to making a public interest or emergency disclosure under the Commonwealth Disclosure Protection Scheme.

### **4.4 Types of Protected Disclosures: Public Interest Disclosures**

The *Public Interest Disclosure Act 2010* (Qld) (PID Act) also provides for protections for disclosers of certain public interest disclosures.

The University is covered by the current scope of the PID Act, even though it is a private and independent university. The PID Act provides for the protection of staff of the University and, where applicable, other people making public interest disclosures (PIDs). All University staff, whether they are continuing, fixed-term, temporary or casual appointments, including senior management, executive, academic, general, conjoint appointments, and members of the University Council and its committees (including Academic Senate) are considered public officers for the limited purpose of the PID Act.

### **Who is eligible to make a PID?**

Any person (including former staff and former public officers) may make a PID about:

- (a) a substantial and specific danger to the health or safety of a person with a disability;
- (b) a substantial and specific danger to the environment; or
- (c) a reprisal taken against anybody as a result of a PID.

A public officer (including University staff) may make a PID about:

- (a) conduct which could be [Corrupt Conduct](#) as defined in section 15 of the *Crime and Corruption Act 2001* (refer to clause 5 Definitions of this Policy).
- (b) conduct which could be [Maladministration](#) that adversely affects anyone's interests in a substantial and specific way.
- (c) a substantial misuse of public resources (other than an alleged misuse based on mere disagreement over policy).
- (d) a substantial and specific danger to public health or safety.
- (e) a substantial and specific danger to the environment.

### **Scope of the PID protection scheme**

To be protected as a PID, the:

- (a) discloser must honestly and reasonably believe the information provided tends to show the conduct or danger; or
- (b) information must tend to show the conduct or danger regardless of the discloser's belief. Information that 'tends to show' wrongdoing or danger must be more than a mere suspicion. There must be information that indicates or supports a view that the wrongdoing or danger has or will occur. The discloser is not required to undertake any investigative action before making a PID; and
- (c) the disclosure must be made in accordance with the requirements outlined in the Procedure for Making a Protected Disclosure.

#### **4.5 Making a Protected Disclosure**

Protected Disclosures must be made in accordance with the [Procedure for Making a Protected Disclosure](#).

#### **4.6 Protections and Organisational Support for Disclosers**

##### ***Protection against civil, criminal and administrative liability***

A person who makes a Protected Disclosure is not subject to any civil or criminal liability or any liability arising by way of administrative process, including disciplinary action, by reason only of making the disclosure.

Disclosers cannot be disciplined by reason only of making a Protected Disclosure, but disclosers will continue to be managed in accordance with normal, fair and reasonable practices during and after the handling of the Protected Disclosure (refer to [Reasonable Management Action](#) under clause 5 of this Policy). However, the Protected Disclosure protections do not grant immunity for any misconduct a discloser has engaged in that is revealed in their disclosure.

##### ***Protection against reprisal and victimisation***

The University will treat all Protected Disclosures appropriately and seriously, ensuring privacy and confidentiality (as far as possible) throughout the process. The University reassures staff who report wrongdoing, whether the information constitutes a Protected Disclosure or not that they will be supported and protected from possible reprisals or victimisation.

The Chief Integrity Officer will conduct a risk assessment to ensure that the health, safety and wellbeing of the discloser is not put at risk as a result of making the disclosure, and assess the likelihood of the discloser suffering reprisal action or detriment as a result of having made the disclosure.

The assessment will take into account the actual and perceived risk of the discloser suffering reprisal or victimisation and will include consultation with the discloser and their consent to consult with other entities or third parties about the risk assessment, if required. The assessment of risk to the discloser and others associated with the discloser and the protective measures will be proportionate to the risk and potential consequences of any reprisal. The risk management plan developed in response to the assessment will be developed in consultation with the discloser and will be regularly reviewed and amended if required, until management of the Protected Disclosure is finalised. The Chief Integrity Officer will also consider the University's obligations to any officers who are the subject of the Protected Disclosure.

In undertaking the risk assessment and the development of the risk management plan, the Chief Integrity Officer will protect the confidentiality of the discloser and the information as set out in clause 4.3 of the Procedure for Making a Protected Disclosure.

