

Public Interest Disclosure Procedure

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1. BACKGROUND

The *Public Interest Disclosure Act 2018* (PID Act) commenced on 1 July 2019. The PID Act replaced the *Whistleblowers Protection Act 1993*.

The PID Act:

- establishes a scheme that encourages and facilitates the appropriate disclosure of public interest information (which comprises both “public administration information” and “environmental and health information”) to certain persons or authorities (a “public interest appropriate disclosure”) and
- provides protections for public officers who make an appropriate disclosure of public administration information and for all persons who make an appropriate disclosure of environmental and health information, and sets out processes for dealing with such appropriate disclosures.

2. PURPOSE

In accordance with the requirements of the PID Act, this Procedure sets out the process for:

- any person who wishes to make an *appropriate disclosure of public interest information* (refer [Appendix 1](#)) and
- any employee of ReturnToWorkSA in dealing with any such *appropriate disclosure* (refer [Appendix 2](#)).

The Independent Commission Against Corruption (the ICAC) has published guidelines under section 14 of the PID Act (the ICAC Guidelines) to provide additional requirements. The ICAC Guidelines also provide general information about the PID Act. This Procedure has been prepared to comply, and must be read together, with the ICAC Guidelines.

3. SCOPE AND APPLICATION

All employees will comply with the PID Act and this Procedure. Where employees are considering a disclosure of public interest information under the PID Act, they should also consider if they have obligations under the Directions and Guidelines issued by the ICAC and the Office for Public Integrity (OPI).

The Ombudsman also expects public officers and public authorities will report to the Ombudsman any matter that they reasonably suspect involves misconduct and/or maladministration in public administration. The Ombudsman has issued Directions and Guidelines that govern the reporting of misconduct and maladministration to the Ombudsman, including how reports should be made. Members of the public may also make appropriate disclosures of public interest information.



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How to determine if the Public Interest Disclosure Act, and this Procedure, applies

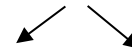
Question – Is it an “appropriate disclosure”?



An appropriate disclosure is a “disclosure of public interest information by an informant to a relevant authority”.

What is (a) public interest information (b) an informant and (c) a relevant authority?

There are two types of public interest information. The definition of an informant and relevant authority/ies is different for each:



- ☐ **Environmental health information** – *Information that raises a potential issue of a substantial risk to the environment or to the health and safety of the public generally or a significant section of the public.*
- ☐ Who is an informant in this context? Any person.
- ☐ Relevant authorities? Depends on the kind of information – refer Section 5(5) of the [PID Act](#) and [6.1 of the Procedure](#).

- ☐ **Public administration information** – *Information that raises a potential issue of corruption, misconduct or maladministration in public administration.*
- ☐ Who is an informant in this context? A public officer (as defined within [ICAC Act](#)) – Board members, employees, claims agents and others performing contract work for ReturnToWorkSA
- ☐ Relevant authorities? Depends on the kind of information – refer Section 5(5) of the [PID Act](#) and [6.2 of the Procedure](#).



- ✓ Make disclosure in accordance with [Section 8](#) and [Appendix 1](#) of the Procedure
- ✓ Deal with disclosure in accordance with [Section 9](#) and [Appendix 2](#) of the Procedure
- ✓ Protections set out under Sections 5(1), 8 and 9 of the [PID Act](#) and Procedure apply

Note: there is no obligation to report *misconduct or maladministration in public administration* to a relevant authority under PID, or at all. Public officers continue to have an obligation to report matters involving *corruption in public administration* – refer OPI Guidelines. In addition, the [Fraud and Corruption Control Policy for the SA Public Sector](#) requires all employees and other relevant public officers to report all instances of conduct alleged or reasonably suspected to be fraud, corruption and other criminal conduct, maladministration and misconduct.

