

PUBLIC INTEREST DISCLOSURE POLICY

Classification	Policy
Date Reviewed	August 2024
Next Review	August 2026
Responsible Officer	Head of Finance and Corporate Services
Related Policies	Nil

1. Purpose

The purpose of this policy is to encourage and facilitate the disclosure of information relating to improper conduct or corruption within the Adelaide Festival Corporation (AFC). The policy provides a framework to protect individuals who make such disclosures from retaliation and ensures that allegations are properly investigated and addressed.

Strategic Plan Desired Outcomes

This policy relates to all aims within the Corporation's Strategic Plan.

2. Legislative Requirements and Corporate Policy Context

The following legislation is relevant in this instance.

Public Interest Disclosure Act 2018 (SA)

Independent Commissioner Against Corruption Act 2012 (ICAC Act)

Public Sector (Honesty and Accountability Act) 1995

3. Definitions

- a. **Improper Conduct:** Includes any form of corruption, maladministration, serious or substantial waste of public resources, or conduct involving a substantial risk to public health or safety, or to the environment.
- b. **Public Interest Disclosure (PID):** A report made by a public officer or a member of the public about improper conduct, under the Public Interest Disclosure Act 2018 (SA).
- c. **Discloser:** A person who makes a public interest disclosure.
- d. **Responsible Officer:** An officer within the agency designated to receive disclosures and manage the process in accordance with this policy.
- e. **Protected Disclosure:** A disclosure that is protected under the Public Interest Disclosure Act 2018 (SA), granting the discloser immunity from liability and protection from retaliation

4. **Overview** The AFC is committed to upholding the highest standards of integrity, transparency, and accountability. This policy ensures that individuals are able to report improper conduct without fear of reprisal, and that such reports are thoroughly investigated with appropriate actions taken.

Under the PID legislation, public sector employees must report to the Office for Public Integrity (OPI) any conduct in public administration they think is corrupt. This includes a public officer breaching their duty to act honestly in their role at all times, as well as:

- abuse of public office
- bribery or corruption of public officers
- threats of reprisals against public officers
- demanding or requiring a benefit on the basis of public office

- offences relating to appointment of public office.

Public sector employees are no longer mandated to report misconduct or maladministration in public administration. However, for the benefit of the public sector and the South Australian community, all public sector employees are strongly encouraged to report any breaches of these matters to the Office for Public Integrity (OPI).

5. Making a Public Interest Disclosure

5.1. Who Can Make a Disclosure?

Any public officer or member of the public can make a public interest disclosure if they believe on reasonable grounds that improper conduct has occurred.

5.2. How to Make a Disclosure

Disclosures can be made verbally or in writing and must include sufficient detail to enable the responsible officer to assess the allegations. Disclosures can be made:

- Directly to a designated Responsible Officer within AFC (i.e. Head of Finance and Corporate Services)
- To the Office for Public Integrity (OPI) if the disclosure relates to corruption or serious misconduct.
- To another relevant authority if the matter falls under their jurisdiction (e.g., Ombudsman, Auditor-General).

5.3. Anonymous Disclosures

Anonymous disclosures are accepted; however, the ability to investigate and respond may be limited if the identity of the discloser is unknown.

6. Protection of Disclosers

6.1. Immunity from Liability

Disclosers are protected from civil, criminal, and disciplinary liability for making a disclosure, provided it is made in good faith and in accordance with the *Public Interest Disclosure Act 2018 (SA)*.

6.2. Protection from Retaliation

Retaliatory action against a discloser is strictly prohibited. Any person who threatens or takes detrimental action against a discloser may face disciplinary action and legal penalties.

6.3. Confidentiality

The identity of the discloser and the contents of the disclosure will be kept confidential to the extent possible, except where disclosure is required by law or is necessary to investigate the matter.

7. Handling Disclosures

7.1. Assessment and Investigation

- Upon receipt of a disclosure, the Responsible Officer will:
- Acknowledge the disclosure within five business days.
- Assess whether the disclosure qualifies as a PID under the Act.
- Determine the appropriate course of action, including whether an investigation is warranted.
- Refer the matter to the Office of Public Integrity (OPI) or other relevant authority if necessary.

7.2. Investigation Process

If an investigation is required:

- It will be conducted impartially, thoroughly, and without bias.
- The discloser will be informed of the progress and outcome of the investigation, to the extent permissible.



- A report will be prepared documenting the findings and any recommended actions.

7.3. Outcomes and Remediation

If improper conduct is substantiated:

- Appropriate disciplinary action will be taken against those responsible.
- Systemic issues identified will be addressed to prevent future occurrences.
- The discloser will be informed of the outcome.

8. Record Keeping and Reporting

All disclosures, assessments, investigations, and outcomes will be documented and securely stored. Statistical data on disclosures will be compiled and reported annually to the relevant oversight bodies, ensuring compliance with legislative requirements.

9. Review of Policy

This policy will be reviewed every two years or sooner if required, to ensure it remains current with legislative changes and best practices in public sector governance.

10. Relevant Procedures

Public Interest Disclosure Procedure