



Our ref: CORP F2023/000376
Receipt No: 17891720

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5 July 2023

The Hon Ben Hood MLC
Member of the Legislative Council
Parliament House
ADELAIDE SA 5000

Dear Mr Hood

Determination under the *Freedom of Information Act 1991*

I refer to your application made under the *Freedom of Information Act 1991* which was received by the Department of Primary Industries and Regions (PIRSA) on 7 June 2023, seeking access to the following:

"All documentation regarding your internal complaints process."

Upon receipt of your application, pursuant to Section 13(d) of the Freedom of Information Act, contact was made with you by PIRSA's Senior Freedom of Information Advisor seeking clarification and narrowing of the scope of your request.

On 9 June 2023, it was confirmed that your application was amended as follows:

"The latest copies of your internal complaint management policy for staff complaints and grievances, including procedure guides and reporting requirements."

Accordingly, your application was valid from 9 June 2023.

The following determination has been finalised.

I have located seven documents that are captured within the scope of your request.

Determination

I have determined that access to the following documents is **granted in full**:

Doc No.	Description of document	No. of Pages
1	PIRSA Complaints and Customer Service Principles dated 8/12/2022	4
2	PIRSA Customer Service Policy dated 8/12/2022	11
3	PIRSA Public Interest Disclosure Procedure dated 5/9/2022	32

OFFICIAL

4	Customer Feedback Report instructions	3
5	PIRSA Freedom from Discrimination, Harassment and Bullying Policy dated 16/8/2022	14
6	PIRSA Freedom from Discrimination, Harassment and Bullying Procedure dated 16/8/2022	24
7	PIRSA Grievance Resolution Procedure dated 16/8/2022	32

If you are dissatisfied with this determination, you are entitled to exercise your right of review and appeal as outlined in the attached documentation <https://archives.sa.gov.au/finding-information/information-held-sa-government/making-freedom-information-application#Review>, by completing the "FOI Application Form for Internal Review of a Determination" and returning the completed form to:

Freedom of Information Principal Officer
Department of Primary Industries and Regions
GPO Box 1671
ADELAIDE SA 5001

or via email PIRSA.FOI@sa.gov.au

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your application, and the documents to which you are given access, will be published in PIRSA's disclosure log. A copy of PC045 can be found at http://dpc.sa.gov.au/data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf

If you disagree with publication, please advise the undersigned in writing within fourteen calendar days from the date of this determination.

Should you require further information or clarification with respect to this matter, please contact Ms Lisa Farley, Senior Freedom of Information Advisor on 8429 0422 or email PIRSA.FOI@sa.gov.au.

Yours sincerely



Kristy Grant
Accredited Freedom of Information Officer
DEPARTMENT OF PRIMARY INDUSTRIES AND REGIONS

PIRSA COMPLAINTS AND CUSTOMER SERVICE PRINCIPLES



1. POLICY OBJECTIVES

We are committed to delivering timely high-quality service to meet the needs of our customers.

This includes providing a transparent and accessible complaint management process. Our complaint management process is founded upon the principles listed below.

2. OUR COMPLAINT MANAGEMENT PRINCIPLES

1. When a customer makes a complaint, they will be:
 - provided with information about our complaint handling process
 - provided with multiple and accessible ways to make complaints
 - listened to, treated with respect by our employees and actively involved in the complaint process where possible and appropriate, and
 - provided with reasons for our decision(s) and any options for redress or review.
2. We will deal with complaints and feedback in a confidential manner and in line with the *Public Interest Disclosure Act 2018*, PIRSA Public Interest Disclosure Procedure HR R016. We will protect the identity of customers making complaints where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by us as permitted under relevant privacy laws secrecy provisions and any relevant confidentiality obligations.
3. We will accept anonymous complaints and will carry out an investigation of the issues raised where there is enough information provided.
4. We will ensure that information about how and where complaints may be made to or about us is well publicised. We will ensure that our systems to manage complaints are easily understood and accessible to everyone, particularly people who require assistance.