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4. OBLIGATIONS ON PUBLIC SECTOR AGENCIES

In accordance with section 12 (5) of the PID Act and [ICAC Guidelines](#), this Procedure sets out the following:

- the manner in which ReturnToWorkSA receives disclosures of public interest information including:
 - the way in which a disclosure can be received (refer [Appendix 3](#))
 - what steps ReturnToWorkSA has put in place to ensure the public interest information is securely received and stored
 - who is responsible for ensuring compliance with these steps
- the criteria that will be applied in the assessment of a public interest disclosure
- the manner in which details of the assessment will be securely stored and the person in ReturnToWorkSA who will be advised of the assessment
- the manner in which an informant will be kept informed as to action taken in respect of a disclosure
- the person in ReturnToWorkSA who can be contacted if an informant believes that their disclosure is not being dealt with appropriately
- obligations on ReturnToWorkSA to take action to protect informants, and
- risk management steps for assessing and minimising detrimental action against people because of public interest disclosures and detriment to people against who allegations are made in a disclosure.

5. RETURNTOWORKSA STATEMENT OF PRINCIPLES

The Chief Executive Officer (CEO) of ReturnToWorkSA is committed to:

- Accountability and transparency across the organisation
- Protecting informants who disclose public interest information appropriately
- Having sound procedures for receiving public interest information
- Genuine and efficient consideration and investigation of any public interest disclosure matters relating to ReturnToWorkSA
- Keeping persons who make disclose information informed about the action taken or the outcome of any investigation
- Addressing matters of corruption, maladministration and misconduct in public administration and
- Ensuring that all ReturnToWorkSA employees and contractors are informed about their rights and the correct process for disclosing and receiving public interest information.



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6. WHAT IS PUBLIC INTEREST INFORMATION?

There are two types of public interest information:

- Environmental and health information
- Public administration information.

6.1 Environmental and health information

What is environmental and health information?

Environmental and health information means information that raises a potential issue of a substantial risk to the environment or to the health and safety of the public generally or a significant section of the public (whether occurring before or after the commencement of the PID Act – refer [section 4](#)).

Who can make a disclosure of environmental and health information?

- Anyone can make a disclosure of environmental and health information.
- However, to gain the protections provided under the PID Act, a person who makes a disclosure of environmental and health information:
 - must believe on reasonable grounds that the information is true; or
 - not being in a position to form such a belief, believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated.
- A disclosure of environmental and health information that is accompanied by either of these beliefs is referred to as an appropriate disclosure of environmental and health information for the purposes of the PID Act.

Who can receive a disclosure of environmental and health information?

- For a disclosure to be considered an appropriate disclosure of environmental and health information it must be made to a relevant authority.
- Whether a disclosure of public interest information is made to a relevant authority depends on the type of information being disclosed and what or who the information relates to.
- Section 5(5) of the PID Act specifies the relevant authorities that can receive a disclosure of public interest information. This list of relevant authorities is included in the appendices to the ICAC Guidelines.
- Where information relates to a risk to the environment you should consider making a disclosure to the Environment Protection Authority.
- There are other relevant authorities that can receive disclosures relating to environmental and health information.
- If the environmental and health information relates to a public officer in ReturnToWorkSA, both ReturnToWorkSA's responsible officers or the person responsible for the supervision or management of the public officer that the environmental and health information relates to are relevant authorities.



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- If the environmental and health information relates to a public sector employee in ReturnToWorkSA or relates to ReturnToWorkSA, both ReturnToWorkSA's responsible officers or the Commissioner for Public Sector Employment are relevant authorities.
- The OPI is also a relevant authority for any appropriate disclosure of environmental and health information.

6.2 Public administration information

What is public administration information?

- Public administration information means information that raises a potential issue of corruption, misconduct or maladministration in public administration (whether occurring before or after the commencement of the PID Act).
- The definition of corruption in public administration is the same as that found in section 5(1) of the ICAC Act and can be found in the appendices to the [ICAC Guidelines](#).
- The definitions of maladministration in public administration and misconduct in public administration have the same meaning as in Section 4 of the *Ombudsman Act 1972* (Ombudsman Act) and can be found in the appendices to the [ICAC Guidelines](#).
- It is important to note that the definition of misconduct in section 4(1) of the Ombudsman Act is limited to a contravention of a relevant Code by a public officer that is intentional and serious.

What is an appropriate disclosure of public administration information?

- A disclosure of public administration information where the public officer making the disclosure reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration is referred to as an appropriate disclosure of public administration information for the purposes of the PID Act.

Who can make an appropriate disclosure of public administration information?

- Anyone can make a disclosure of public administration information, however only public officers who make such a disclosure are eligible for the protections provided by the PID Act.
- The term public officer is defined in Schedule 1 of the ICAC Act.
- For ReturnToWorkSA, public officers are:
 - ReturnToWorkSA Board Members
 - ReturnToWorkSA employees
 - Claims agent and claims legal employees in relation to their work on behalf of ReturnToWorkSA
 - Debt collectors and investigators in relation to their work on behalf of ReturnToWorkSA
 - People performing contract work for ReturnToWorkSA.

Who can receive a disclosure of public administration information?

- To gain the protections provided by the PID Act, a public officer must make a disclosure of public administration information to a relevant authority in circumstances where the public

officer reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration (an appropriate disclosure).

- Although public officers are no longer mandated to report misconduct or maladministration in public administration under the ICAC Act specifically, public officers have an obligation to report as follows: The OPI Guidelines impose a mandatory obligation upon public officers to report to the OPI any matter that they reasonably suspect involves corruption in public administration unless the public officer knows that the conduct has already been reported to the OPI.
- The Ombudsman Directions and Guidelines provide that the Ombudsman expects public officers and public authorities will report to the Ombudsman any matter that they reasonably suspect involves misconduct or maladministration in public administration (as defined in section 4(1) of the Ombudsman Act) and
- The [Fraud and Corruption Control Policy for the SA Public Sector](#) requires all employees and other relevant public officers to report all instances of conduct alleged or reasonably suspected to be fraud, corruption and other criminal conduct, maladministration and misconduct.
- There are a number of relevant authorities that can receive disclosures relating to public administration information.
- Whether a disclosure of public interest information is made to a relevant authority depends on the type of information being disclosed and what or who the information relates to.
- Section 5(5) of the PID Act specifies the relevant authorities that can receive a disclosure of public interest information. The list of relevant authorities is also included in Appendix B to the [ICAC Guidelines](#), in the [OPI Directions and Guidelines](#) and in the [Ombudsman Directions and Guidelines](#).
- If the public administration information relates to a public officer in ReturnToWorkSA, both the ReturnToWorkSA responsible officer or the person responsible for the supervision or management of the public officer the public administration information relates to are relevant authorities.
- If the public administration information relates to a public sector employee in ReturnToWorkSA or relates to ReturnToWorkSA, both the ReturnToWorkSA responsible officer or the Commissioner for Public Sector Employment are relevant authorities.
- The OPI is a relevant authority for any appropriate disclosure of public administration information. The Ombudsman is the relevant authority where the information relates to an agency to which the Ombudsman Act applies.



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7. DEFINITIONS

Term	Definition
Informant	<ul style="list-style-type: none"> A person who makes an appropriate disclosure of public interest information is referred to in these Procedures and throughout the PID Act as an informant.
Public Officer	<p>As defined within Schedule 1 of the ICAC Act.</p> <p>For ReturnToWorkSA, public officers are:</p> <ul style="list-style-type: none"> a statutory officer holder or a person who is a member of the governing body of a statutory authority (Board members) an officer or employee of a statutory authority (ReturnToWorkSA employees) a person who is, in accordance with an Act, assisting a public officer in the enforcement of the Act (e.g. debt collectors, investigators) a person to whom a function or power of a public authority or a public officer is delegated in accordance with an Act (e.g. claims agent employees) a person performing contract work for a public authority (e.g. contractors).
Relevant authority	The PID Act designates certain persons or organisations who can receive an appropriate disclosure of public interest information, depending on who or what the information relates to.
Responsible officer	A person designated by the principal officer (CEO) under section 12 (1) of the PID Act to receive disclosures and take appropriate action as set out in the PID Act.

8. MAKING AN APPROPRIATE DISCLOSURE OF PUBLIC INTEREST INFORMATION

In order to make an appropriate disclosure of public interest information you need to determine whether the information you have is public interest information and what type of public interest information it is (refer [section 10](#) of this Procedure).

All persons can receive protections under the PID Act for disclosing environmental and health information but only public officers receive protections for disclosing public administration information. These terms are explained in more detail below.

You then need to determine who you should disclose the information to (i.e. who the relevant authority is).

Further information about the PID Act can also be found on the ICAC website or OPI website.

9. RECEIVING AN APPROPRIATE DISCLOSURE OF PUBLIC INTEREST INFORMATION

In order to determine whether an informant has made an appropriate disclosure of public interest information to you, you need to assess the information given to you, determine whether it is public interest information and consider whether you are a relevant authority for that type of information.



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10. HOW DO I MAKE AN APPROPRIATE DISCLOSURE?

Refer [Appendix 1–3](#).

11. FALSE OR MISLEADING DISCLOSURES

A public officer should consult the responsible officer if they suspect a disclosure to be false or misleading.

It is an offence against the PID Act, with a maximum penalty of \$20,000 or imprisonment for two years, to make a disclosure of public interest information knowing that it is false or misleading in a material particular (whether by reason of the inclusion or omission of a particular).

Such a disclosure of public interest information is not protected by the PID Act.

12. WHAT PROTECTIONS ARE PROVIDED FOR UNDER THE PID ACT?

12.1 Confidentiality

- The identity of a person who makes an appropriate disclosure of public interest information must be kept confidential in accordance with section 8 of the PID Act.
- Guideline Three in the ICAC Guidelines sets out some exceptions to maintaining confidentiality including in cases where it may be necessary to reveal the identity of an informant to prevent or minimise an imminent risk of serious physical injury or death to any person. Under the PID Act it is a criminal offence to divulge the identity of an informant except in the limited circumstances where that is permitted.
- If you receive an appropriate disclosure of public interest information, when seeking any advice, for example from the OPI or from the ReturnToWorkSA responsible officer, you must not disclose the identity of the informant unless the informant has consented.
- You can only disclose the identity of the informant in accordance with Guideline Three in the ICAC Guidelines or if you have:
 - assessed the disclosure; and
 - based on that assessment, you are referring the appropriate disclosure of public interest information to the OPI or to a ReturnToWorkSA responsible officer for investigation; and
 - based on that assessment, you have concluded that the matter cannot be fully investigated in the absence of the identity of the informant being disclosed.

12.2 Immunity

- A person who makes an appropriate disclosure of public interest information has the immunity provided for in section 5(1) of the PID Act.

12.3 Victimisation

- It is a criminal offence to victimise a person who makes an appropriate disclosure of public interest information.
- The PID Act provides that a person who personally commits an act of victimisation under the PID Act is guilty of an offence. The offence carries a maximum penalty of a \$20,000 fine or imprisonment for two years.



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- The PID Act also contains provisions dealing with victimisation of a person who suffers a detriment on the ground, or substantially on the ground, that the person has made (or intends to make) an appropriate disclosure of public interest information.
- This is also addressed in section 9 of the PID Act.

12.4 Preventing or hindering disclosures

- It is an offence against the PID Act for a person to prevent another person from making an appropriate disclosure of public interest information or to hinder or obstruct another person in making such a disclosure. The offence carries a maximum penalty of \$20,000 or imprisonment for two years.

12.5 I have an obligation to make a report under the ICAC Act or seek to make a complaint about misconduct or maladministration to the OPI or the Ombudsman. Can I still be protected under the PID Act?

- A public officer who makes a report to the OPI under the ICAC Act may also be protected under the PID Act.
- Where a public officer makes a report to the OPI about a matter the public officer reasonably suspects involves a potential issue of corruption, misconduct or maladministration in public administration that report will also be an appropriate disclosure of public administration information because the OPI is itself a relevant authority.
- A public officer must report to the OPI any matter that they reasonably suspect involves corruption in public administration unless the public officer already knows that the conduct has already been reported to the OPI.
- While there is no mandatory obligation for a public officer to report information that raises a potential issue of misconduct or maladministration in public administration to the OPI under the ICAC Act, there is an expectation that public officers will report any matter that they reasonably suspect involves misconduct or maladministration in public administration to the Ombudsman unless the public officer knows that it has already been reported to the OPI or the Ombudsman.
- The [Fraud and Corruption Control Policy for the SA Public Sector](#) requires all employees and other relevant public officers to report all instances of conduct alleged or reasonably suspected to be fraud, corruption and other criminal conduct, maladministration and misconduct.
- Accordingly, such a report will ordinarily provide the public officer the protections under the PID Act.
- The OPI will deal with your report in accordance with the ICAC Act and the OPI Directions and Guidelines but will also act consistently with the requirements of the PID Act. The Ombudsman will deal with your report in accordance with the Ombudsman Directions and Guidelines and the Ombudsman Act and also consistent with the requirements of the PID Act.



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13. PROTECTING INFORMANTS

- ReturnToWorkSA is committed to protecting people who make an appropriate disclosure of public interest information. The protections afforded under the PID Act are outlined in section 12 '[What protections are provided for under the PID Act](#)' in this Procedure.
- The PID Act creates an obligation to maintain the confidentiality of all people who make an appropriate disclosure of public interest information. This is reflected in section 8 of the PID Act which states that a person to whom an appropriate disclosure of public interest information is made, or a person to whom such a disclosure is referred or who otherwise knows that such a disclosure has been made, must not, without the consent of the informant, knowingly divulge the identity of the informant except:
 - so far as may be necessary to ensure that the matters to which the information relates are properly investigated; or
 - in accordance with any applicable ICAC Guidelines.
- An offence against this section carries a maximum penalty of \$20,000 or imprisonment for two years.
- As set out in the [Appendices](#), the identity of the informant must be kept confidential unless the informant has consented to their identity being disclosed, even when seeking advice from the ReturnToWorkSA responsible officer.
- The obligation to maintain confidentiality imposed by section 8 of the PID Act applies despite any other statutory provision, or a common law rule, to the contrary. The exceptions to maintaining confidentiality are set out in Guideline Three in the ICAC Guidelines and in section 8(1) of the PID Act.

13.1 How ReturnToWorkSA will protect informants

ReturnToWorkSA will protect informants by:

- providing support and information on the PID Act protections to the informant
- adopting and applying internal procedures that require compliance with section 8 (1) of the PID Act in relation to confidentiality
- storing information about appropriate disclosures securely
- proactively recognising and addressing any potential detrimental outcomes that may be caused from the disclosure.

14. RELEVANT LEGISLATION

- [Public Interest Disclosure Act 2018](#)
- [Independent Commission Against Corruption Act 2012](#)
- [Ombudsman Act 1972](#)

15. REFERENCES

- [Public Interest Disclosure Guidelines](#) (the ICAC Guidelines) issued by the Independent Commission Against Corruption
- [Directions and Guidelines for Public Officers](#) issued by the Office for Public Integrity
- [Directions and Guidelines](#) issued by the Ombudsman



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16. APPENDICES

Appendix 1 – Making an appropriate disclosure of public interest information

Appendix 2 – Receiving and dealing with an appropriate disclosure of public interest information

Appendix 3 – How to contact ReturnToWorkSA

17. DOCUMENT HISTORY

SUPERSEDED DOCUMENTS	SUPPORTING DOCUMENTS
Public Interest Disclosure Procedure V1.1 2019	SA Public Sector Fraud and Corruption Control Policy Public Interest Disclosure and ICAC Referral Form



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Appendix 1 – Making an appropriate disclosure of public interest information

Step 1 – Before making a disclosure

To make an appropriate disclosure of public interest information you need to determine whether the information you have is public interest information and you need determine who you should disclose the information to (i.e. who the relevant authorities are).

This Procedure, in particular sections 7, 8 and 9, will guide your assessment.

Step 2 – Making a disclosure

Option 1 – Contact the OPI

The OPI is a relevant authority to receive disclosures of public administration information or environmental and health information regarding ReturnToWorkSA, ReturnToWorkSA public officers and ReturnToWorkSA public sector employees.

Option 2 – Contact a ReturnToWorkSA Responsible Officer

The ReturnToWorkSA responsible officer can provide you with advice and assistance. The ReturnToWorkSA responsible officer is a relevant authority to receive disclosures of public administration information or environmental and health information regarding ReturnToWorkSA and ReturnToWorkSA public sector employees.

