



CEW2025/2314

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Dear Commissioner

Thank you for your communication dated 29 September 2025 and affording me the opportunity to provide feedback on the Whistleblower Project 2025 Discussion Paper.

Please find attached the Department for Education submission at Appendix 1.

The department appreciates the opportunity to provide feedback.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Martin Westwell'.

Professor Martin Westwell

CHIEF EXECUTIVE

05 November 2025

Attachments:

Appendix 1 - Submission from Department for Education to ICAC on Whistleblower Project 2025 Discussion Paper

APPENDIX 1 - Submission from Department for Education to ICAC on Whistleblower Project 2025

Issue No.	Description	Submission feedback
1	Threshold for obtaining protections	<p>Any individuals who are aware of corruption involving a public officer should be eligible to make a disclosure. There are several avenues within an agency through which this can be done, such as formal disclosures, complaints, and other reporting mechanisms. In relation to Public Interest Disclosures, the current class of individuals eligible to make appropriate disclosures is considered suitable. However, if eligibility is expanded to include additional groups (e.g. volunteers), it is recommended that disclosures be made within agreed timelines following their separation from the role or agency.</p> <p>Disclosers (anonymous or not) should be afforded protection when their disclosure is assessed as having been made in good faith and without prejudice.</p> <p>The current framework and definition of 'relevant authority' is considered appropriate. However, should the scope be broadened, it would be prudent to ensure that individuals are not excluded from protection solely because they made a disclosure, in good faith, to an incorrect agency or authority.</p>
2	Early certainty about status	<p>Disclosers should have certainty about their protection as early as possible in the process as this assurance is important in encouraging individuals to come forward without fear of reprisal.</p>
3	An independent statutory authority to support whistleblowers	<p>There is no particular preference at this stage regarding the establishment of a new independent statutory authority to support whistleblowers. However, should this be considered, expanding the powers of an existing body—such as the Office for Public Integrity (OPI) or the Independent Commission Against Corruption (ICAC)—may present a more efficient and effective alternative.</p>
4	Confidentiality obligations	<p>Currently, breaching confidentiality is a criminal offence under the law and is a serious deterrent, however, added clarity within the framework that confidentiality remains an obligation for all individuals from whom information is sought would help reinforce this.</p> <p>It may be beneficial to differentiate between deliberate breaches (criminal) and inadvertent breaches (administrative). Consider allowing discretion where the breach was unintentional and promptly reported.</p> <p>Accidental breaches can be reduced via mandatory awareness training and clear guidelines.</p>
5	Immunities and remedies	<p>Decisions regarding disclosures and the application of protections should always be made on a case-by-case basis, supported by thorough risk assessments. This ensures that each situation is evaluated on its own merits, taking into account the nature of the disclosure, the discloser's circumstances, and any potential risks involved.</p>
6	Oversight	<p>There is no particular preference at this stage, however, if pursued, alignment should be carefully considered to ensure it complements existing state frameworks without creating unnecessary complexity or duplication.</p>
7	Accessibility and clarity	<p>A return to the term "whistleblower" could also help increase visibility and accessibility, making it clearer to individuals what the legislation is intended to support. The term is widely recognised and conveys the purpose of the legislation more directly, helping individuals better identify when and how to report wrongdoing.</p> <p>Expanding OPI's training offerings improves visibility and accessibility, raises awareness, and could be made mandatory for new employees.</p>
8	Incentives	<p>There is no particular position on the matter at this stage, however if pursued, any consideration of financial rewards should be carefully balanced against the values and integrity of the public sector, ensuring they are used judiciously and in alignment with broader public interest objectives.</p>

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9	Organisational climate	<p>Agencies should implement robust education strategies to ensure staff clearly understand the disclosure process and have confidence in the protections available. Effective communication, secure systems, and clear policies are essential to reinforce trust and accessibility.</p> <p>There is agreement with the discussion paper that organisational climate and culture play a significant role in whether individuals feel safe to report misconduct. A supportive environment, backed by visible leadership and consistent messaging, helps foster a culture where disclosures are encouraged and respected.</p> <p>To strengthen this, agencies should provide ongoing education, system and policy assurances, and ensure staff are aware of their rights and responsibilities when making a disclosure.</p>