Further information:

Policy Owner: General Manager, Office of the Chief Executive

Responsible Executive: PIRSA Executive

Effective: 8/12/2022

Next review: 8/12/2025

Version: 8.0

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We will ensure that the customer is informed of their right to have a support person or advocate present to assist or represent them through the complaint making process.

5. Complaining to us is free.
6. We will endeavour to acknowledge the receipt of a complaint within 3 business days and resolve and respond to all complaints within 21 business days.
7. We will assess and prioritise complaints in accordance with the urgency and seriousness of the issues raised. When conducting this assessment and prioritisation, we will consider:
 - whether the complaint raises concerns about people's health and safety
 - how serious, complicated or urgent the complaint is
 - how the customer making the complaint is being affected
 - the risks involved if resolution of the complaint is delayed
 - whether a resolution requires the involvement of other organisations. We will inform the customer as soon as possible after the assessment is made.
8. Where a complaint cannot be resolved within 21 business days, an interim response will be provided to the customer with an indicative timeframe as to when a full response can be expected.
9. We will ensure that the complaint investigation process is impartial with no assumptions made or actions taken until all relevant information has been collected and considered. The person handling the complaint will be different from any employee whose service or conduct is being complained about.
10. We will ensure that any complaint is free from repercussions for the customer and no victimisation will occur to anyone making a complaint.
11. We will ensure we have adequate levels of employees to handle complaints and our employees will be supported to handle complaints through appropriate training and mentoring.
12. Complaints and feedback data will be reviewed regularly to identify service improvements.

Further information:

Policy Owner: General Manager, Office of the Chief Executive

Responsible Executive: PIRSA Executive

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3. CUSTOMER FEEDBACK

PIRSA welcomes all feedback from our customers either through our PIRSA website or directly to our divisions. Our contact details are:

PIRSA General

Online: [contact - PIRSA](#)

Mail: GPO Box 1671 Adelaide SA 5001

Office of the Chief Executive

Email: PIRSA.OCE@sa.gov.au

Industry, Strategy and Policy

Email: PIRSA.AgFoodandWine@sa.gov.au

Biosecurity

Email: PIRSA.biosecuritySA@sa.gov.au

Fisheries and Aquaculture

Email: PIRSA.FisheriesLicensing@sa.gov.au

Regions SA

Email: PIRSA.RegionsSA@sa.gov.au

SA Research and Development Institute SA (SARDI) and Major Programs

Email: PIRSA.sardi@sa.gov.au

Minister for Primary Industries and Regional Development

Email: Minister.Scriven@sa.gov.au

If your complaint or feedback relates to conduct in the public sector that relates to corruption, misconduct or maladministration, you are encouraged to contact the Office of Public Integrity [Contact us | Office for Public Integrity](#)

Further information:

Policy Owner: General Manager, Office of the Chief Executive

Responsible Executive: PIRSA Executive

Effective: 8/12/2022

Next review: 8/12/2025

Version: 8.0

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4. DOCUMENT INFORMATION

REVISION RECORD

Date	Version	Revision description
06/12/2013	1.0	Version approved by PIRSA Chief Executive
19/12/2013	2.0	Slight changes made.
2/09/2016	3.0	Version approved by PIRSA Chief Executive
2/09/2016	4.0	Minor changes made.
22/05/2018	5.0	Minor changes made.
13/05/2019	6.0	Version approved by PIRSA Chief Executive
2/07/2020	7.0	Review due to the removal of Level 14 Customer Service Reception. Minor changes made.
8/12/2022	8.0	Version approved by PIRSA Chief Executive

DOCUMENT CONTROL

PPGS Owner	Office of the Chief	PPGS Risk	Low	Review Cycle:	3 Years
Workgroup:	Executive	Rating			
PPGS Owner	Ann Barclay	PPGS	PIRSA Executive	Objective	A122115
Name:		Executive:		Document No:	
PPGS Owner	General Manager	Date	8 December 2022	Status:	Approved
Title:		Approved:			
PPGS Owner	Ann.Barclay@sa.gov.au	Next Review	8 December 2025	Security	Public
Email:		Date:		Classification:	

