

Whistleblower Frequently Asked Questions

Whistleblower Rights and Protections

RMIT University does not tolerate fraud, corruption, misconduct, criminal or improper conduct. Please refer to the [Anti-Corruption & Fraud Prevention Policy](#).

RMIT supports the making of whistleblower disclosures which can be made under Commonwealth or Victorian law. Under Victorian law, whistleblower disclosures are referred to as public interest disclosures. Persons who are considering making a whistleblower disclosure should carefully consider whether their disclosure is being made under Commonwealth law or Victorian law and ensure that they do so in accordance with the requirements of the applicable law, to be protected under the applicable law. This may involve obtaining independent legal advice.

This process does not replace existing policies and procedures that deal with personal or professional grievances of RMIT students, or staff. The policies and procedures in relations to staff or student complaints, and the [Enterprise Agreement](#), continue to apply to appropriately deal with such matters. Personal work-related grievances should be made via the [Complaints Portal](#), student complaints should be made via the [Student Complaints portal](#).

1. Who can make a Whistleblower Disclosure?

The scope of who can make a whistleblower disclosure is determined by whether the disclosure is made under the Commonwealth or Victorian law, as set out in the table below.

Commonwealth	Victoria
A whistleblower disclosure can only be made by an eligible whistleblower. Examples include: A person who is, or has been, RMIT staff, a person who supplies goods or services to RMIT (or an employee of a supplier of RMIT); an 'officer' of RMIT (for example, a member of the University Council), or the relative or spouse of any of those persons.	Any person.

Under the Commonwealth law a whistleblower disclosure can only be made by an eligible whistleblower

Under the Victorian law any person can make a whistleblower disclosure.

2. What types of wrongdoing can a whistleblower disclosure be about?

(a) For a person to qualify for protection under the Commonwealth law, the whistleblower disclosure must be made by and to, the correct person, and be about misconduct or disclosable matters. The definition of misconduct under the Commonwealth law differs from, but is not

mutually exclusive of, misconduct under RMIT's applicable [Enterprise Agreement](#) or any relevant employment or other contract with RMIT and so those instruments may still apply.

(b) Reports of personal work-related grievances are not eligible for whistleblower disclosures and such disclosures should be made via the [Complaints portal](#) and will be redirected to the appropriate complaint team.

If your report of misconduct is solely about a personal grievance you are having in the workplace, the whistleblower protections in the law won't apply.

Examples include:

- an interpersonal conflict between you and another employee
- a decision relating to your engagement, transfer, or promotion
- a decision relating to the terms and conditions of your engagement, or
- a decision to suspend or terminate your engagement, or otherwise to discipline you.

While the whistleblower protections aren't available for a personal work-related grievance, you may have other employment law protections available to you. Contact the [Fair Work Ombudsman](#) or [Fair Work Commission](#) for information about workplace rights and obligations.

(c) Under the Victorian law the misconduct must be improper conduct, as per the definition of the [legislation](#).

3. What can a Whistleblower Disclosure be about?

To qualify for protection under the Commonwealth law, a disclosure must be about a disclosable matter.

A disclosable matter is a disclosure of information if the whistleblower has reasonable grounds to suspect that the information concerns misconduct, or an improper conduct or circumstances in relation to RMIT.

Improper conduct includes:

Conduct of a public officer or public body engaged in their capacity as a public officer or a public body that constitutes:

- a criminal offence
- serious professional misconduct
- dishonest performance of public functions
- an intentional or reckless breach of public trust
- an intentional or reckless misuse of information or material acquired during the performance of the functions of the public officer or public body
- a substantial mismanagement of public resources
- a substantial risk to health or safety of one or more persons
- a substantial risk to the environment
- dishonestly using influence
- taking or offering bribes
- committing fraud, theft or embezzlement
- misusing information or material acquired at work
- conspiring or attempting to engage in the above corrupt activity

Corruption can occur through:

- improper or unlawful actions by [public sector staff or agencies](#)
- inactions of [public sector staff or agencies](#)
- actions of private individuals who try to improperly influence public sector functions or decisions.

Further information regarding Public Interest Disclosures and their definitions, please read the IBAC website - [What is a public interest disclosure | IBAC](#) .

4. Who can a Whistleblower disclosure be made to?

The process for making a whistleblower disclosure, and the people who can receive a whistleblower disclosure, will depend on whether the disclosure is made under the Commonwealth Law or under the Victorian Law.

To qualify for protection under the Commonwealth Law, a whistleblower disclosure about RMIT Group must be made to:

- an eligible recipient of RMIT;
- the Australian Securities and Investment Commission (ASIC);
- the Australian Prudential Regulation Authority (APRA); or
- the person’s lawyer.

Whistleblower disclosures about RMIT made under the Victorian law **cannot** be made to the university and must instead be made to the Independent Broad-based Anti-corruption Commission (IBAC) or (in the case of disclosures about administrative action taken by the University) the Victorian Ombudsman (VO). A person contemplating making a disclosure under the Victorian law should refer to [IBAC](#) or the [VO](#) for more information.

Whistleblower disclosures made to RMIT will be made under the Commonwealth law unless the matter to which the disclosure relates can only be dealt with under Victorian law, or the person making the disclosure clearly states that they intend to make the disclosure under the Victorian law. In those situations, the University may direct the person to IBAC or the VO.

5. How Can the Disclosure Be Made?

Commonwealth	Victoria
Through Stoptline or via email to whistleblower@rmit.edu.au or directly to ASIC or APRA . Any disclosures may be made anonymously.	Verbally or in writing to IBAC or the VO. May be made anonymously

RMIT’s Executive Director of Governance, Legal & Strategic Operations, as the nominated RMIT Whistleblower Coordinator, is the person authorised by RMIT to receive whistleblower disclosures under Commonwealth law. RMIT has established an email account (whistleblower@rmit.edu.au) for people to use to make whistleblower disclosures (including anonymous disclosures) directly to the RMIT Whistleblower Coordinator.

