

# Whistleblower Procedure

## Section 1 - Purpose

- (1) Some disclosures of fraud, corruption or improper conduct at RMIT may be covered by the [Public Interest Disclosures Act 2012 \(Vic\)](#) or the [Corporations Act 2001 \(Cth\)](#). These Acts provide the discloser with legal protections against reprisal for lodging a complaint and immunity to legal action in some circumstances.
- (2) This procedure details what constitutes a public interest disclosure (hereafter referred to as a whistleblower disclosure), who a disclosure can be made to, and how RMIT manages disclosures.
- (3) This procedure does not cover work-related grievances or student complaints about academic matters or services.
- Staff should seek guidance on work-related grievances from the Senior Partner for their College or Portfolio.
  - Students should lodge complaints in accordance with the [Student and Student-Related Complaints Policy](#) and Procedure.

## Section 2 - Authority

- (4) Authority for this document is established by the [Fraud and Corruption Control Policy](#).

## Section 3 - Scope

- (5) The scope of who can make a whistleblower disclosure is determined by whether the disclosure is made under the Commonwealth or Victorian law.
- The Victorian [Public Interest Disclosures Act 2012](#) covers whistleblower disclosures about RMIT University (excluding the controlled entities) which can be made by anyone (employee, student, member of the public).
  - The Commonwealth Corporations Act covers whistleblower disclosures at RMIT's controlled entities (RMIT Online and RMIT University Pathways) and can only be made by contractors, employees of the controlled entity and their direct relatives. Refer to [Whistleblower Procedure Schedule 1 - Types of Disclosures](#) for further information.

## Section 4 - Procedure

### Matters to Disclose

- (6) To qualify for protection as a whistleblower, the disclosure must be about a matter covered by the Victorian [Public Interest Disclosures Act 2012](#) or the Commonwealth [Corporations Act 2001](#).
- Under the Victorian [Public Interest Disclosures Act 2012](#), improper conduct at RMIT University that can be disclosed includes:
    - criminal offences or corrupt conduct

- ii. serious professional misconduct
  - iii. dishonest performance of RMIT functions
  - iv. intentional or reckless breach of public trust or misuse of information
  - v. substantial mismanagement of RMIT resources
  - vi. substantial risk to health and safety of a person or to the environment
  - vii. conduct that adversely affects an RMIT employee or Council member's honest performance of their functions
  - viii. conduct that is intended to adversely affect an RMIT employee or Council member's effective performance of their functions for the benefit of another person
  - ix. a reprisal against someone who makes a public interest disclosure (e.g. intimidation, harassment, discrimination or disadvantaging them in relation their employment).
- b. Under the Commonwealth [Corporations Act 2001](#), which applies to RMIT's controlled entities, improper conduct that can be disclosed includes:
- i. actual or suspected misconduct or an improper situation or circumstance relating to an RMIT controlled entity or the RMIT Group
  - ii. conduct that represents a danger to the public or the financial system
  - iii. information that RMIT or any of its employees has committed an offence against certain legislation, or that is punishable by 12 months' imprisonment or more.

(7) As with other forms of complaints, a whistleblower disclosure ideally includes:

- a. a description of the alleged incident, where and when it occurred
- b. who was involved
- c. an estimate of the impact
- d. any available documentation.

## Who can Receive a Disclosure

(8) To whom a whistleblower disclosure can be made depends on whether the disclosure is about RMIT University, an RMIT controlled entity or the RMIT Group overall.

- a. Public interest disclosures are allegations of improper conduct or detrimental action by a current or former RMIT employee or Council member. These cannot be investigated by RMIT and must be reported to the [Victorian Independent Broad-based Anti-Corruption Commission](#) (IBAC).
- b. Disclosures about administrative actions taken by RMIT University can be submitted to the Victorian Ombudsman.
- c. Disclosures about an RMIT controlled entity made under the Commonwealth law can be submitted to RMIT's Whistleblower Coordinator, the Australian Securities and Investment Commission (ASIC), or the Australian Prudential Regulation Authority (APRA).
- d. Disclosures about RMIT University, any of the controlled entities, or the RMIT Group overall, can be made to [Stoptline](#).
- e. Disclosures to RMIT's Whistleblower Coordinator are assessed to determine if they need to be referred to an external agency for investigation or can be investigated by RMIT in accordance with the [Fraud and Corruption Investigation Instruction](#).

(9) For disclosures made to external agencies such as IBAC, ASIC or the Victorian Ombudsman, after an initial assessment they may decide to dismiss the matter, investigate it, or refer it to another government or law enforcement agency.

(10) Disclosures can be made anonymously, although that may affect the ability to effectively investigate the matter as it prevents further information being sought.

## **Protection for Whistleblowers**

(11) Persons considering making a whistleblower disclosure may seek independent legal advice to ensure they are complying with and will be appropriately protected by the applicable law.

(12) RMIT provides support to whistleblowers in accordance with the Victorian and Commonwealth law. These include:

- a. taking all reasonable steps to protect the confidentiality of the whistleblower's identity and information that may lead to their identification
- b. protecting the whistleblower from reprisal
- c. providing appropriate welfare support.

(13) Protections may be lost if the person making the whistleblower disclosure is found to have engaged in misconduct, or did not have reasonable grounds for making a disclosure (e.g. making a vexatious claim), or disclosed information to someone who should not have received it.

(14) RMIT discourages deliberate false reporting of whistleblower or Public Interest Disclosure matters. Where IBAC or other external agencies decide not to investigate a complaint because it is vexatious or frivolous, it will notify the complainant. Staff or students found to have made vexatious whistleblower disclosure or Public Interest Disclosures may be subject to a misconduct investigation.

## **Section 5 - Schedules**

(15) [Whistleblower Procedure Schedule 1 - Types of Disclosures](#).

## Status and Details

<b>Status</b>	Current
<b>Effective Date</b>	27th June 2025
<b>Review Date</b>	27th June 2030
<b>Approval Authority</b>	Manager, Central Policy
<b>Approval Date</b>	11th June 2025
<b>Expiry Date</b>	Not Applicable
<b>Policy Owner</b>	Fiona Notley Chief Operating Officer
<b>Policy Author</b>	Alison Huitfeldt General Counsel
<b>Enquiries Contact</b>	Central Complaints and Investigations

## Glossary Terms and Definitions

**"RMIT Group"** - RMIT University and its controlled entities (RMIT Europe, RMIT Online, RMIT Vietnam, RMIT University Pathways)