Further information:

Policy Owner: General Manager, Office of the Chief Executive

Responsible Executive: PIRSA Executive

Effective: 8/12/2022

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POLICY ID NUMBER: GO P 011

PIRSA CUSTOMER SERVICE POLICY



1. POLICY OBJECTIVES

The purpose of this policy is to ensure:

- All PIRSA divisions use customer feedback to inform and implement continuous improvement in their performance, service standards and service commitment
- PIRSA's customer service is in line with relevant Australian Standards and South Australian Government codes and guidelines.

All SA government agencies have developed and implemented a set of customer service principles. The [PIRSA Complaints and Customer Service Principles](#) include a customer service commitment and customer feedback mechanisms, supported by a measurement system to gauge customer satisfaction.

2. SCOPE

This policy applies to all PIRSA business divisions and employees (including temporary labour staff), for the use of responding to complaints made by our customers about the department and read in conjunction with PIRSA's Public Interest Disclosure Procedure HR R016.

A complaint is an expression of dissatisfaction made to our department, about our products, services, employees or the handling of a complaint, where a response or resolution is explicitly or implicitly expected or legally required.

Feedback is an opinion, comment or expression of interest or concern, made directly or indirectly by a customer where a response or resolution is not explicitly or implicitly expected or legally required. Feedback is not a complaint.

Our customers are the people who receive or use our services; they can be individuals or organisations who are affected by our services, policies or programs. Customers can be

Further information:

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Responsible Executive: PIRSA Executive

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members of the public, or internal to government. A customer may nominate someone to act on their behalf when making a complaint.

3. POLICY DETAILS

3.1 *The complaint management process*

When a customer makes a complaint, this is what they can expect from us (flow chart found in [Appendix 2: PIRSA Complaint Handling Process](#)):

We record all complaints received in the PIRSA complaints management system. Divisional complaints coordinators will ensure complaints are be entered into the PIRSA Customer Feedback Register within one (1) business day of receipt. The register is to be captured and maintained within the PIRSA Objective EDRMS in file number CEO F2014/000023.

We acknowledge the complaint within three (3) business days through the customer's preferred method of communication.

We assess the complaint and prioritise it depending on the seriousness of issues raised, using [Appendix 3: PIRSA Risk Matrix](#) to assess whether the complaint necessitates further action. We may need to contact the customer to clarify details or for further information and we will inform them once an assessment has been made.

We investigate the complaint, impartially and confidentially. No assumptions will be made or actions taken until all relevant information has been collected and considered. The person handling the complaint will be different from any employee whose service or conduct is being complained about.

We respond to the complaint within 21 business days of receiving it outlining our decisions, the reasons we arrived at the outcome and any action to be taken to resolve or remedy the complaint.

We record the complaint so that we can identify any opportunities to continually improve our services to our customers.

A complaint about a specific division of PIRSA can be made directly to that division.

Further information:

Policy Owner: Ann Barclay, General Manager, Office of the Chief Executive
Responsible Executive: PIRSA Executive

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If a complaint involves multiple areas within our department, we will coordinate the complaint between these areas and ensure clear communication with the customer is also coordinated.

Where a complaint involves multiple organisations, we will work with the other organisations where possible to ensure that communication with the customer is clear and coordinated. Subject to privacy and confidentiality considerations, communication and information sharing between the parties will also be organised to facilitate a timely response to the complaint.

Where a complaint cannot be resolved within 21 business days of receiving it, we will provide the customer with an interim response along with a timeframe of when they can expect a full response.

Our process for managing complaints is underpinned by the PIRSA: Complaints and Customer Services Principles.

3.2 *Escalating a complaint*

Our employees will aim to resolve the complaint and where this is not possible, we may escalate the complaint to a more senior officer within PIRSA for further investigation.

If the customer is not satisfied with the outcome of the complaint, they may seek external review of our decision or the complaint management process through Ombudsman SA.

