

Public Interest Disclosure Policy			
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Correlating Procedure	Public Interest Disclosure Procedure	File Number:	CSPRO-01
Responsibility	Corporate Services Manager		
Adopted	8/05/2024		
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Previous Reviews	Nil – New Policy		
Next Review Due	1/04/2028		
Version	1		

Purpose

Northern Adelaide Waste Management Authority (NAWMA) is committed to upholding the principles of appropriate transparency and accountability in its administrative and management practices encouraging the making of disclosures that reveal public interest information.

The purpose of this Policy is to ensure that NAWMA properly fulfils its responsibilities under the Public Interest Disclosure Act 2018 (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;
- 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.

Scope

This Policy applies to appropriate Disclosures of Public Interest Information made in accordance with the PID Act by Board Members, Employees of NAWMA, and by members of the public, and is intended to complement the reporting framework under the Independent Commission Against Corruption Act 2012 (the ICAC Act).

It is also designed to complement the existing communication channels within NAWMA and operate in conjunction with other existing policies, procedures and Codes.

Policy

NAWMA is committed to:

- Referring, as necessary, appropriate Disclosures to another Relevant Authority
- 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 circumstances.

1. Confidentiality

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

2. Disclosure Process

2.1. Disclosures will be handled in accordance with the PID Procedure.

2.2. Nothing in this Policy prevents a person from making a Disclosure to a Relevant Authority external to the Subsidiary (i.e. the Ombudsman or the Office of Public Integrity (OPI)). This is a choice to be made by the Informant at his/her discretion. NAWMA recommends an Informant have regard to the factors as provided in the PID Procedure when deciding where to direct a Disclosure.

3. The Role of a Responsible Officer

3.1. A person designated as a Responsible Officer for NAWMA:

3.1.1. must:

- receive appropriate Disclosures relating to NAWMA and ensure compliance with the PID Act, and PID Procedure,
- make appropriate recommendations to the Chief Executive Officer of NAWMA in relation to dealing with Disclosures, including any suggested changes to this Policy or the PID Procedure;
- provide advice to employees of NAWMA in relation to the administration of the PID Act, Regulations and NAWMA PID Procedure; and
- complete any training courses approved by the Commission for the purposes of the Public Interest Disclosure Regulations 2019; and

3.1.2. carry out any other functions relating to the PID Act.

3.2. Upon the receipt of a Disclosure, the Responsible Officer will deal with the Disclosure in accordance with the PID Procedure.

3.3. In making any determination or taking any action under this Policy or pursuant to the PID Procedure, the Responsible Officer:

3.3.1. may seek legal advice from NAWMA's lawyers and/or guidance from SAPOL or the Ombudsman in relation to the most appropriate course of action; and

- 3.3.2. is authorised to incur costs in accordance with NAWMA's Budget and Financial Delegations for that purpose.
- 3.4. The Responsible Officer will liaise as required with the Informant and an Independent Assessor in relation to any investigation process undertaken in accordance with the PID Procedure and will ensure that the Informant is provided with support and protection as necessary and appropriate in the circumstances of the Disclosure.
4. Information to NAWMA Board and Constituent Council's
- 4.1. As a matter of discretion, the Chief Executive Officer of NAWMA may inform the Presiding Member of the Board, and the Chief Executive Officers of the Constituent Council's, on a confidential basis, of the fact that an investigation of a Disclosure took place, (unless the Disclosure relates to the Chief Executive Officer in which case the Presiding Member of the Board may inform the Board and the Chief Executive Officers of the Constituent Council's) and the outcome of the investigation as outlined in the PID Procedure.
5. Protection for the Informant
- 5.1. An Informant who makes an appropriate Disclosure is entitled to the protections under section 5(1), 8 and 9 of the PID Act.
- 5.2. The PID Act does not provide any protection to people who knowingly make Disclosures that are false or misleading.
- 5.3. 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.
- 5.4. A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.
6. Risk Management
- 6.1. This Policy ensures that NAWMA fulfils its obligations under the PID Act and should be read in conjunction with NAWMA's PID Procedure and Fraud and Corruption Prevention Policy.
7. Ongoing Communication to Informant(s)
- 7.1. An informant who makes an appropriate disclosure to the Responsible Officer will be provided with ongoing communication (as appropriate) throughout the course of the investigation of the disclosure, in accordance with NAWMA's Procedure.

Policy Responsibility

NAWMA's Chief Executive Officer is responsible for ensuring the proper operation of this Policy.

Availability/Accessibility

This Policy is available to be downloaded free of charge from NAWMA's website:
www.nawma.sa.gov.au

This Policy may be inspected at NAWMA's principal office during ordinary business hours. Hard copies can be provided upon request in accordance with NAWMA's fees and charges register.

Applicable Legislation/Other References

Code of Conduct for Employees
Code of Conduct for Board Members
Fraud, Misconduct and Maladministration Prevention Policy
ICAC Public Interest Disclosure Guidelines
Public Interest Disclosure Act 2018
Local Government Act 1999
Independent Commission Against Corruption Act 2012

Definitions

For the purposes of this Policy the following definitions apply.

- 1) **Commission** means the person holding or acting in the office of the Independent Commission Against Corruption.
- 2) **Detriment** 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).
- 3) **Disclosure** means an appropriate Disclosure of public interest information made by an Informant to a Relevant Authority.

A person makes an appropriate Disclosure of environmental and health information if:

- (a) the person:
 - i. believes on reasonable grounds that the information is true; or
 - ii. is not in a position to form a belief on reasonable grounds about the truth of the information, but 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; and

(b) the Disclosure is made to a Relevant Authority.

A person makes an appropriate Disclosure of public administration information if:

(a) the person:

- i. is a public officer; and
- ii. reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and

(b) the Disclosure is made to a Relevant Authority.

- 4) **Employee** refers to all NAWMA employees, whether they are working in a full- time, part-time or casual capacity.
- 5) **ICAC Act** is the Independent Commission Against Corruption Act 2012.
- 6) **Independent Assessor** means the person designated by the Responsible Officer as being responsible for investigating a Disclosure made to NAWMA in accordance with the PID Procedure.
- 7) **Informant** means a person who makes an appropriate Disclosure of public interest information to a Relevant Authority.
- 8) **NAWMA** means Northern Adelaide Waste Management Authority.
- 9) **Office for Public Integrity (OPI)** is the office established under the ICAC Act
- 10) **Public administration** is defined in section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration.
- 11) **Public administration information** means information that raises a potential issue of corruption, misconduct or maladministration in public administration.
- 12) **Public interest information** means environmental and health information, or public administration information.
- 13) **PID Act** means the Public Interest Disclosure Act 2018.
- 14) **Principal Officer** for the purposes of the PID Act means the Chief Executive Officer of NAWMA.

15) **Public Officer** has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes:

- a Board member; and
- an employee or officer of NAWMA;

16) **Relevant Authority** means the person or entity that receives an appropriate Disclosure of public interest information in accordance with the PID Act

17) **Responsible Officer** is a person who has completed any training courses approved by the Commission for the purposes of the Public Interest Disclosure Regulations 2019 and has been designated by NAWMA as responsible officer under section 12 of the PID Act.

18) **Victimisation** occurs 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.

Document History

This Policy shall be reviewed at least every four (4) years or more frequently if legislation or NAWMA requires.

Version	Date Adopted	Minutes No.	Description of Change
1	1/04/2024		New Policy
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