

**Policy Name:** Public Interest Disclosure  
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**Authorised By:** Adelaide Cemeteries Authority Board  
**Responsible Manager:** Chief Executive Officer

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Policy Version	Date	Author	Action
1.0	Aug 19	CEO	Draft of initial Policy
1.1	Sep 19	CEO	Amendments following FARM Meeting
1.2	Oct 19	CEO	Amendments following Board Meeting



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### DEFINITIONS

<b>Act</b>	means the <i>Adelaide Cemeteries Authority Act 2001</i> .
<b>Appropriate Disclosure</b>	Is defined section 4 of the <i>Public Interest Disclosure Act 2018</i> .
<b>Assessor</b>	means the person designated by the Responsible Officer as being responsible for investigating a disclosure made to the Authority.
<b>Authority</b>	means Adelaide Cemeteries Authority as defined by the Act.
<b>Board</b>	means the Board of Management of the Authority as appointed by the Minister under the Act.
<b>CEO</b>	means the Chief Executive Officer of the Authority as appointed by the Board.
<b>Commissioner</b>	means the person holding or acting in the office of the Independent Commissioner Against Corruption
<b>Corruption</b>	is defined in section 5(1) of the <i>Independent Commissioner Against Corruption Act 2012</i> (S.A.)
<b>Detriment</b>	includes injury, harm (including psychological harm), damage (including damage to reputation) or loss, intimidation or harassment, discrimination, disadvantage or adverse treatment in relation to a person's employment, and/or threats of reprisal (which may be express or implied, and/or conditional or unconditional).
<b>Directions and Guidelines</b>	means the Directions and Guidelines issued pursuant to section 20 of the ICAC Act and/or section 14 of the <i>PID Act</i> , which are available on the Commissioner's website ( <a href="http://www.icac.sa.gov.au">www.icac.sa.gov.au</a> ).
<b>Director</b>	means a Director of the Board of Management of the Authority as appointed under the Act.
<b>Disclosure</b>	means an appropriate disclosure of public interest information made by an Informant to a Relevant Authority.
<b>Employee</b>	means all employees and volunteers of the Adelaide Cemeteries Authority.
<b>Environmental and Health information</b>	means 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.
<b>ICAC Act</b>	means the <i>Independent Commissioner Against Corruption Act 2012</i> (S.A.).
<b>Informant</b>	means a person who makes an appropriate disclosure of public interest information to a Relevant Authority.

## COR056 – PUBLIC INTEREST DISCLOSURE

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<b>Maladministration in Public Administration</b>	is defined in section 5(4) of the <i>ICAC Act</i>
<b>Management</b>	the CEO and any employee of the Authority employed as a manager as defined by the responsibilities of the role and as outlined in the approved job description
<b>Misconduct in Public Administration</b>	is defined in section 5(3) of the <i>ICAC Act</i>
<b>Office for Public Integrity (OPI)</b>	is the office established under the <i>ICAC Act</i>
<b>Public Administration</b>	is defined at section 4 of the <i>ICAC Act</i> and, includes without limiting the acts that may comprise public administration, an administrative act within the meaning of the <i>Ombudsman Act 1972</i>
<b>Public Administration Information.</b>	means information that raises a potential issue of corruption, misconduct or maladministration in public administration.
<b>Public Interest Information</b>	means environmental or health information, or public administration information.
<b>PID Act</b>	means the <i>Public Interest Disclosure Act 2018</i> .
<b>Principal Officer</b>	for the purposes of the <i>PID Act</i> means the Chief Executive Officer of the Authority.
<b>Public Officer</b>	has the meaning given by section 4 and Schedule 1 of the <i>ICAC Act</i> and includes the Authority Directors and Employees.
<b>Relevant Authority</b>	means the person or entity that receives an Appropriate Disclosure of public interest information in accordance with the <i>PID Act</i> .
<b>Responsible Officer</b>	is a person who has completed any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations 2019 and has been designated by the Authority as responsible officer under section 12 of the <i>PID Act</i> .
<b>Victimisation</b>	means when a person causes detriment to another on the ground, or substantially on the ground, that the other person (or a third person) has made or intends to make an appropriate disclosure of public interest information.

### 1 POLICY AIM

The Adelaide Cemeteries Authority (the Authority) is committed to upholding the principles of transparency and accountability in its administrative and management practices and, therefore, encourages the making of disclosures that reveal public interest information.