3.3 *We commit to continuously improve our service*

By being open and transparent about the complaints we receive, we can continue to improve our service to meet the needs of our customers.

We will regularly review and monitor the complaints we receive. We will record the number and types of complaints received, the resolution outcomes, and the number and purposes for escalations.

These will be reported to the Executive Team twice a year and included in the department's annual report. We will use this information to identify any trends or areas where we can make improvements.

Further information:

Policy Owner: Ann Barclay, General Manager, Office of the Chief Executive
Responsible Executive: PIRSA Executive

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3.4 *We commit to confidentiality*

We will ensure that complaints are managed confidentially and separately from any employee whose services or conduct is being complained about, in order to ensure that the complaint management process is independent and impartial, and free from any actual or perceived bias. We will take all reasonable steps to ensure that documentation is securely stored and not misused, and that personal information is handled in accordance with the Premier and Cabinet Circular PC 012 - Information Privacy Principles (IPPS) Instruction.

4. ROLES AND RESPONSIBILITIES

Role	Responsibilities
PIRSA Chief Executive	<ul style="list-style-type: none">• Approving the policy• Providing leadership for the management of the framework across PIRSA Divisions including their workgroups and employees.
Executive Directors / Directors / Managers	<ul style="list-style-type: none">• Implementing this policy within their area of responsibility (including communication, awareness and training)• Ensuring customer service complaint and feedback handling processes are implemented and maintained in accordance with this policy.• Providing information on customer complaints and feedback received for inclusion in reports submitted to PIRSA Executive every six months and in the PIRSA annual report.• Acting as divisional 'service champions'. Someone who consistently demonstrates excellence in customer service, driving and promoting customer service excellence throughout PIRSA, and acts as a resource to other members of staff.
Divisional Complaints Coordinators	<ul style="list-style-type: none">• Ensure the PIRSA Customer Feedback Register is used to record all customer complaints and all fields are populated.

Further information:

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Role	Responsibilities
	<ul style="list-style-type: none">Regularly reviewing the PIRSA Customer Feedback Register's contents to ensure it is kept up to date and that the required information is entered accurately.Provide regular updates on customer complaint information to the Manager, Ministerial and Cabinet Coordination, Office of the Chief Executive every six months.
Manager, Ministerial and Cabinet Co- ordination	<ul style="list-style-type: none">Ongoing management of the policy (including feedback, review, document and records management requirements, updating versions and removal of revoked documents).Providing policy and procedure advice and assistance, including interpreting requirements.Evaluating, monitoring and reviewing the policy and associated documents.Ensuring the PIRSA Complaints and Customer Service Principles is published on the PIRSA Corporate Policies webpage.Conducting an annual review of the PIRSA complaints management system, including customer service complaints and feedback handling processes.Compiling reports based on information relating to customer complaints and feedback received from business divisions for submission to PIRSA Executive every six months and for the PIRSA annual report.

5. DEFINITIONS

Term	Meaning
Complaint	An expression of dissatisfaction made to or about PIRSA, related to its products, services, employees or the handling of a complaint, where a response or resolution is explicitly expected or legally required.

Further information:

Policy Owner: Ann Barclay, General Manager, Office of the Chief Executive
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Term	Meaning
Customer	Someone who has a relationship with, or is directly affected by, PIRSA; and who receives, or relies on, one or more of PIRSA's services or products.
Customer satisfaction	A customer's perception of the degree to which their requirements have been fulfilled. This satisfaction is determined by the quality and type of customer experience and by their expectations.
Customer Service Principles	Provides an opportunity to publicly document and pledge PIRSA's commitment to being a customer-focussed organisation. This statement is a form of mission, dedicated to customers.
Feedback	An opinion, comment or expression of interest or concern, made directly or indirectly, explicitly or implicitly to or about a Division or PIRSA, about its products, services, employees or its handling of a complaint. A response is not explicitly or implicitly expected or legally required. Feedback can be either positive or negative.