If the discloser is anonymous, the Chief Integrity Officer will conduct the risk assessment taking into account the information disclosed in the Protected Disclosure and any other information reasonably available.

Any Investigator appointed will be directed to advise all participants in the investigation of the protections against reprisal for participating in the investigation.

The work environment of University affected staff will be monitored for any evidence of reprisal or victimisation. In the event of reprisal or victimisation being alleged or suspected, the University will:

- (a) attend to the safety of disclosers or affected third parties, including those who may wrongly be suspected of being a discloser, as a matter of priority;
- (b) review its risk assessment and risk management plan to mitigate any further risk of reprisal;
- (c) manage any allegation of a reprisal or victimisation as a Protected Disclosure in accordance with the PID Act and/or Commonwealth Protected Disclosure Scheme and provide support and information to the person reporting the alleged or suspected reprisal or victimisation.

### **Court orders**

Courts are given broad scope to make orders remedying a detriment or threatened detriment. These include injunctions, compensation orders (including against individual employees and their employer), reinstatement, exemplary damages and the making of apologies. Civil and criminal sanctions also apply to breaches of the PID Act and Commonwealth Protected Disclosure Scheme.

### **Other possible protections**

Disclosures may also amount to the exercise of a workplace right by an employee or contractor. The University and its employees are prohibited under the *Fair Work Act 2009* (Cth) from taking adverse action against employees or contractors because they exercised or propose to exercise any workplace rights.

## **4.7 Rights of Staff and Officers Who are Subject of a Disclosure**

The University acknowledges that being the subject of a Protected Disclosure is a stressful experience. As the subject of an allegation, staff may seek assistance from a staff or legal representative or support person.

Those who are the subject of or in some way associated with a Protected Disclosure are entitled to the presumption of innocence, confidentiality so far as possible and should not be treated adversely as a result of their involvement. The University will protect the rights of persons who are the subject of a Protected Disclosure, including by:

- (a) assuring them that the Protected Disclosure will be dealt with impartially, fairly and reasonably, in accordance with the principles of natural justice;
- (b) confirming that the Protected Disclosure is an allegation only until information or evidence obtained through an investigation substantiates the allegations;
- (c) providing them with information about their rights and the progress and outcome of any investigation; and
- (d) referring them to the University's employee assistance program.

## **4.8 Record Keeping**

The Company Secretary will keep a secure record of all Protected Disclosures or purported Protected Disclosures received by the University in the central records system. Access to the confidential records will be strictly limited.

In accordance with its legislative obligations, the University will ensure that accurate data is collected about the receipt and management of all PIDs, and the de-identified data will be reported to the Office of the Queensland Ombudsman through the PID reporting database. The Queensland Ombudsman reports statistical information in the Office's annual report to the Parliament.

## **5. DEFINITIONS, TERMS, ACRONYMS**

Defined term	Meaning
Confidential information	<p>Includes:</p> <ul style="list-style-type: none"> <li>(a) information about the identity, occupation, residential or work address or whereabouts of a person -               <ul style="list-style-type: none"> <li>i. who makes a Protected Disclosure; or</li> <li>ii. against whom a Protected Disclosure has been made; and</li> </ul> </li> <li>(b) information disclosed by a Protected Disclosure;</li> <li>(c) information about an individual's personal affairs; or</li> <li>(d) information that, if disclosed, may cause detriment to a person, but</li> </ul> <p>Does not include information disclosed to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.</p>

