



Ground Floor  
State Administration Centre  
200 Victoria Square  
Adelaide SA 5000

GPO Box 1045  
Adelaide SA 5001

DX 56205

Tel 822 62721

[www.publicsector.sa.gov.au](http://www.publicsector.sa.gov.au)

[REDACTED]

[REDACTED]

13 November 2025

Ms Emma Townsend  
Commissioner  
Independent Commission Against Corruption  
[REDACTED]

Dear Ms Townsend,

I write in response to the *Whistleblower Project Discussion Paper* released by the Independent Commission Against Corruption (ICAC) in September 2025. Thank you for opportunity to contribute to this important review of South Australia's whistleblower protection framework.

As the Commissioner for Public Sector Employment, I am committed to fostering a culture of integrity and transparency across the South Australian public sector. The protection and empowerment of whistleblowers is central to this mission.

Further to our recent meeting on 4 November 2025, I provide the below submission for your consideration.

#### Current state of whistleblower framework

As you are aware, South Australia's whistleblower protection framework has undergone significant reform in recent years, particularly following major amendments to the *Independent Commissioner Against Corruption Act 2012* (ICAC Act) in 2021. These changes had a substantial impact on the wider integrity framework in this State by:

- Establishing the Office for Public Integrity (OPI) as an independent body, no longer operating under ICAC.
- Shifting responsibility for investigating misconduct and maladministration from ICAC to the Ombudsman.
- Limiting ICAC's jurisdiction to investigating corruption only.
- Restructuring ICAC to be a Commission rather than a commissioner-led office.

Courage & Tenacity   Honesty & Integrity   Sustainability   Collaboration & Engagement  
Professionalism   Respect   Trust   Service

- Narrowing the definition of misconduct, requiring that the conduct:
  - Is intentional and serious
  - Contravenes a code of conduct
  - Occurs in the public officer's official capacity, and
  - Constitutes a ground for disciplinary action.
- Removing the mandatory requirement for public officers to report misconduct or maladministration to OPI (noting they are still encouraged to do so).

My observation is that the 2021 ICAC Act reforms do not appear to have improved the effectiveness, or reduced the complexity of, South Australia's whistleblower framework including the operation of the *Public Information Disclosure Act 2018* (PID Act).

I understand that this view was also expressed by your predecessor, the Hon. Ann Vanstone, KC, in her report "*An examination of the changes effected by recent amendments to the Independent Commission Against Corruption Act 2012*", published in November 2021.

#### Role of Commissioner for Public Sector Employment as a relevant authority

Under the PID Act, the Commissioner for Public Sector Employment is designated as a relevant authority and is responsible for receiving disclosures of public administration information from public officers.

While the Office for the Commissioner for Public Sector Employment (OCPSE) does not typically receive a high volume of disclosures per year (three in 2024/25, two in 2023/24, nil in 2022/23, four in 2021/22, seven in 2020/21), it is common for informants to note that they have already reported, or intend to report, their complaint to OPI, the Ombudsman SA or their agency's Chief Executive/principal officer, or through another avenue, such as their agency's human resources unit or in cases of potential criminal conduct, South Australia Police. This creates a potential duplication of effort and may reflect uncertainty in informants about the appropriate reporting process.

The following actions could be considered with respect to the Commissioner's role under the PID Act:

- Clarification of the scope of the Commissioner's role in receiving and considering public administration disclosures, particularly where the same report has been made to other relevant authorities such as OPI, the Ombudsman and principal officers of public sector agencies.
- Publication of guidance to clearly explain when and why a disclosure can or should be made to the Commissioner as opposed to another authority.
- Enable relevant authorities, including the Commissioner, to confer whistleblower status to informants, or empower some other authority to do so, to reduce ambiguity over whether the PID protections apply.

These matters are considered further below.

## Feedback from the 2024 People Matter Employee Survey

In 2024, my office conducted the third People Matter Employee Survey, inviting all 116,373 public sector employees to participate. A total of 40,398 responses were received, representing 35% of the workforce. Among the questions posed was: *“I know how to report suspected unethical conduct.”* Encouragingly, 87.1% responded favourably, suggesting a high level of perceived awareness of reporting processes. 7.4% of responses were neutral, and 5.6% were unfavourable. This was a new question in the 2024 survey, so comparison data from previous years is not available.

While these results indicate a good level of awareness, it is important to note that the survey is a subjective self-assessment and reflects only a portion of the sector. The extent to which favourable responses equate to accurate and comprehensive understanding of reporting mechanisms remains unclear. Similarly, whether this confidence translates into actual reporting behaviour is unknown. Nonetheless, the data provides a promising indication that many employees feel equipped to navigate ethical reporting processes.

## Clarifying eligibility and protections under the PID Act

Each year, my office receives a number of complaints from individuals who are not public officers but whose disclosures may otherwise meet the criteria for a public interest disclosure. These individuals are currently ineligible for the protections afforded under the PID Act due to their status. This limitation presents a gap in the framework, particularly where the information disclosed is credible and may be in the public interest.

It is also common for OCPSE to receive disclosures where the informant’s status as a public officer is unclear. In such cases, it becomes difficult to determine whether the complaint meets the PID threshold and whether the relevant protections apply. This ambiguity could potentially discourage individuals from reporting or leave them vulnerable to reprisal.

Currently, only public officers are protected when disclosing public administration information. Members of the public are only protected when reporting environmental or health risks. This distinction is increasingly challenging given the realities of modern public administration, where non-public officers often have access to sensitive or relevant public administration information.