6. RELATED DOCUMENTS

- [PIRSA Complaints and Customer Service Principles](#)
- [Australian Standard ISO 10002—2018 Customer Satisfaction - Guidelines for Complaints Handling in Organisations](#)
- [Code of Ethics for the South Australian Public Sector](#)
- [SA Department of Premier and Cabinet Circular PC013 - Annual Reporting Requirements](#)
- [SA Department of Premier and Cabinet Circular PC039 - Complaint Management in the South Australian Public Sector](#)
- [Public Interest Disclosure Act | Office of the Commissioner for Public Sector Employment](#)
- [SA Department of Premier and Cabinet Circular PC012 - Information Privacy Principles \(IPPS\) Instructions](#)

Further information:

Policy Owner: Ann Barclay, General Manager, Office of the Chief Executive
Responsible Executive: PIRSA Executive

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APPENDIX 1: PIRSA BUSINESS UNIT CONTACTS

PIRSA General

Online: pir.sa.gov.au/contact_us

Mail: GPO Box 1671 Adelaide SA 5001

Office of the Chief Executive

Email: PIRSA.OCE@sa.gov.au

Industry, Strategy and Policy

Email: PIRSA.AgFoodandWine@sa.gov.au

Biosecurity

Email: PIRSA.biosecuritySA@sa.gov.au

Fisheries and Aquaculture

Email: PIRSA.FisheriesLicensing@sa.gov.au

Regions SA

Email: PIRSA.RegionsSA@sa.gov.au

SA Research and Development Institute SA (SARDI) and Major Programs

Email: PIRSA.sardi@sa.gov.au

Minister for Primary Industries and Regional Development

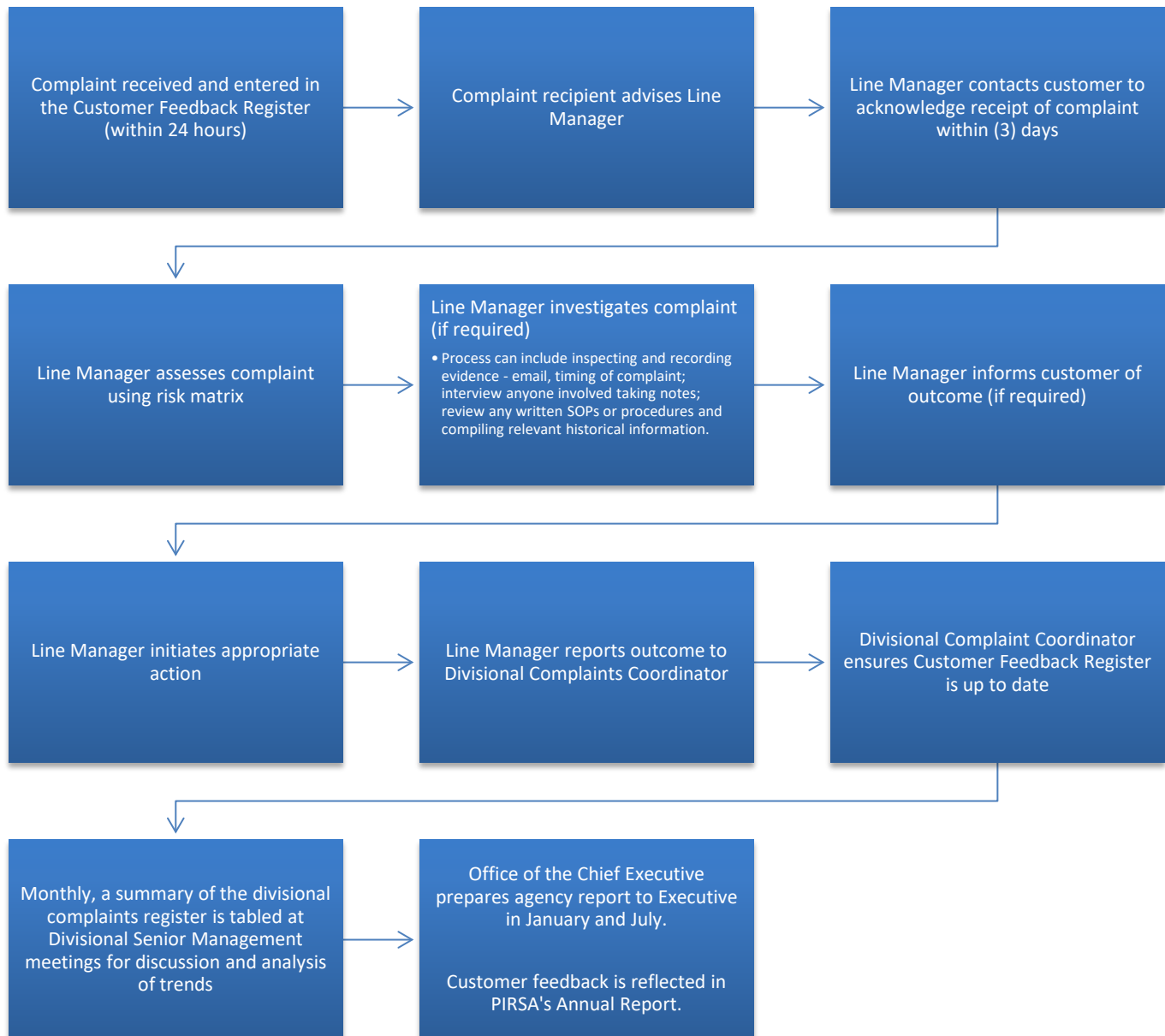
Email: Minister.Scriven@sa.gov.au

Further information:

Policy Owner: Ann Barclay, General Manager, Office of the Chief Executive
Responsible Executive: PIRSA Executive

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APPENDIX 2: PIRSA COMPLAINT HANDLING PROCESS



Further information:

Policy Owner: Ann Barclay, General Manager, Office of the Chief Executive
Responsible Executive: PIRSA Executive

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APPENDIX 3: PIRSA RISK MATRIX

Consequence Criteria - Agency

Impact	Consequence				
	Maximum plausible worst-case scenario (impact/consequence) should controls not operate as intended				
	1 Insignificant <i>Consequences are unimportant or not material for department</i>	2 Minor <i>Consequences are relatively unimportant or small scale</i>	3 Moderate <i>Consequences are important or significant for department</i>	4 Major <i>Consequences are very serious or very significant</i>	5 Catastrophic <i>Consequences are extremely serious or disastrous</i>
People <i>Includes management of people including attraction and retention of key staff</i>	No Injuries	Injury requiring first aid	Small scale injury or sickness	Extensive injuries or loss of life	Multiple loss of life