Defined term	Meaning
Corrupt conduct	<p>As defined in section 15 of the <i>Crime and Corruption Act 2001</i> (Qld):</p> <ol style="list-style-type: none"> <li>1) means conduct of a person, regardless of whether the person holds or held an appointment, that— <ol style="list-style-type: none"> <li>a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of— <ol style="list-style-type: none"> <li>i) a unit of public administration; or</li> <li>ii) a person holding an appointment; and</li> </ol> </li> <li>b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— <ol style="list-style-type: none"> <li>i) is not honest or is not impartial; or</li> <li>ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</li> </ol> </li> <li>c) would, if proved, be— <ol style="list-style-type: none"> <li>i) a criminal offence; or</li> <li>ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</li> </ol> </li> </ol> </li> <li>2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that— <ol style="list-style-type: none"> <li>a) impairs, or could impair, public confidence in public administration; and</li> <li>b) involves, or could involve, any of the following— <ol style="list-style-type: none"> <li>i) collusive tendering;</li> <li>ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— <ol style="list-style-type: none"> <li>(A) protecting health or safety of persons;</li> <li>(B) protecting the environment;</li> <li>(C) protecting or managing the use of the State’s natural, cultural, mining or energy resources;</li> </ol> </li> <li>iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</li> <li>iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</li> <li>v) fraudulently obtaining or retaining an appointment; and</li> </ol> </li> <li>c) would, if proved, be— <ol style="list-style-type: none"> <li>i) a criminal offence; or</li> <li>ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</li> </ol> </li> </ol> </li> </ol>
Detriment	<p>Includes –</p> <ol style="list-style-type: none"> <li>(a) personal injury or prejudice to safety; and</li> <li>(b) property damage or loss; and</li> <li>(c) intimidation or harassment; and</li> <li>(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and</li> <li>(e) financial loss; and</li> <li>(f) damage to reputation, including for example, personal, professional or business reputation.</li> </ol> <p>Threats of detriments will also be unlawful if the person making the threat intended to cause fear that a detriment would be carried out or was reckless as to whether the person against who it was directed would fear the threatened detriment being carried out.</p> <p>Threats may be express or implied, conditional or unconditional. A discloser (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out.</p>
Maladministration	<p>As defined in schedule 4 of the PID Act, maladministration is administrative action that –</p> <ol style="list-style-type: none"> <li>(a) was taken contrary to law; or</li> <li>(b) was unreasonable, unjust, oppressive, or improperly discriminatory; or</li> <li>(c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or</li> <li>(d) was taken – <ol style="list-style-type: none"> <li>i. for an improper purpose; or</li> </ol> </li> </ol>



Defined term	Meaning
	<ul style="list-style-type: none"> <li>ii. on irrelevant grounds; or</li> <li>iii. having regard to irrelevant considerations; or</li> </ul> (e) was an action for which reasons should have been given, but were not given; or (f) was based wholly or partly on a mistake of law or fact; or (g) was wrong.
Protected Disclosures	For the purposes of this Policy, a disclosure of the kind described at clauses 4.2, 4.3 and 4.4.
Reasonable management action	Action taken by a manager in relation to an employee, includes any of the following taken by the manager – <ul style="list-style-type: none"> <li>(a) A reasonable appraisal of the employee’s work performance;</li> <li>(b) A reasonable requirement that the employee undertake counselling;</li> <li>(c) A reasonable suspension of the employee from the employment workplace;</li> <li>(d) A reasonable disciplinary action;</li> <li>(e) A reasonable action to transfer or deploy the employee;</li> <li>(f) A reasonable action to end the employee’s employment by way of redundancy or retrenchment;</li> <li>(g) A reasonable action in relation to an action mentioned in paragraphs (a) to (f);</li> <li>(h) A reasonable action in relation to the employee’s failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee’s employment.</li> </ul>

## 6. AFFILIATED PROCEDURES AND SCHEDULES

[Procedure for Making a Protected Disclosure](#)

## 7. RELATED DOCUMENTS

[Risk Management Framework](#)

[Bullying and Harassment Policy \(GOV 1.8.2\)](#)

[Code of Conduct Policy \(HR 2.8.4\)](#)

[Anti-discrimination Policy \(GOV 1.1.6\)](#)

[Professional Staff Grievance Policy \(HR 2.10.1\)](#)

[Academic Staff Dispute Resolution Policy \(HR 2.10.2\)](#)

[Professional Staff Workplace Investigation Policy \(HR 2.8.5\)](#)

[Academic Staff Workplace Investigation Policy \(HR 2.8.8\)](#)

[Professional Staff Dismissal Policy \(HR 2.8.6\)](#)

[Academic Staff Termination Policy \(HR 2.8.7\)](#)

[Freedom of Speech and Academic Freedom Policy \(GOV 1.1.2\)](#)

[Corporations Act 2001 \(Cth\)](#)

[Tax Administration Act 1953 \(Cth\)](#)

[Public Interest Disclosure Act 2010 \(Qld\)](#)