RMIT suggests that, where the Commonwealth law applies, whistleblowers make their disclosure to RMIT in the first instance via email or Stoptline. RMIT will then be able to readily assess the disclosure and, where appropriate, commence an investigation, implement measures to ensure

confidentiality, and provide appropriate support and protection for the whistleblower (and any other persons who may be involved in the disclosure).

A whistleblower may also make a disclosure under the Commonwealth law directly to another eligible recipient of RMIT, or in certain limited cases, to ASIC or APRA.

Whistleblowers can make the disclosure of information anonymously or provide their name and contact details when reporting.

Persons should carefully consider who they make their disclosure to, as some persons (for example, your manager) may not be eligible to receive the disclosure and therefore the disclosure may not qualify for protection under the Commonwealth law.

If RMIT receives a disclosure which does not qualify for protection under the Commonwealth law, RMIT may suggest to the person making the disclosure that they can make a whistleblower disclosure to another relevant agency (for example, under Victorian law), or suggest other avenues.

6. How do I choose where I should report my disclosure?

The process for making a whistleblower disclosure depends on whether the disclosure is made under the Commonwealth or Victorian Law.

One key difference is that whistleblower disclosures under the Commonwealth Law can be made to RMIT, whereas whistleblower disclosures under the Victorian Law must be made to IBAC or (in relation to administrative action of the University) the Victorian Ombudsman.

Whistleblower disclosures made directly to RMIT will be made under the Commonwealth Law unless the matter to which the disclosure relates can only be dealt with under Victorian Law, or the person making the disclosure clearly states that they intend to make the disclosure under the Victorian law. In those situations, the University may direct the person to IBAC or the VO.

7. How can I ensure that I will be protected?

To gain legal protection, whistleblowers must:

- (a) inform themselves (which may include seeking independent legal advice) as to whether to make their whistleblower disclosure under Commonwealth law or Victorian law; and
- (b) make the whistleblower disclosure in accordance with the requirements of the applicable law.

RMIT respects and will not impede the lawful right of a person to make a whistleblower disclosure anonymously.

RMIT must determine the appropriate course for investigating whistleblower disclosures made to RMIT under the Commonwealth law and may conduct its own investigation into the whistleblower disclosure or engage an external organisation to do so.

In accordance with the law, RMIT must provide whistleblowers appropriate support including:

- (a) protecting the confidentiality of a whistleblower's identity and information that is likely to lead to the identification of the whistleblower (unless the whistleblower makes it known that they choose not to remain anonymous);

(b) protecting the whistleblower from victimisation or reprisal action or detrimental action against a person in reprisal for a whistleblower disclosure; and

(c) providing appropriate welfare support.

Where a whistleblower disclosure is made to RMIT under Commonwealth law and RMIT has primary responsibility for investigating the matter, RMIT must, in determining the appropriate investigation process, ensure that investigations are conducted thoroughly, appropriately, and free from conflicts of interest even if the investigation is conducted by a person or organisation external to RMIT.

RMIT will ensure that information regarding a whistleblower disclosure is handled and stored confidentially.

8. Protection from Detriment

Commonwealth	Victoria
If a whistleblower disclosure qualifies for protection under the Commonwealth law, the whistleblower will be protected from victimisation or reprisal action.	If a whistleblower disclosure qualifies for protection under the Victorian law, the whistleblower (or any other person) will be protected from detrimental action taken or threatened in reprisal for a whistleblower disclosure.

If RMIT becomes aware of any perceived, threatened, or actual victimisation or reprisal action or detrimental action (in relation to disclosures under the Commonwealth law or Victorian law, and irrespective of who the whistleblower disclosure was made to), RMIT will seek to provide appropriate protection and support to the whistleblower.

It is an offence, punishable by up to two years imprisonment, to take detrimental action against another person in reprisal for a public interest disclosure.

RMIT recommends that whistleblowers raise any concerns regarding perceived, threatened or actual reprisal action with the RMIT Whistleblower Coordinator (whistleblower@rmit.edu.au) so that appropriate protection and support can be arranged.

The RMIT Whistleblower Coordinator will record details of the incident and may suggest that the person make a whistleblower disclosure to IBAC or refer the matter to Victoria Police or IBAC.

Detriment under Commonwealth law includes:

- dismissal of an employee;
- injury of an employee in his or her employment;
- alteration of an employee’s position or duties to their disadvantage;
- discrimination between an employee and other employees of the same employer;
- harassment or intimidation of a person;
- harm or injury to a person, including psychological harm;
- damage to a person’s property;
- damage to a person’s reputation;
- damage to a person’s business or financial position;
- any other damage to a person

9. Welfare Support

RMIT will seek to provide appropriate welfare support and assistance to whistleblowers, those co-operating with investigations and those who are the subject of a whistleblower disclosure. In certain circumstances, this may include the appointment of a welfare manager.

A whistleblower, or any person subject to, or involved in a whistleblower disclosure, may wish to access RMIT's [Employee Assistance Program](#).

10. Responsibilities

The RMIT Whistleblower Coordinator is the person authorised by RMIT to receive disclosures that may qualify for protection under the Commonwealth law. They also have a central role to ensure that RMIT carries out its responsibilities under the Victorian law and the IBAC Guidelines and to liaise with IBAC and/or the VO.

Persons who are considering making a whistleblower disclosure should ensure that they properly understand the consequences of doing so.

Eligible recipients within RMIT must assess and manage any potential whistleblower disclosure made to them in accordance with their obligations under the law, which includes maintaining confidentiality.