

Doing right by those who call out the wrong

At-a-glance summary

South Australia's whistleblower protection regime requires reform.

While the current regime provides a level of protection, the Independent Commission Against Corruption (ICAC) has identified areas that can be **enhanced, simplified and strengthened**.

As part of its Whistleblower Project, ICAC has made 61 recommendations for change. This includes updates to our legislation, but also actions that agencies can take now to better support whistleblowers and create a 'speak up' culture.

What is the Whistleblower Project?

ICAC undertook a 10-month Whistleblower Project to examine the adequacy of current arrangements to encourage, support and protect those who report wrongdoing and incompetence in public administration.

The project included a discussion paper consultation, two agency evaluations and a public forum that explored opportunities to strengthen South Australia's whistleblower framework.

The final report 'Doing right by those who call out the wrong' was released in June 2026.

Did you know?

South Australia has a proud history of protecting those who report wrongdoing. We were the first Australian jurisdiction to enact whistleblower legislation more than 30 years ago.

However, whistleblower protections in several Australian jurisdictions are now more robust than they are here.

Why are whistleblower protections important?

Whistleblowers play an essential role in protecting the integrity and accountability of the public sector.

At ICAC we see the value of people speaking up every day. Wrongdoing and serious incompetence are often uncovered because an insider chose to make a report, exposing misconduct, corruption or maladministration in public administration.

Effective protections help safeguard whistleblowers from potential retaliation which may otherwise stop them from speaking up.

When someone speaks up, suspicions can be promptly investigated and addressed as necessary, often exposing wrongdoing that might otherwise remain hidden.

What is 'Public Administration'?

Public administration encompasses the work of public sector agencies and officials responsible for delivering services to the community, managing public resources, advising governments, and ensuring that decisions are carried out effectively, lawfully and in the public interest.

The findings

Better support, information and advice

Being a whistleblower can be an intimidating and isolating experience, accompanied by nuanced and complex laws.

ICAC heard overwhelmingly that more must be done to provide whistleblowers with support, information and advice.

The report calls for the **creation of a new independent whistleblower support authority**. This dedicated service would give whistleblowers free and easy access to expert guidance—ensuring they’re supported, informed, and confident every step of the way.

Alongside this, ICAC proposes the establishment of pilot programs to provide whistleblowers with free legal advice and representation, and counselling and wellbeing support. It further recommends protecting whistleblowers who share information with legal practitioners, medical practitioners and psychologists, in the context of obtaining advice and assistance.

Reducing the complexity of our laws

South Australia’s current whistleblower legislation is technical and difficult for many people to understand. This is a problem.

Whistleblowers are likely to be experiencing significant stress, and unable to discuss their situation with others.

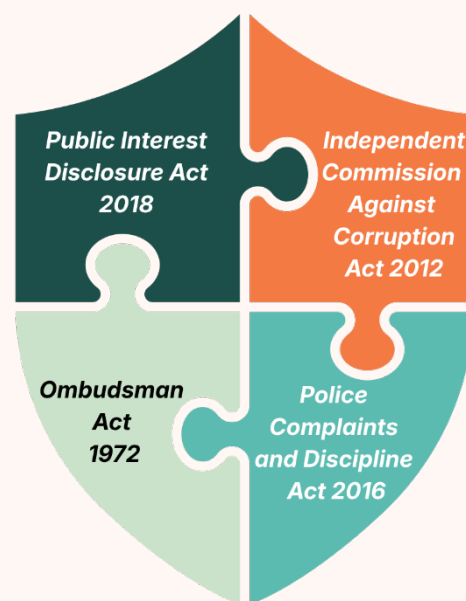
Complexity can compound this stress and cause whistleblowers to be uncertain about whether they are protected. They may not be in a position to easily access legal assistance. This complexity can discourage disclosures and undermine confidence in the system.

Whistleblower laws must be clear, accessible and easy-to-navigate for the people they are designed to protect.

Simpler laws will help people to make informed decisions about reporting wrongdoing and serious incompetence, and help those who receive and handle reports to better understand their responsibilities.

The report makes several recommendations to simplify and streamline the legislation, including:

- removing the need for people to jump between multiple pieces of legislation
- adopting a more logical structure
- using plain English, and creating user-friendly resources
- mandating refresher training for people who can receive disclosures.