[Fair Work Act 2009 \(Cth\)](#)


[Crime and Corruption Act 2001 \(Qld\)](#)

[Whistleblowers Protection Act 1994 \(Qld\)](#)

## 8. MODIFICATION HISTORY

Date	Sections	Source	Details
6 March 2024	1	Provost	V2.1: add anti-discrimination statement
18 July 2023	major rewrite	Company Secretary	V2 –Policy name change and sections moved to separate procedure. Change to Policy Owner to CIO
16 January 2020			V1.2
22 February 2017			V1.1
4 October 2013			Date First Approved as Public Interest Disclosure Policy

**APPROVAL AUTHORITY:** Vice Chancellor

 <b>BOND UNIVERSITY</b>	<b>Procedure for Making a Protected Disclosure</b>
<b>Procedure owner:</b>	Chief Integrity Officer
<b>Contact officer:</b>	Chief Integrity Officer
<b>Approval authority:</b>	Vice Chancellor
<b>Date of next review:</b>	18 July 2024

## 1. PURPOSE AND OBJECTIVES

This Procedure has been specifically developed to facilitate the effective management of Protected Disclosures about Reportable Conduct within the University in accordance with the *Corporations Act 2001* (Cth), *Tax Administration Act 1953* (Cth) and the *Public Interest Disclosure Act 2010* (Qld).

## 2. AUDIENCE AND APPLICATION

This Procedure applies to the University, including Bond University College.

## 3. ROLES AND RESPONSIBILITIES

Role	Responsibility
Vice Chancellor	Clause 5 Appoint Investigators and receive the report of the Investigator
Chief Integrity Officer	Clause 4.1 Receive Protected Disclosures Clause 4.4 Assess Disclosures
Chair of Audit, Risk & Safety Committee	Clause 4.1 Receive Protected Disclosures Clauses 4.4 and 4.5 Deal with Protected Disclosures concerning alleged conduct by the Vice Chancellor
Support Officer	Clauses 4.4 and 4.5 Provide updates during the assessment and investigation to Disclosers

## 4. THE PROCEDURE

### 4.1. Making a Protected Disclosure

#### 4.1.1. Making a Protected Disclosure to the University

Wherever possible, a Protected Disclosure about the University should first be made internally so that the University has an opportunity to investigate the matter. This is usually the quickest and most effective way to correct wrongdoing and the option that best protects the discloser from reprisal or victimisation.

Disclosures can be made anonymously, but this may affect the ability of the University to efficiently investigate the disclosure. Nonetheless, the University may use an anonymous disclosure to track and monitor patterns of behaviour, hot spots and risk areas. For example, this may result in closer monitoring of a particular person or area.

A Protected Disclosure may be made, preferably in writing, to one of the following eligible recipients:

Eligible recipient	Contact Details
Chief Integrity Officer	Email: <a href="mailto:integrity@bond.edu.au">integrity@bond.edu.au</a> Mail: <i>Confidential – to be opened by addressee only</i> Chief Integrity Officer, Bond University 14 University Drive Robina QLD 4226
If the disclosure concerns the Vice Chancellor, the Chair of the Audit, Risk & Safety Committee	Email: <a href="mailto:governance@bond.edu.au">governance@bond.edu.au</a> Mail: <i>Confidential – to be opened by addressee only</i> Chair of Audit, Risk & Safety Committee, Bond University 14 University Drive Robina QLD 4226



#### 4.1.2. Making a Protected Disclosure to an external body

The discloser may choose to make a disclosure to an agency external to the organisation because they are not satisfied with the University's response to a disclosure, or if they are concerned about confidentiality.

While staff are generally encouraged to make a disclosure to the University as a first step, disclosers will be respected and supported should they disclose to an external authority. It is very likely that the external authority will discuss the disclosure with the University and the University will make every effort to assist and cooperate with any external authority to work towards a satisfactory outcome.