It is the aim of this policy to ensure that the Authority:

- properly fulfils its responsibilities under the *Public Interest Disclosure Act 2018* (the *PID Act*);
- encourages and facilitates Disclosures of Public Interest Information in accordance with the objects and requirements of the *PID Act* ;
- ensures there is appropriate oversight of public interest disclosures about corruption, misconduct and maladministration in public administration;
- ensures appropriate confidentiality & security of information;
- provides appropriate protection for those who make Disclosures in accordance with the Act; and
- acknowledges the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate disclosure.

### 2 POLICY SCOPE

This Policy applies to appropriate Disclosures of Public Interest Information that are made in accordance with the *PID Act* by public officers including Authority Directors and Employees of the Authority and by members of the public. It is intended to complement the reporting framework under the *Independent Commissioner Against Corruption Act 2012* (the ICAC Act).

This Policy is also designed to complement the existing communication channels within the Authority, and operate in conjunction with other policies/codes, including, but not limited to:

- Fraud, Corruption, Maladministration & Misconduct Prevention Policy;
- Code of Ethics for Public Sector;
- Board Code of Conduct Policy;
- Terms and Conditions of Employment.

### 3 POLICY STATEMENT

The Authority is committed to:

- Referring, as necessary, appropriate Disclosures to another Relevant Authority and where the Disclosure relates to Corruption, or serious or systemic Misconduct or Maladministration in public administration, reporting the Disclosure directly to the Office of Public Integrity (OPI) in accordance with the Guidelines and the requirements of the ICAC Act;
- Otherwise facilitating the investigation of appropriate Disclosures in a manner which promotes fair and objective treatment of those involved; and
- Rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.

### 4 POLICY PRINCIPLES

The Authority will manage and report public interest disclosures in accordance with the *PID Act*.

### 5 ROLES AND RESPONSIBILITIES

#### 5.1 Principal Officer

The Principal Officer is responsible for:

- Ensuring that one or more appropriately qualified officers or employees of the Authority are designated as responsible officers of the Authority for the purposes of the *PID Act* and undertake any training required by the Public Interest Disclosure Regulations;
- Ensuring that the name and contact details of each responsible officer of the Authority are made available to officers and employees of the Authority; and
- The preparation and maintenance of procedural guidelines in accordance with the requirements of the *PID Act* and the Public Interest Disclosure Guidelines.

#### 5.2 The Responsible Officer

A person designated as a Responsible Officer for the Authority must:

- Receive appropriate Disclosures relating to the Authority and ensure compliance with the *PID Act*, and the Public Interest Disclosure Guidelines in relation to any such Disclosures;
- Make appropriate recommendations to the principal officer of the Authority in relation to dealing with Disclosures, including any suggested changes to this Policy or the Procedural Guidelines below (Clause 6);

- Provide advice to officers and employees of the Authority in relation to the administration of the *PID Act*;
- Complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations; and
- May carry out any other functions relating to the *PID Act*.

Upon the receipt of a Disclosure, the Responsible Officer will deal with the disclosure in accordance with the Public Interest Disclosure Process.

In making any determination or taking any action under this Policy or pursuant to the Public Interest Disclosure Process the Responsible Officer may seek legal advice from the Authority's Lawyers and/or guidance from SAPOL or another appropriate authority in relation to the most appropriate course of action to pursue.

The Responsible Officer is authorised to incur costs in accordance with their approved Delegation for that purpose.

The Responsible Officer will liaise as required with the Informant and any Assessor in relation to any investigation process undertaken in accordance with the Public Interest Disclosure Process and will ensure that the Informant is provided with support and protection as necessary and appropriate in the circumstances of the Disclosure.

## 6 PROCEDURAL GUIDELINES

### 6.1 Disclosure Process

Disclosures are to be handled by the Authority in accordance with these Procedural Guidelines.

Nothing in this Policy prevents a person from making a Disclosure to a relevant Authority external to the Authority. This is a choice to be made by the Informant at his/her discretion. The Authority recommends an Informant have regard to the Public Interest Disclosure Process outlined herewith when deciding where to direct a Disclosure.

A Disclosure may be made to one of the Authority's designated Responsible Officers in person, by telephone or in writing. The relevant contact details are:

Telephone :08 139 7451  
(*please direct enquiries to the Responsible Officer for Public Interest Disclosure*)  
Email: [publicinterestdisclosure@aca.sa.gov.au](mailto:publicinterestdisclosure@aca.sa.gov.au)  
Postal: **Confidential**  
**Responsible Officer, Public Interest Disclosure**  
**PO Box 294**  
**ENFIELD PLAZA 5085**

Persons making disclosures may wish to ask to speak to, or email, or write to, one of the following of the Authority's four designated, trained Responsible Officers:

1. Chief Financial Officer
2. Head of Operations, Infrastructure & Environment
3. People & Culture Manager
4. Executive Assistant

A Responsible Officer must not evaluate any disclosures that relate to matters involving themselves. These must be referred to another Responsible Officer.