Broadening the scope of whistleblower protections

ICAC recommends broadening the scope of our whistleblower protections.

Under the current laws, only “public officers” are protected if they disclose information about public administration. Examples include people who are currently employed in government departments and local councils (including contractors), elected members of Parliament, judicial officers and police.

However, there are other groups of people who may have valuable information about wrongdoing in public administration, and who may fear retaliation for speaking up. **More people should be protected by our whistleblower laws.**

ICAC is recommending a measured approach, targeted at groups of people who are likely to regularly engage with the public sector, and who are also particularly vulnerable to retaliation.

Who?	Why should they be protected?
Former public officers	There are many reasons people may delay reporting wrongdoing. For example, people may only want to raise concerns when they leave an organisation, and are no longer at risk of retaliation. They may not even realise that certain conduct amounted to potential corruption until they become aware of other information years later.
Unpaid workers	Examples of unpaid workers include: • students on placement • trainees • volunteers. Unpaid workers are important ‘insiders’, privy to information and actions that provide evidence of wrongdoing. They are also vulnerable to retaliation. For instance, a trainee may experience retaliation by being given a negative reference or being overlooked for a paid role.
Participants in public sector procurement, recruitment and grant recipients	Procurement and recruitment processes are particularly vulnerable to corruption. Examples of wrongdoing may include a public officer accepting gifts and benefits, failing to appropriately manage a conflict of interest or manipulating panel reports. People who are trying to win a procurement or job vacancy may have a greater opportunity to observe wrongdoing. This also applies to grant recipients. They are also vulnerable to retaliation, such as being unfairly overlooked for a contract or role, or potential reputational damage.

ICAC also recommends changes to whistleblower laws to remove pitfalls that could cause someone to be denied protection for irrelevant and technical reasons.

Protecting whistleblowers

Victimisation

We need to do more to protect whistleblowers from retaliation and hold wrongdoers to account.

ICAC recommends better protections against victimisation and improved access to justice including through civil remedies.

Proposed changes include reversing the onus of proof and lowering the threshold for proving a connection between a whistleblower's disclosure and the detrimental conduct. Under this approach, once it has been established that a whistleblower has suffered detriment, the person accused of victimisation would need to demonstrate that the whistleblower's disclosure was not part of the reason for their conduct.

The report also recommends that ICAC be able to investigate alleged criminal offences of victimisation. This may assist whistleblowers who are victimised and send a strong message to others who may be minded to engage in victimisation.

What is victimisation?

Victimisation can include a wide range of actions taken in retaliation against a whistleblower.

This could look like:

- having your employment suspended or terminated
- being transferred, denied opportunities or losing responsibilities
- unfair disciplinary processes
- threats harassment, bullying, intimidation, exclusion, or hostility.

Protecting identity

ICAC recommends changes to better protect the identity of informants.

Whistleblowers should feel confident that their anonymity will be preserved wherever possible. The evidence shows that fear of having your identity revealed, and fear of repercussions, is a significant barrier to reporting.

The current laws allow an informant's name to be disclosed without their consent in a very broad range of circumstances – basically whenever something should be investigated further.

The proposed changes will significantly reduce the circumstances where an informant's name can be disclosed without their consent but still allow for investigations to continue where there is a risk of harm.

ICAC is also proposing that the Government considers potential new digital tools that would allow agencies to interact more easily within informants who have reported anonymously.

Improving workplace culture

Strong whistleblower protections are important, but laws alone are not enough. A combination of measures is needed to better protect whistleblowers.

There is a lot we can do to improve whistleblower protections right now. The report encourages agencies to consider a range of approaches, such as:

- acknowledging and celebrating whistleblowing where appropriate
- fostering a safe ‘speak-up’ culture
- improving internal training
- reviewing how reports can be made, and who is authorised to receive reports
- strengthening internal measures to protect the confidentiality of informants, such as when using shared inboxes.



People are more likely to report wrongdoing when they trust that their concerns will be handled appropriately and that they will be protected from reprisal. A positive reporting culture and accessible advice for whistleblowers is essential to an effective whistleblower framework.

‘Doing right by those who call out the wrong: A review of South Australia’s Whistleblower protection regime’ is available on the ICAC website: icac.sa.gov.au/whistleblower-project