Type of Protected Disclosure	External bodies who can accept disclosures
Corporations Act and Tax-Related Disclosures	<ul style="list-style-type: none"><li>▪ Australian Securities and Investment Commission</li><li>▪ Australian Tax Office</li><li>▪ Other Commonwealth authority prescribed in the Corporations Regulations</li><li>▪ A qualified legal practitioner for the purpose of taking legal advice or legal representation in relation to the operation of the Commonwealth Protected Disclosure Scheme</li></ul>
Public Interest Disclosures	<ul style="list-style-type: none"><li>▪ Crime and Corruption Commission for disclosures about corrupt conduct, including reprisal</li><li>▪ Queensland Ombudsman for disclosures about maladministration</li><li>▪ Queensland Audit Office for disclosures about a substantial misuse of resources</li><li>▪ Department of Child Safety, Youth and Women for disclosures about danger to the health and safety of a child or young person with a disability</li><li>▪ Department of Communities, Disability Services and Seniors or the Office of the Public Guardian for disclosures about danger to the health and safety of a person with a disability</li><li>▪ Department of Environment and Science for disclosures about danger to the environment</li><li>▪ Member of the Legislative Assembly (Queensland Member of Parliament) for any wrongdoing or danger.</li></ul>

#### 4.2. Information to Provide When Making a Protected Disclosure

While there is no particular information that the discloser needs to provide, the content provided should be clear and factual and avoid speculation.

Disclosures must be made honestly and on objectively reasonable grounds. This means a discloser must have a genuine belief in its truth and/or, if available, provide evidence which tends to show the wrongdoing has occurred. However, a discloser is not required (and is discouraged) from undertaking their own investigation into the matter before making the Protected Disclosure.

Depending on the circumstances, the discloser should where possible provide information on:

- (a) the nature of the wrongdoing;
- (b) the name, job title and workplace address of the person the subject of the disclosure;
- (c) when (dates and times) and where the wrongdoing occurred;
- (d) events surrounding the issue;
- (e) if the discloser did anything in response to the wrongdoing;
- (f) others who also know about the wrongdoing and have allowed it to continue;
- (g) if the discloser is concerned about possible reprisal as a result of making the disclosure;
- (h) names of others who may be able to support the disclosure or any other evidence to support the disclosure;
- (i) steps already taken by the discloser to report the matter internally should also be included, if relevant.

##### 4.2.1. False or Misleading Information

Disclosers must not intentionally provide false or misleading information when making a Protected Disclosure or in connection with an assessment or investigation about a Protected Disclosure.

If a discloser is found to have intentionally provided false or misleading information, disciplinary action may be taken against them.

Intentionally providing false or misleading information could also be an offence under the Corporations Act or PID Act.

#### **4.3. Confidentiality**

The University will, to the greatest extent possible, keep the disclosure confidential. While all necessary steps will be taken to protect the confidentiality of the information provided, the discloser also has obligations to preserve confidentiality and not to discuss the disclosure with work colleagues or other unauthorised persons.

Maintaining confidentiality protects the discloser against reprisals or victimisation and also protects other people affected by the disclosure. In protecting confidentiality, the University will ensure that the details of the disclosure, the investigation and related decisions will be kept secure and restricted to a 'need-to-know' basis. The University's expectations regarding confidentiality encompasses:

- (a) the fact that a disclosure has been made;
- (b) any information that may identify the discloser or any person who may be the subject of a disclosure;
- (c) the actual information that has been disclosed; and
- (d) information relating to the disclosure that may cause detriment, if known.

An unauthorised revelation of the identity of the discloser or of the details of the disclosure may result in disciplinary action against the divulger of the information.

It is an offence under section 65 of the PID Act to make a record of or intentionally or recklessly disclose [Confidential Information](#) received in the administration of the PID Act, except as authorised under the PID Act. Similarly, it is an offence under section 1317AAE of the Corporations Act for a person to disclose a discloser's identity or any information that may lead to their identification (subject to the exceptions set out below) without the consent of the discloser or as authorised under the Corporations Act.

The University takes the protection of a discloser's identity seriously. The University will consider on a case-by-case basis the steps it will take to help achieve this, which may include:

- (a) maintaining mechanisms to reduce the risk that the discloser will be identified from the information contained in a disclosure (such as redactions or referring to the person in gender neutral terms etc);
- (b) maintaining mechanisms for secure record-keeping and information-sharing processes and limiting access to records and information. All statements and correspondence in relation to the matter will be regarded as strictly confidential; and
- (c) reminding each person (as appropriate) who is involved in handling and investigating a disclosure about the confidentiality requirements, including that an unauthorised disclosure of a discloser's identity may be a criminal offence.