Financial <i>Includes financial loss (dollars) and asset loss (plant & equipment, buildings, motor vehicles etc.) to within annual budgeted levels.</i>	Small financial loss that can be absorbed (e.g. 1% of division's monthly budget)	Financial loss requiring reprioritisation and/or reallocation of available funds. (e.g. 2% of division's monthly budget)	Significant financial loss requiring special allocation of funds (e.g. 5% of division's monthly budget)	Huge financial loss with major departmental impact. (e.g. 10% of division's monthly budget)	Disastrous financial loss with severe departmental or State impact (e.g. 15% or more of division's monthly budget).
Departmental Activities and/or Service Delivery <i>Impact on continuation of delivery of services at levels normally expected and or within annual budgeted levels.</i>	Insignificant disruption to the department's core services Minimal short term inconvenience to customers (less than one hour)	Minimal disruption to the department's core services Customers inconvenienced (more than one hour but less than one day)	Significant disruption to the department's core services Customers significantly inconvenienced (days)	Severe disruption to the department's core services Continuing difficulties in servicing customers over a protracted period (weeks)	Long term disruption or permanent loss of the department's capability to provide core services or provide services to customers.
Political and Reputation <i>Negative publicity impact regarding business practices that may expose the Agency to litigation, financial loss and decline in trust when dealing with customers and the community.</i>	No significant adverse impact on the department's reputation	Limited damage to the department's reputation	Significant adverse impact on department's reputation with adverse media publicity. Serious questions in Parliament.	Major adverse impact on department's reputation. Significant adverse media publicity. Possible review of the administration of the department.	Extensive damage to department's reputation. Significant and sustained adverse media coverage. Potential Parliamentary enquiry.
Compliance <i>Non-compliance with regulatory requirements and the need to take action to ensure compliance such as education, enforcement, prosecution and/or other tools to change behaviour.</i>	No breach of PIRSA's compliance requirements	Minor legal issues and non-compliances and breaches of legislation	Serious breach of regulations with investigations/report on responsible authority with prosecution powers	Major breach of statutory obligations with misinterpretation of legislation / subsequent investigation into PIRSA	Breach of statutory obligations/misuse of power leading to legal action, fines, prosecution
Environmental <i>Includes actual or potential threat of adverse effects on living organisms and environment by effluents, emissions, wastes, resource depletion, etc.</i>	Insignificant or unintended impact on the environment	Minimal unintended impact on the environment	Significant unintended impact on the environment	Severe unintended impact on the environment	Long term or permanent damage to the environmental viability of the impact area