To address these issues, the following could be considered:

- Broadening the definition of eligible informants to include any person making a disclosure about public administration information, similar to the approach taken for health and environmental disclosures.
- Introducing a mechanism by which whistleblower status can be conferred on individuals who may not meet the definition of a public officer but whose disclosures may warrant protection. This would provide early certainty and encourage reporting. This could be conferred either by a relevant authority or some other designated office.

I also support several proposals outlined in the Discussion Paper, including:

- Broadening the list of relevant authorities (for example to include union officials, lawyers, medical practitioners), noting that consistent and proactive training and handling procedures would be essential.
- Retaining the current threshold of reasonable suspicion. Given the often-covert nature of misconduct, corruption or maladministration, informants may have limited evidence but still raise compelling concerns for which protections are warranted.

### An independent statutory authority to support whistleblowers

It is essential that informants feel safe and supported throughout the disclosure process. Confidence in knowing who to approach, what can be disclosed, what protections are afforded to informants and what will happen after making a disclosure is fundamental to the integrity of the whistleblower system. Clear, accessible information and consistent processes are critical to building trust and encouraging reporting. This cannot be overstated.

Currently, there does not appear to be a consistent, overarching approach to how agencies manage disclosures or report outcomes. The redistribution of responsibilities among integrity agencies in 2021 has created a level of uncertainty for public officers about where to report and what protections apply. With multiple authorities now involved in the PID framework, each with distinct but sometimes overlapping roles, there is potential for confusion, which may impact confidence in the system

Given these issues, consideration could be given to establishing an independent whistleblower protection authority, or expanding the remit of an existing body such as OPI or the Ombudsman SA, to:

- Provide a single, central, end-to-end point of contact for informants.
- Receive, refer and investigate disclosures as appropriate.
- Confer whistleblower status.
- Provide advice and support to informants or potential informants (including potentially legal advice and/or representation).
- Audit and monitor agency compliance with PID obligations.
- Provide training and guidance to agencies, relevant authorities and responsible officers.
- Publish regular reports on whistleblowing activity in South Australia.
- Investigate alleged victimisation or other reprisals.

Such a body, whether established independently or resourced from existing agencies, would need to provide clarity rather than add further ambiguity with respect to the current reporting framework and spread of responsibilities.

In addition, the PID Act provides that ICAC may publish guidelines to assist relevant authorities and informants in managing disclosures and provide training to designated responsible officers. This is potentially confusing for informants, given ICAC no longer plays a role in receiving most disclosures. As a result, informants may not consider or be aware of those guidelines when making a disclosure, which could undermine the effectiveness of the protections available.

Regardless of whether the establishment of an independent whistleblower authority is supported, responsibility for the publication of PID guidelines could be transferred to a more appropriate authority, such as OPI, the Ombudsman or could be developed and jointly endorsed by ICAC, OPI and the Ombudsman to ensure consistency and increase visibility. If an independent central oversight agency was established, logically this function should be transferred to their responsibility.

### Training

Some relevant authorities and/or responsible officers may not regularly receive PIDs. Limited interaction with the PID framework risks diminishing their familiarity and competence, increasing the likelihood that disclosures are not managed as intended under the Act or that critical steps are missed. Consideration should be given to the development and delivery of enhanced training to individuals involved in the end-to-end handling of PIDs, including regular refreshers and easily accessible resources.

In addition, there appears to be a lack of a consistent approach among agencies regarding the provision of updates to informants on the outcome of their disclosures. Relevant authorities and responsible officers would benefit from targeted training and clear guidance on how, and to what extent, they should communicate outcomes to informants. This guidance should balance the obligation to provide updates under the PID Act with the need to maintain privacy and confidentiality of processes as necessary.

### Accessibility, clarity and consistency

The current PID framework is overly complex and difficult to navigate, particularly for individuals without legal training or support. While simplification of the Act itself would be ideal, if this is not achievable, the accompanying PID guidelines should at least be significantly streamlined, made more accessible, and actively promoted to ensure greater awareness and usability.

Enhanced support should be considered in general for what may be a particularly stressful time for informants, in particular for those who may be vulnerable, at greater risk of victimisation or who have specific needs in relation to cultural safety or disability status.

I support efforts to harmonise South Australia's whistleblower protections with best-practice frameworks across other jurisdictions. Public officers and laypersons are unlikely to appreciate nuanced differences between states, which can create confusion and deter reporting. Greater consistency across jurisdictions, where practical, would strengthen confidence in the system.

### Gender differences in whistleblowing

The Human Right's Law Centre's *Women Speaking Up* report, published in August 2025, provided a gendered analysis of the types of wrongdoing reported by whistleblowers, demographic data trends and outcomes reported by whistleblowers.

Key findings included:

- Women are more likely than men to speak up, particularly about wrongdoing involving the endangerment of people.
- Men are more likely to report financial misconduct and corruption.
- While men and women experience similar rates of reprisal, men are more likely to have their employment terminated, whereas women are more likely to face harassment and bullying as a result of their disclosures.
- Women are disproportionately vulnerable to reprisal when they earn less, highlighting an intersection between gender and economic vulnerability.

These findings underscore the need to consider gender differences when analysing whistleblower behaviour and outcomes. I recommend that the insights and recommendations outlined in the report be considered as part of ICAC's review.

### Conclusion

Thank you again for the opportunity to contribute to the Commissioner's review of South Australia's whistleblower framework. This presents a critical opportunity to assess our current framework and ensure that those who speak up continue to have access to the appropriate support and assistance to do so.

Please do not hesitate to contact my office should you require further information or wish to discuss this matter in more detail.

I consent to the publication of this submission as deemed appropriate by the Commission.

Yours sincerely



Erma Ranieri PSM

**COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT**