



WHISTLEBLOWERS PROTECTION POLICY

DEWNR encourages transparency and accountability in its administration and management practices. Any DEWNR employee, member of the public, volunteer or contractor who has knowledge of maladministration and waste or corrupt or illegal conduct in DEWNR is encouraged to disclose that information. Such persons can be assured that, provided the disclosure is made in accordance with the *Whistleblowers Protection Act 1993* ("WP Act"), the Department will ensure, as far as possible, that they receive the protections provided by the Act.

What guides this Policy?

[Whistleblowers Protection Act 1993](#)

[Public Sector Act 2009](#)

[Code of Ethics for the South Australian Public Sector](#)

[Commissioner for Public Sector Employment Determination 4: Qualifications for Designated Whistleblower Contact Officers](#)

[Independent Commissioner Against Corruption Act 2012 \(ICAC Act\)](#) and [ICAC Directions & Guidelines](#)

What is the scope of this Policy?

This Policy applies to all DEWNR employees and board members, or any member of the public, volunteer or contractor who has public interest information ("PII") pertaining to a matter within the sphere of responsibility of DEWNR.

Public interest information¹ means information that tends to show that—

- (i) a person (whether or not a public officer), body corporate or Government agency is or has been involved (either before or after the commencement of the Act):
 - in an illegal activity; or
 - in an irregular and unauthorised use of public money; or
 - in substantial mismanagement of public resources; or
 - in conduct that causes a substantial risk to public health or safety, or to the environment, or
- (ii) a public officer is guilty of maladministration in or in relation to the performance of official functions.

Who is responsible for what?

Chief Executive:

- ensures that DEWNR has a clear policy and procedure to manage any disclosures that fall under the Whistleblowers Protection Act; and
- nominates responsible officers to receive disclosures.

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¹Refer to section 4(1) of the Whistleblowers Protection Act 1993.

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Responsible Officers:

- have knowledge of the content and operation of the [WP Act](#) and the [DEWNR Whistleblowers Protection Policy & Procedure](#);
- listen to the disclosure and advise a whistleblower of their rights and obligations under the [WP Act](#);
- keep the identity of the whistleblower confidential, except where they consent to it being divulged or when necessary to ensure that allegations are properly investigated;
- forward details of the disclosure to the Principal Policy Officer (Probity & Complaints) or the Manager, Performance and Strategy for review; and
- ensure that the whistleblower is informed of the outcome of the review.

Principal Policy Officer (Probity & Complaints), Office of the Chief Executive and the Manager, Performance and Strategy:

- manage and review all disclosures made under the [WP Act](#).
- maintain a confidential and restricted register of all whistleblower disclosures.

Director, Organisational Performance

- recommend an appropriate course of disciplinary action where a disclosure about a DEWNR employee is believed to be true.

Whistleblowers:

- make the disclosure in accordance with the [WP Act](#) and the DEWNR Whistleblowers Protection Policy and Procedure; and
- assist in the investigation of the disclosure, as required under the Act.

What do I need to know?

- The [WP Act](#) provides certain protections for persons who make appropriate disclosures of 'public interest information':
 - If the [WP Act](#) applies, your identity will not be divulged unless you consent to the disclosure or if it is necessary to ensure the disclosure is properly investigated;
 - The WP Act provides protection from victimisation or harassment as a result of having or intending to make a disclosure; and
 - A person who makes a disclosure of PII incurs no civil or criminal liability provided the disclosure was made in good faith.
- However, a person will only receive these protections if:
 1. the person believes on reasonable grounds that the information is true, or that it may be true and is of such significance that its truth should be investigated; and
 2. the disclosure is made to an 'appropriate authority' (or some other person whom it is in the circumstances of the case, reasonable and appropriate to make the disclosure).

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- The DEWNR Whistleblowers Protection Procedure establishes the process for making whistleblower disclosures in DEWNR or directly to the Office for the Public Integrity (“OPI”), which if adhered to, will ensure as far as possible that the person making the disclosure obtains the protections of the Act.
- When reviewing any disclosure, DEWNR will observe procedural fairness and natural justice principles for all parties.
- DEWNR will provide support to an employee against whom disclosures are made whilst the disclosure is reviewed. The identity of the employee will remain confidential as far as possible.
- If a disclosure is made in good faith, but it is not confirmed by the review, no action will be taken against the whistleblower. However, disciplinary or legal action may be taken against any person who knowingly makes false or malicious disclosures.

Where do I get more information?

[DEWNR Whistleblower’s Protection Procedure](#)

Contact

Wiebke Billows, Office of the Chief Executive, email: wiebke.billows@sa.gov.au, phone: 8204 1213

Andrew Copus, Manager Performance & Strategy, email: andrew.copus@sa.gov.au, phone: 8204 9208

Sandy Pitcher
CHIEF EXECUTIVE

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