Further information:

Policy Owner: Ann Barclay, General Manager, Office of the Chief Executive
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Consequence Criteria – Project

Impact		Consequence				
		1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Project	Time	Insignificant impact on project milestones	Minimal impact on project milestones	Significant impact on project milestones	Severe impact on project milestones	Vital or legislative deadlines not met
	Project Deliverables	Meets majority of requirements	Some project requirements not met	A number of key requirements not met	Significant requirements not met	Major deficiencies with project deliverables
	Cost	Justifiable additional costs that can be absorbed in the project's budget	Additional costs requiring reprioritisation and/or reallocation of available funds	Additional costs (> 15%) requiring submission for supplementary funding	Significant additional costs (>25% of the approved budget)	100% of budget expended without achieving any key deliverables

Likelihood

Impact		Consequence				
		1 Insignificant	2 Minor	3 Moderate	4 Major	5 Catastrophic
Likelihood	Almost Certain <i>Is expected to occur in most circumstances. Will occur at least once per month >1 in 10</i>	LOW	MEDIUM	HIGH	EXTREME	EXTREME
	Likely <i>Will probably occur in most circumstances Will occur at least once per year >1 in 10 - 100</i>	LOW	MEDIUM	HIGH	HIGH	EXTREME
	Possible <i>Might occur sometime Will occur once every 2-5 years >1 in 100-1000</i>	LOW	MEDIUM	MEDIUM	HIGH	HIGH
	Unlikely <i>Could occur at sometime Will occur once every 5-20 years >1 in 1000-10000</i>	LOW	LOW	MEDIUM	MEDIUM	HIGH
	Rare <i>May occur in exceptional circumstances Will occur once every >20 years >1 in 10000 – 100000</i>	LOW	LOW	LOW	MEDIUM	HIGH

Refer to the [PIRSA Risk Management Policy GO P 003](#) for further information on assessing and managing risk.

Further information:

Policy Owner: Ann Barclay, General Manager, Office of the Chief Executive
Responsible Executive: PIRSA Executive

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7. DOCUMENT INFORMATION

RISK ASSESSMENT

Date	Risk Rating	Risk Assessment Evaluation
11/2022	Low	Low risk of compliance failures.

REVISION RECORD

Date	Version	Revision description
30/03/2010	1.0	Version approved by PIRSA Chief Executive.
14/02/2012	2.0	Contact and responsible position details updated and other minor edits incorporated
17/12/2013	3.0	Contact, SASP Target and responsible position details updated. Edited to reflect single Customer Service Charter and divisional reporting requirements.
14/06/2016	3.1	Policy reviewed with minor updates to contact details and reference to procedure
13/05/2019	4.0	Policy reviewed and approved by PIRSA Chief Executive
08/12/2022	5.0	Policy revised and approved as part of PPGS Review Update. Approved by Chief Executive.