The Responsible Officer who receives the disclosure will then evaluate the disclosure to identify if it is an Appropriate Disclosure as defined by the *PID Act*.

### 6.2 Confidentiality

The identity of an Informant will be maintained as confidential in accordance with the *PID Act*.

A recipient of an Appropriate Disclosure may only divulge the identity of an Informant where:

- the recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the Informant is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person;
- the recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the recipient must disclose the identity of the Informant to the OPI;
- doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation); or
- the Informant consents to his/her identity being disclosed.

The *PID Act* does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) to be maintained as confidential, but in considering whether to further disclose other information provided as part of an appropriate Disclosure the Authority should be mindful of the prohibition against Victimisation in the *PID Act*.

An Informant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

### 6.3 Protection for the Informant

An Informant who makes an appropriate Disclosure is protected by:



- Immunity from criminal or civil liability as provided for in section 5(1) of the *PID Act*;
- A prohibition on disclosure of his/her identity as provided for in section 8 of the *PID Act*;
- A prohibition against Victimisation as provided for in section 9 of the *PID Act*; and
- A prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure as provided for in section 11 of the *PID Act*.

The *PID Act* does not provide any protection to people who knowingly make disclosures that are false or misleading in a material particular (whether by reason of the inclusion or omission of a particular).

A person who knowingly makes a Disclosure that is false or misleading in a material particular is guilty of an offence and may be prosecuted.

A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.

The Authority will take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from Victimisation. Such action may include acting in accordance with the risk minimisation steps set out in the Public Interest Disclosure Procedure and/or referring the matter to the SA Police.

### 6.4 Contraventions

The following actions are deemed to contravene the *PID Act* and *PID Policy*:

- Knowingly making a disclosure that is false or misleading in a material particular; or
- Committing an act of Victimisation in relation to an Informant; or
- Acting otherwise than in accordance with this Policy or the Public Interest Disclosure Procedure (including with respect to divulging the identity of an Informant) in relation to a Disclosure;

Any Authority employee of the Authority who is found to have committed any such contraventions may face disciplinary action by the Authority or the Chief Executive Officer (as appropriate).

Any Authority Director of the Authority who is found to have committed any such contraventions may be removed from their position by the Governor in accordance with s13(3) of *the Act*.

### 6.5 Information to the Board

The Responsible Officer will inform the Board, on a confidential basis, of the fact that an investigation of a Disclosure took place and the outcome of the investigation. The Responsible Officer will in accordance with the obligations of the Act maintain the confidentiality of the informant, without the consent of the informant.

### 7 AVAILABILITY OF THE POLICY

This Policy will be available for inspection at the Authority's Offices during ordinary business hours and via the Authority's website [www.aca.sa.gov.au](http://www.aca.sa.gov.au).

### 8 LEGISLATIVE REQUIREMENTS

[Adelaide Cemeteries Act 2001](#)

[Burial and Cremation Act 2013](#)

[Burial and Cremation Regulations 2014](#)

[Criminal Law Consolidation Act 1935](#)

[Independent Commissioner Against Corruption Act 2012](#)

[Ombudsman Act 1972](#)

[Public Sector Management \(PSM\) Part 2 Section 6z](#)

[Public Sector Act \(PSA\) Part 3 section 6](#)

[Public Corporations Act 1993](#)

[Public Interest Disclosure Act 2018](#)

[Work Health Safety Act 2012](#)

[Work Health Safety Regulations 2012](#)

### 9 RELATED POLICIES

[Business Credit Card Policy – COR043](#)

[Delegations Policy – COR008](#)

[Financial Management Compliance Program – COR023](#)

[Fraud Corruption, Misconduct & Maladministration Policy – COR014](#)

[Procurement Policy – COR021](#)

[Petty Cash Policy – COR042](#)

[Risk Management Plan – COR049](#)

[Adelaide Cemeteries Authority's suites of Corporate, Human Resources, Work Health Safety and Operating Policies](#)

**10 RELATED PROCEDURES, GUIDELINES & FORMS**

[Code of Ethics for the SA Public Sector](#)

[Code of Conduct for Public Sector Employees](#)

[Fraud Corruption, Misconduct & Maladministration Procedure – CORPROC014](#)

**AUTHORISED BY & EFFECTIVE DATE**



Signature: \_\_\_\_\_ Date: 21 Oct 19  
(Chief Executive Officer)