In practice, it is important to recognise that a discloser's identity may still be determined if the discloser has previously mentioned to other people that they are considering making a disclosure, the discloser is one of a very small number of people with access to the information or the disclosure related to information that a discloser has previously been told privately and in confidence.

While every attempt to protect confidentiality will be made, there will be occasions when disclosure of the discloser's identity is required and permitted by law. These include:

- (a) in respect of PIDs which are not also Corporations Act Disclosures, where required for procedural fairness (after considering the risk of reprisal) (noting this is not an allowable exception for Corporations Act Disclosures);
- (b) where the University is required to notify the subject matter of the Protected Disclosure to a law enforcement agency or regulatory body, including ASIC, the ATO, the CCC or the police;
- (c) to a legal practitioner for the purposes of obtaining advice about the disclosure;
- (d) where it is otherwise required by law, including responding to a court order or legal directive, or in court proceedings; or
- (e) if it is necessary to prevent a serious threat to a person's health or safety.

To avoid inadvertent breaches of confidentiality, disclosers are encouraged to consent to their identity being disclosed on a need-to-know basis.

#### **4.4. Receiving and Assessing a Disclosure**

The assessment of a disclosure and the determination of appropriate action on a case-by-case basis will be made by the Chief Integrity Officer, as delegate of the Vice Chancellor.. Where appropriate, the Chief Integrity Officer will consult with the Company Secretary as to the appropriate action to be taken. The Company Secretary may, in appropriate circumstances, refer the disclosure to the Vice Chancellor or Chair of the Audit, Risk and Safety Committee.

In the event that the Protected Disclosure concerns alleged conduct of the Vice Chancellor, the Audit, Risk & Safety Committee will be responsible for handling it in accordance with this Procedure as if references in clauses 4.4 and 4.5 of this Procedure and Clauses 4.6 and 4.8 in the Policy refer to the Audit, Risk & Safety Committee rather than the Chief Integrity Officer.

All Protected Disclosures, including those that are made anonymously, will be assessed by the Chief Integrity Officer to determine if the:

- (a) Disclosure concerns a matter about which a Protected Disclosure can be made, in accordance with the PID Act and/or Commonwealth Protected Disclosure Scheme and the Whistleblowers and Public Interest Disclosure Policy;
- (b) Disclosure has been made to a proper authority under the PID Act or eligible recipient under the Commonwealth Protected Disclosure Scheme and in accordance with the University's Policy;
- (c) Person making the disclosure is able to receive the protections of the PID Act and/or Commonwealth Protected Disclosure Scheme.

If there is doubt about whether a disclosure is a Protected Disclosure, further information may be obtained to inform the decision. If doubt still remains, the Chief Integrity Officer will assume the disclosure is protected and manage it as if it is a Protected Disclosure.

Upon receiving the Protected Disclosure, the Chief Integrity Officer will make an assessment as to whether it is to be referred to an external agency, such as the Crime and Corruption Commission, Australian Securities and Investment Commission or police, for review or investigation or whether the University is able to investigate the matter or deal with it in some other way.

If the matter is to be referred to an external agency, the referral will be made in accordance with legislative and other requirements. This will usually include seeking consent from the discloser to forward the information to the proper authority, informing the discloser when the information has been forwarded, and undertaking a risk assessment to ensure there is not an unacceptable risk that a reprisal or victimisation would happen before the referral is made.

The Chief Integrity Officer will also consider if any immediate action needs to be taken to halt the conduct or remedy the loss or danger to which the disclosure relates, noting that if the matter must be referred to an external agency, the Chief Integrity Officer will liaise with that agency before taking any steps to ensure that the University does not prejudice any possible criminal or regulator investigation. Where the Chief Integrity Officer considers that the disclosure should be reported to an external agency, the proposed referral to the external agency will be first reported to the Vice Chancellor and Company Secretary.

