

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*.

2. PURPOSE

The purpose of this procedure is to promote the integrity, transparency and accountability of ReturnToWorkSA by:

- encouraging the disclosure of information;
- facilitating the making of a public disclosure;
- ensuring that public officers who make a public interest disclosure are supported and protected from adverse consequences; and
- ensuring that disclosures by public officers are properly investigated and dealt with.

3. RELEVANT POLICY

Internal fraud and reportable conduct policy.

4. SCOPE AND APPLICATION

This procedure applies to all public officers at ReturnToWorkSA. All public officers are expected to comply with the obligations set out in the PID Act.

5. OBLIGATIONS

In accordance with section 12 (5) of the PID Act and [Public Interest Disclosure Guidelines](#), these procedures set out the manner in which ReturnToWorkSA receives disclosures of public interest information including:

- the way in which a disclosure can be securely received (refer item 9.6)
- 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 informant, 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



Chief Executive Officer Statement of Principles

The Chief Executive Officer (CEO) of ReturnToWorkSA will:

- ensure accountability and transparency across the business
- designate one or more persons to perform the role of responsible officer
- ensure procedures are made available, which sets out the processes, for a person who wants to make an appropriate disclosure of public interest information to ReturnToWorkSA
- protect informants who disclose public interest information appropriately
- have sound procedures for receiving public interest information
- give genuine and efficient consideration and investigation of any public interest disclosure matters relating to ReturnToWorkSA
- keep a person who makes a public interest disclosure informed about the action taken or the outcome of any investigation
- address matters of serious or systemic maladministration and misconduct in public administration
- ensure that all ReturnToWorkSA employees and contractors are informed about their rights and the correct process for disclosing and receiving public interest information.

Responsible officers

ReturnToWorkSA responsible officers will:

- receive appropriate disclosures of public interest information relating to ReturnToWorkSA employees and contractors
- ensure compliance with the PID Act in relation to a disclosure
- make appropriate recommendations to the CEO in relation to dealing with such disclosures
- provide advice to employees and contractors
- for disclosures received under the PID Act:
 - take reasonable steps to notify the informant that an assessment of the disclosure has been made, the action (or no action) being taken in relation to the information and the reasons why, and the outcome of that action
 - inform the Office of Public Integrity (OPI) of the disclosure and the outcome of any action taken, in accordance with the [PID Guidelines](#)
- refer disclosures in relation to alleged conduct that is prima facie fraud or corruption to the Anti-Corruption Branch of the South Australia Police
- maintain confidentiality as required including in cases where the PID Act is applicable.