To contact a ReturnToWorkSA responsible officer, follow the steps at Appendix 3. Information about the responsible officers for ReturnToWorkSA can be found on the [Public Interest Disclosures](#) page of the ReturnToWorkSA website.

Option 3 – Contact the relevant public officer's manager or supervisor

If your disclosure of public administration information or environmental and health information relates to an ReturnToWorkSA public officer, the person responsible for the management or supervision of that ReturnToWorkSA public officer is also a relevant authority and you can disclose to them.

Option 4 – Contact the Office of the Commissioner for Public Sector Employment

The Commissioner for Public Sector Employment is a relevant authority to receive disclosures of public administration information or environmental and health information regarding ReturnToWorkSA and ReturnToWorkSA public sector employees.

The authority receiving the appropriate disclosure of public interest information is required to comply with a number of requirements set out under the PID Act and this Procedure.

When making the disclosure of information, if you are revealing your identity, you have rights about being kept informed. Please speak to the relevant authority about how you wish to be contacted by them. It is important that keeping you informed is done in a way that maintains strict confidentiality. Decide together how they will keep you informed. It is better to be kept informed in writing, although this is not a requirement.



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Step 3 – Assessment and Action

Assessment

Once you make an appropriate disclosure of public interest information in accordance with section 5, the person to whom you made the appropriate disclosure must take certain steps as set out in section 7 of the PID Act.

This includes (amongst other things) taking reasonable steps to notify you (as the informant provided your identity is known) that an assessment of the information has been made and to advise you (as the informant) of either:

- the action being taken in relation to the information (section 7(1)(b)(i)), or
- if no action is being taken in relation to the information, of the reasons why no action is being taken in relation to the information (section 7(1)(b)(ii)).

The action being taken in relation to the information can include referring it to another person. If the action being taken is referring it to another person, then your identity may be disclosed as part of that referral, provided divulging your identity is necessary for the purpose of investigating the disclosure. If any action is being taken in relation to the information, then the person you disclosed the information to (or the person it has been referred to) must take reasonable steps to notify you (as the informant, if your identity is known) of the outcome of that action (section 7(3)(a)).

However, if you make an appropriate disclosure of public interest information to a Minister of the Crown, the requirements set out above from section 7 do not apply. The following provisions apply instead:

- the Minister must, as soon as practicable, refer the disclosure to a relevant authority; and
- the relevant authority:
 - must deal with the information in accordance with section 7 (as if the disclosure had been made to the relevant authority in the first place) and
 - must ensure that the Minister is notified of the action taken under section 7 in relation to the information and the outcome of such action.

Action

Section 7 of the PID Act requires the person to whom an appropriate disclosure of public interest information is made to take certain actions and notify the OPI in accordance with the ICAC Guidelines. This is set out in more detail in Appendix 2 under 'Receipt, assessment and notification of appropriate disclosures of public interest information'. Section 7(2) provides that no action need be taken in relation to an appropriate disclosure of public interest information if:

- the information disclosed does not justify the taking of further action; or
- the information disclosed relates to a matter that has already been investigated or acted upon by a relevant authority and there is no reason to re-examine the matter or there is other good reason why no action should be taken in respect of the matter.
- The requirements set out above from section 7 do not apply where an appropriate disclosure of public interest information is made to a journalist or a member of Parliament (see the following page).

Concerns about the action taken

If you are concerned or believe (as an informant) that your appropriate disclosure is not being dealt with by ReturnToWorkSA appropriately:

- If your appropriate disclosure of public interest information was made to a relevant authority in ReturnToWorkSA other than an responsible officer, please contact one of the ReturnToWorkSA responsible officers (see contact details at Appendix 3). Responsible officers have obligations under the PID Act and will be able to assist you.
- If your appropriate disclosure was made to a ReturnToWorkSA responsible officer, contact other relevant authorities such as the OPI, the Ombudsman or the Office of the Commissioner for Public Sector Employment.

If you are concerned or suspect (as an informant) that you may have been or will be the subject of detriment on the grounds of having made, or being about to make, an appropriate disclosure of public interest information, you are encouraged to report that suspicion.