Once the matter has been assessed as a Protected Disclosure, the Chief Integrity Officer will advise the discloser:

- (a) that their information has been received and assessed as a Protected Disclosure under either or both of the PID Act and/or Corporations Act;
- (b) the action to be taken in relation to the disclosure;
- (c) the likely timeframe involved;
- (d) the discloser's obligations regarding confidentiality, except as permitted by law;
- (e) the protections the discloser has under the legislation;

- (f) the commitment of the University to keep the discloser's identity and the information disclosed confidential, except where permitted under the PID Act and/or Commonwealth Protected Disclosure Scheme;
- (g) the discloser's likely involvement in any action to be taken and how the Chief Integrity Officer will provide updates regarding intended actions and outcomes to the discloser;
- (h) the arrangements that will be put in place to support the discloser and contact details for the University's employee assistance program.

#### 4.5. Investigation of a Protected Disclosure

If a decision is made to investigate a Protected Disclosure, this will be done with consideration for the:

- (a) principles of natural justice;
- (b) obligations under the PID Act/the Commonwealth Protected Disclosure Scheme to protect confidential information, including the identity of the discloser as required;
- (c) obligations under the PID Act or Commonwealth Protected Disclosure Scheme to protect disclosers from reprisal or detriment; and
- (d) interests of subject officers.

The investigator will be appointed, in writing by the Vice Chancellor.

If as a result of investigation the information about wrongdoing provided in the Protected Disclosure is substantiated, appropriate action will be taken.

Once the investigation has been completed, a report of the investigation will be provided by the Chief Integrity Officer to the Vice Chancellor. The report may contain recommendations for further action. The Vice Chancellor will decide what further action (if any) will be taken on the disclosure.

The discloser will be informed of progress of the investigation by the Chief Integrity Officer and of the outcome by the Vice Chancellor. If a decision is made not to investigate or deal with a Protected Disclosure, the discloser will be provided with written reasons for that decision.

The discloser may request a review of the decision taken in relation to the disclosure via a formal request made to the Vice Chancellor within 28 days after receiving written reasons. The Vice Chancellor will appoint a delegate to review the matter and determine whether to confirm or overturn the decision and written reasons will be provided to the discloser together with advice about the right of internal review or by making a complaint to an external body.

## 5. DEFINITIONS, TERMS, ACRONYMS

Defined term	Meaning
Confidential information	<p>Includes:</p> <ul style="list-style-type: none"> <li>(a) information about the identity, occupation, residential or work address or whereabouts of a person -               <ul style="list-style-type: none"> <li>i. who makes a Protected Disclosure; or</li> <li>ii. against whom a Protected Disclosure has been made; and</li> </ul> </li> <li>(b) information disclosed by a Protected Disclosure;</li> <li>(c) information about an individual's personal affairs; or</li> <li>(d) information that, if disclosed, may cause detriment to a person, but</li> </ul> <p>Does not include information disclosed to a court, tribunal or other entity that may receive evidence under oath, unless further disclosure of the information is prohibited by law.</p>
Corrupt conduct	<p>As defined in section 15 of the <i>Crime and Corruption Act 2001</i> (Qld):</p> <ul style="list-style-type: none"> <li>1) means conduct of a person, regardless of whether the person holds or held an appointment, that—           <ul style="list-style-type: none"> <li>a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of—               <ul style="list-style-type: none"> <li>i) a unit of public administration; or</li> <li>ii) a person holding an appointment; and</li> </ul> </li> </ul> </li> </ul>