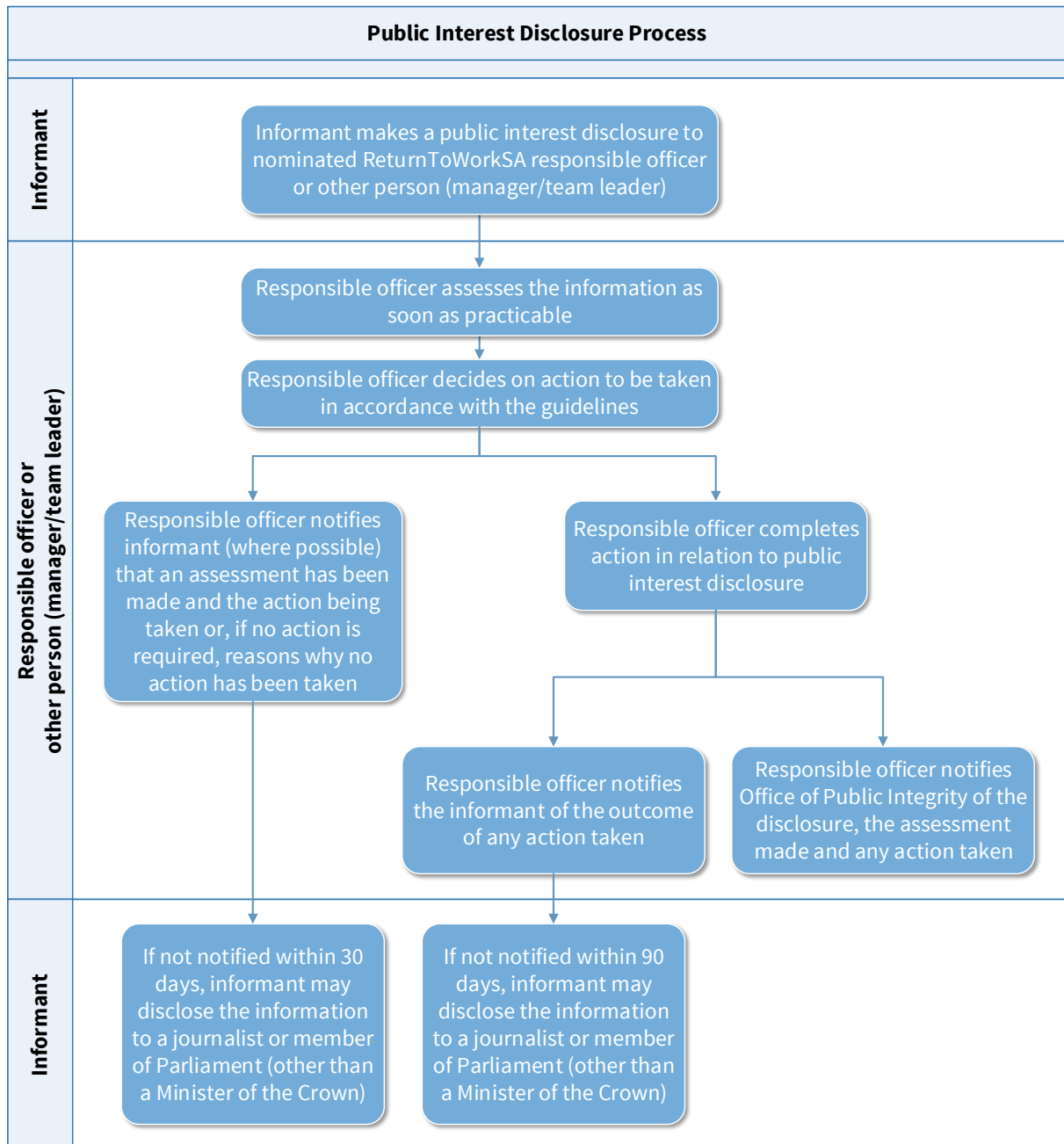
6. DEFINITIONS

Term	Definition
Public Officer (refer Schedule 1 of ICAC Act)	For ReturnToWorkSA, public officers are: <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 (ie, Board members) • an officer or employee of a statutory authority (ie ReturnToWorkSA employees) • a person who is, in accordance with an Act, assisting a public officer in the enforcement of the Act (eg, 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 (eg claims agent employees) • a person performing contract work for a public authority (ie, contractors).
Public administration information refer to Section 4 of PID Act)	Information that raises a potential issue of corruption, misconduct or maladministration in public administration.
Environmental and health information (refer to Section 4 of PID Act)	Information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public.
Informant (refer to Section 4 of PID Act)	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.
Relevant authority (refer to Section 5(5) of PID Act)	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 (refer to Section 12 of PID Act)	A person designated by the CEO under section 12 (1) of the PID Act to receive disclosures and take appropriate action as set out in the PID Act.

7. ROLES AND RESPONSIBILITIES

Position	Roles and responsibilities
CEO	The CEO is committed to fulfilling the obligations under the PID Act as set out under item 5
Responsible officer	Receive disclosures, take appropriate action and facilitate a supportive relationship with the informant as set out under the PID Act in item 5
Line managers	Any line manager who receives a disclosure must assess the allegation in accordance with section 7 of the PID Act
Employees and contractors	All employees and contractors must comply with the PID Act and consider their obligations under the PID Guidelines issued by the Independent Commission Against Corruption.

8. PROCESS FLOWCHART



9. PROCEDURE

9.1 Disclosure of public administration information

Anyone can make a disclosure of public administration information; however, only a public officer who makes such a disclosure is eligible for the protections provided by the PID Act.

A disclosure of public administration information can be made where a person reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration.

If a person wishes to make an allegation of public administration information they may use the Public Interest Disclosure and ICAC Referral Form. The informant should make the allegation to a ReturnToWorkSA Responsible Officer.

9.2 Disclosure of environmental and health information

Anyone can make a disclosure of environmental and health information and, providing it is an appropriate disclosure, be eligible for the protections provided by the PID Act.

A disclosure of environmental and health information should be made to the Environment Protection Authority.

9.3 Confidentiality and protection

ReturnToWorkSA is committed to protecting people who make an appropriate disclosure of public interest information.

A person who makes an appropriate disclosure of public interest information is protected and their identity must be kept confidential in accordance with section 8 of the PID Act. The [Public Interest Disclosure Guidelines](#) sets out some exceptions to maintaining confidentiality.

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.

It is an offence to breach confidentiality under section 8 of the PID Act which carries a maximum penalty of \$20,000 or imprisonment for 2 years.

9.4 Receipt, assessment and notification of a public interest information

As set out in section 7 of the PID Act, on receipt of a disclosure, the responsible officer or other person (ie 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.

9.5 Outcomes of assessment: informant notification

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.
 - 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.

9.6 How to contact ReturnToWorkSA to make a disclosure

Appropriate disclosure of public interest information can be made to one of ReturnToWorkSA's responsible officers:

- Manager Governance and Corporate Risk
- Chief Financial Officer
- Chair, Board Audit and Risk Committee

There are a number of ways to contact ReturnToWorkSA to make such a disclosure:

- By email to PID@rtwsa.com. In the subject line include the words: STRICTLY CONFIDENTIAL – FOR RESPONSIBLE OFFICER ONLY.
- In writing to one of ReturnToWorkSA's responsible officers. ReturnToWorkSA's Public Interest Disclosure and ICAC Referral Form may be used if preferred.

Post to:

ReturnToWorkSA
GPO Box 2668
Adelaide SA 5001

Or hand deliver to:

ReturnToWorkSA
400 King William Street
Adelaide SA 5000

Mark the envelope: **STRICTLY CONFIDENTIAL – FOR RESPONSIBLE OFFICER ONLY**

- By telephone to 13 18 55. Ask to speak to one of ReturnToWorkSA's responsible officers.

Upon receiving the disclosure, the ReturnToWorkSA responsible officer will ensure:

- that the information is securely received and not divulged to other parties and
- that only responsible officers are able to access the PID@rtwsa.com mailbox.



The Chief Executive Officer is responsible for ensuring compliance with these steps.

10. RELEVANT LEGISLATION

The relevant State and Federal legislation includes:

- [Public Interest Disclosure Act 2018](#)

11. APPENDICES AND REFERENCES

- [Public Interest Disclosure Guidelines](#) issued by the Independent Commission Against Corruption.

12. DOCUMENT HISTORY

SUPERSEDED DOCUMENTS	NEW SUPPORTING DOCUMENTS
	Internal Fraud and Reportable Conduct Policy
	Public Interest Disclosure and ICAC Referral Form