- Please raise your concerns or suspicions with one of the ReturnToWorkSA responsible officers. Responsible officers have obligations under the PID Act and will be able to assist you.
- If your concerns relate to the way in which an ReturnToWorkSA responsible officer is handling your matter, you might want to raise your concerns with a different ReturnToWorkSA responsible officer.
- Alternatively, you might prefer to contact other relevant authorities such as the OPI, the Ombudsman or the Office of the Commissioner for Public Sector Employment.

Disclosure to a journalist or member of Parliament

You have certain rights if:

- you have made an appropriate disclosure of public interest information in accordance with section 5; and
- you believe on reasonable grounds that the information is true; and
- you have made your identity known to the person to whom that appropriate disclosure was made (that is, they can contact you).

You should receive notification of the action being taken (or the reasons for no action being taken) within 30 days after making that disclosure. You should also receive notification of the outcome of the action within 90 days after making that disclosure. However, the person whom you notified can give you a written notice saying that this period of time will be longer.

These notifications can be either verbal or in writing. Under this Procedure the relevant authority is directed to provide the notification in writing but under the PID Act this is not a requirement. If the above applies, and if after 30 days or 90 days (or such other longer period specified in writing) you have not been notified as required, you are entitled to receive the protections under the PID Act if you make an appropriate disclosure of the public interest information to a journalist or member of Parliament (other than a Minister of the Crown, as Ministers of the Crown are already relevant authorities under the PID Act) (see section 6 of the PID Act).

Under the PID Act a journalist means a person engaged in the profession or occupation of journalism in connection with the publication of information in a news medium.



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Appendix 2 – Receiving and dealing with an appropriate disclosure of public interest information

As set out in section 7 of the PID Act, on receipt of a disclosure, the responsible officer or other person (i.e. manager/team leader) who receives the allegation will:

- assess the information as soon as practicable and take action in accordance with applicable guidelines or as is appropriate
- take reasonable steps to notify the informant that an assessment has been made, and
- notify the informant of the action being taken or, if no action is required, provide reasons why no action has been taken
- notify the OPI with information relating to the outcome of the action via the dedicated form on the [OPI website](#) recording the unique reference number issued by OPI. The information must include:
 - the date the disclosure was received
 - the name and contact details of the person that received the disclosure
 - a summary of the content of the disclosure
 - the assessment made of the disclosure
 - the action taken by the responsible officer or whoever received the disclosure
 - whether the disclosure was referred to another relevant authority and if so, the date of the referral and the identity of that relevant authority
 - the manner of referral and the action taken by that relevant authority
 - if no action was taken, the reason why no action was taken and whether the identity of the informant is known only to the person that received the disclosure.

The responsible officer or a person to whom an appropriate disclosure of public interest information has been made will:

- take reasonable steps to notify the informant (if the informant's identity is known) that an assessment of the information has been made and advise the informant of the action being taken (if any) in relation to the information.
 - Notification must be made within 30 days.
 - If notification is not made within 30 days, the informant is entitled to disclose the information to a journalist or member of Parliament (other than a Minister of the Crown).
- take reasonable steps to notify the informant of the outcome of any action taken in accordance with section 7(3)(a) of the PID Act.
 - Notification must be within 90 days (or longer period as relevant) of receiving the appropriate disclosure of public interest information.
 - If notification is expected to take longer than 90 days, the informant should be notified in writing of the longer period in which the responsible officer or other person will report the outcomes of the actions.



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- If notification is not made within 90 days (or longer period as relevant), the informant is entitled to disclose the information to a journalist or member of Parliament (other than a Minister of the Crown).

Notifications to the informant should be in writing to an appropriate address agreed with the informant.



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Appendix 3 – How to contact ReturnToWorkSA to make a disclosure

The Chief Executive Officer, as ReturnToWorkSA's Principal Officer, has designated Responsible Officers for the purpose of the PID Act.

Appropriate disclosure of public interest information can be made to one of ReturnToWorkSA's Responsible Officers by email, post, hand delivery or telephone.

Visit <https://www.rtwsa.com/about-us/how-can-we-help-you/public-interest-disclosure> for the names and direct contact details of RTWSA's current Responsible Officers.



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