Defined term	Meaning
	<ul style="list-style-type: none"> <li>b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that— <ul style="list-style-type: none"> <li>i) is not honest or is not impartial; or</li> <li>ii) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</li> <li>iii) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</li> </ul> </li> <li>c) would, if proved, be— <ul style="list-style-type: none"> <li>i) a criminal offence; or</li> <li>ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</li> </ul> </li> </ul> <p>2) Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—</p> <ul style="list-style-type: none"> <li>a) impairs, or could impair, public confidence in public administration; and</li> <li>b) involves, or could involve, any of the following— <ul style="list-style-type: none"> <li>i) collusive tendering;</li> <li>ii) fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)— <ul style="list-style-type: none"> <li>(A) protecting health or safety of persons;</li> <li>(B) protecting the environment;</li> <li>(C) protecting or managing the use of the State’s natural, cultural, mining or energy resources;</li> </ul> </li> <li>iii) dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</li> <li>iv) evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</li> <li>v) fraudulently obtaining or retaining an appointment; and</li> </ul> </li> <li>c) would, if proved, be— <ul style="list-style-type: none"> <li>i) a criminal offence; or</li> <li>ii) a disciplinary breach providing reasonable grounds for terminating the person’s services, if the person is or were the holder of an appointment.</li> </ul> </li> </ul>
Detriment	<p>Includes –</p> <ul style="list-style-type: none"> <li>(a) personal injury or prejudice to safety; and</li> <li>(b) property damage or loss; and</li> <li>(c) intimidation or harassment; and</li> <li>(d) adverse discrimination, disadvantage or adverse treatment about career, profession, employment, trade or business; and</li> <li>(e) financial loss; and</li> <li>(f) damage to reputation, including for example, personal, professional or business reputation.</li> </ul> <p>Threats of detriments will also be unlawful if the person making the threat intended to cause fear that a detriment would be carried out or was reckless as to whether the person against who it was directed would fear the threatened detriment being carried out.</p> <p>Threats may be express or implied, conditional or unconditional. An discloser (or another person) who has been threatened in relation to a disclosure does not have to actually fear that the threat will be carried out.</p>
Maladministration	<p>As defined in schedule 4 of the PID Act, maladministration is administrative action that –</p> <ul style="list-style-type: none"> <li>(a) was taken contrary to law; or</li> <li>(b) was unreasonable, unjust, oppressive, or improperly discriminatory; or</li> </ul>

Defined term	Meaning
	<p>(c) was in accordance with a rule of law or a provision of an Act or a practice that is or may be unreasonable, unjust, oppressive, or improperly discriminatory in the particular circumstances; or</p> <p>(d) was taken –</p> <ul style="list-style-type: none"> <li>i. for an improper purpose; or</li> <li>ii. on irrelevant grounds; or</li> <li>iii. having regard to irrelevant considerations; or</li> </ul> <p>(e) was an action for which reasons should have been given, but were not given; or</p> <p>(f) was based wholly or partly on a mistake of law or fact; or</p> <p>(g) was wrong.</p>
Protected Disclosures	For the purposes of this Procedure, a disclosure of the kind described at clauses 4.2, 4.3 and 4.4.
Reasonable management action	<p>Action taken by a manager in relation to an employee, includes any of the following taken by the manager –</p> <ul style="list-style-type: none"> <li>(a) A reasonable appraisal of the employee’s work performance;</li> <li>(b) A reasonable requirement that the employee undertake counselling;</li> <li>(c) A reasonable suspension of the employee from the employment workplace;</li> <li>(d) A reasonable disciplinary action;</li> <li>(e) A reasonable action to transfer or deploy the employee;</li> <li>(f) A reasonable action to end the employee’s employment by way of redundancy or retrenchment;</li> <li>(g) A reasonable action in relation to an action mentioned in paragraphs (a) to (f);</li> <li>(h) A reasonable action in relation to the employee’s failure to obtain a promotion, reclassification, transfer or benefit, or to retain a benefit, in relation to the employee’s employment.</li> </ul>

## 6. RELATED DOCUMENTS

[Whistleblower and Public Interest Disclosure Policy](#)

[Anti-discrimination Policy \(GOV 1.1.6\)](#)

[Risk Management Framework](#)

[Bullying and Harassment Policy](#)

[Code of Conduct Policy](#)

[Professional Staff Grievance Policy](#)

[Academic Staff Dispute Resolution Policy](#)

[Professional Staff Workplace Investigation Policy](#)

[Academic Staff Workplace Investigation Policy](#)

[Professional Staff Dismissal Policy](#)

[Academic Staff Termination Policy](#)

[Freedom of Speech and Academic Freedom Policy](#)

[Corporations Act 2001 \(Cth\)](#)

[Tax Administration Act 1953 \(Cth\)](#)

[Public Interest Disclosure Act 2010 \(Qld\)](#)

[Fair Work Act 2009 \(Cth\)](#)

[Crime and Corruption Act 2001 \(Qld\)](#)

[Whistleblowers Protection Act 1994 \(Qld\)](#)

## 7. MODIFICATION HISTORY

Date	Sections	Source	Details
18 July 2023			Date first approved