



15 December 2025

Ms Emma Townsend  
Commissioner

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Dear Commissioner

### **Submission for Whistleblower Project Discussion Paper**

Thank you for the opportunity to respond to the Whistleblower Discussion Paper.

As a responsible officer under the *Public Interest Disclosure Act 2018* (SA) I welcome the review and support reforms that strengthen protections for those who report wrongdoing while ensuring clarity and workability for agencies.

The comments below reflect the Department of Treasury and Finance's views.

In summary, our view is that the Act is generally functioning well, acknowledging the importance of striking a balance between a process that enables appropriate reporting and supports Whistleblowers to raise concerns, while ensuring that confidentiality is upheld for all parties and allowing the course of natural justice to occur for those impacted.

#### Issue 1: Threshold for obtaining protections

Protections should attach to a disclosure when, on reasonable grounds, the discloser believes the information concerns wrongdoing in public administration. Broadening legislative protections beyond public officers would encourage proactive reporting. In addition, expanding the definition of "relevant authority" would also support this by providing assurance that protections will apply.

A higher evidentiary threshold to demonstrate "reasonable suspicion" risks deterring reports, particularly where a discloser observes concerning patterns (causing them to "reasonably suspect") that may be more discreet occurrences than significant single events. It is also worth considering whether this approach outweighs placing greater onus on disclosers to minimise frivolous reporting that does more damage than good. A balanced approach with clear guidance on "reasonable suspicion" will help agencies assess matters consistently.

#### Issue 2: Early certainty about status

Early, written confirmation of protection status may significantly assist to reduce anxiety and encourage participation. A standardised acknowledgment template, issued promptly by authorised recipients, would give disclosers confidence and provide agencies with a defensible process record.

Issue 3: Independent statutory authority to support whistleblowers

It would be useful for agencies to have access to a specialist team or officer to receive confidential guidance for disclosers, assist with triaging complex matters, and support with coordinating referrals. This should complement, not replace, agency responsibilities.

Issue 4: Confidentiality obligations

Confidentiality must be preserved throughout triage, investigation, and after-action follow-up. It is important that this applies to both Whistleblowers as informants, and those handling the disclosure. While Whistleblowers require protection to encourage disclosures and manage their welfare, they too have a responsibility to maintain confidentiality while their disclosure is being assessed. It would be remiss of them to flout key conditions and automatically retain protection.

Agencies are able to adopt practical measures such as role-based access controls and needs-only sharing to protect informants.

Issue 5: Immunities and remedies

Statutory immunities should protect disclosers from civil, criminal, administrative, and employment-related consequences arising from making a protected disclosure, provided they do not themselves engage in misconduct.

Issue 6: Oversight

A proportionate oversight model could require agencies to report de-identified metrics (volume, timeliness, outcomes, reprisal allegations) and significant matters to a central body. Periodic thematic reviews may assist to surface systemic risks while respecting operational independence.

Issue 7: Accessibility and clarity

Protections and processes must be easy to find and understand. The use of plain-language guidance, multiple reporting channels, and accessible formats would be beneficial for those wishing to report, but also for responsible officers within agencies who are administering the legislation.

Issue 8: Incentives

Positive incentives should focus on culture and public sector values rather than monetary rewards. A reward scheme may also be subject to exploitation.

Issue 9: Organisational climate

Agencies have a responsibility to lead by example for employees, provide employees with access to training, and ensure there is a clear separation between performance management and disclosure handling. Transparent communication of lessons learned, while preserving confidentiality, reinforces trust in the system. The current focus on public administration (corruption, misconduct, maladministration) is appropriate, noting that other grievance routes exist for non-PID issues.

Disclosures should be receivable by authorised officers, integrity agencies, and—where appropriate—external regulators or law enforcement. It is worthwhile considering allowing former employees and relevant third parties to disclose. Imposing arbitrary time limits may

deter valuable information. Importantly, disclosers who act in good faith but are mistaken should still be protected to avoid discouraging reporting.

Thank you again for the consultative approach.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Connie Freeman', with a stylized, cursive script.

Connie Freeman  
**DIRECTOR BUSINESS & ENGAGEMENT SERVICES**