DOCUMENT CONTROL

PPGS Owner	Office of the Chief	PPGS Risk	Low	Review Cycle:	3 Years
Workgroup:	Executive	Rating			
PPGS Owner	Ann Barclay	PPGS	Chief Executive	Objective	A5549067
Name:		Executive:		Document No:	
PPGS Owner	General Manager	Date	8 December 2022	Status:	Approved
Title:		Approved:			
PPGS Owner	Ann.Barclay@sa.gov.au	Next Review	8 December 2025	Security	Public
Email:		Date:		Classification:	

Further information:

Policy Owner: Ann Barclay, General Manager, Office of the Chief Executive
Responsible Executive: PIRSA Executive

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Procedure

PIRSA

HR R 016

PIRSA PUBLIC INTEREST DISCLOSURE PROCEDURE HR R 016

PIRSA is committed to high levels of professionalism and ethical behaviour in delivering its services; and values transparency and accountability in its administrative and management practices. This Procedure supports a culture that:

- gives employees 'voice' in matters of ethics
- fosters an environment where people feel safe in discussing genuine and legitimate concerns about governance and ethical behaviour within PIRSA
- encourages the challenge of inappropriate behaviour at all levels within PIRSA

DOCUMENT CONTROL

PPGS Owner Workgroup:	People and Culture	PPGS Owner:	Director, People & Culture	PPGS Risk Rating & Review Cycle:	High 3 years
PPGS Contact Name:	Kristen Demetriou	PPGS Approver:	Chief Executive	Objective File & Document No.:	CORP F2019/000338 A4128100
PPGS Contact Title:	Director, People & Culture	Date Approved:	05/09/2022	Status:	Approved
PPGS Contact Number:	(08) 8429 0802	Next Review Date:	05/09/2025	Security Classification:	02 Official

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REVISION RECORD

Date	Version	Revision description
08/07/2019	0.1	First draft of new procedure developed in accordance with the new <i>Public Interest Disclosure Act 2018</i> .
09/07/2019	1.0	New Procedure approved by the Chief Executive.
03/08/2022	1.1	Updated procedure to reflect 2021 changes to <i>Public Interest Disclosure Act 2018</i>

RISK ASSESSEMENT

Date	Risk Rating	Risk Assessment Evaluation
05/09/2022	High	This Procedure outlines the principles for the PIRSA Public Interest Disclosure Procedure.

1. PURPOSE

The purpose of this Procedure is to ensure Primary Industries and Regions (PIRSA) public officers who make a disclosure of public interest information and persons who make a disclosure of public interest information relating to PIRSA or a PIRSA public officer can rely on the protections provided for such disclosures in the [Public Interest Disclosure Act 2018](#) (PID Act).

This Procedure sets out the processes for managing disclosure of public interest information in accordance with the requirements of the PID Act.

The Independent Commission Against Corruption (ICAC) has published [Public Interest Disclosure Guidelines](#) (PID Guidelines) to provide guidance on the requirements of the PID Act and the process for reporting public interest information. This Procedure has been prepared to supplement the PID Guidelines.

2. SCOPE

This Procedure covers the process for PIRSA employees and external parties to make disclosures of public interest information relating to PIRSA, its employees and public officers.

It also covers the process for assessing, referring, investigating and reporting on disclosures made to PIRSA or PIRSA employees.

3. PROCEDURE DETAILS

3.1 Legislation

The objects of the [PID Act](#) include encouraging and facilitating disclosure, in the public interest, of *public interest information*, including information about substantial risks to public health and safety, the environment and *public administration information* (corruption, misconduct and maladministration in public administration) by:

- ensuring proper procedures are in place for such disclosures
- providing protection for those who make such disclosures.

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The PID Act provides immunity from liability for *appropriate disclosures* of public interest information and describes who can make, and the process for making, *appropriate disclosures* in relation to each type of *public interest information*.

An appropriate disclosure of *environmental or health information* may be made by any person. An appropriate disclosure of *public administration information* can be made by a *public officer*.

N.B. while only *appropriate disclosures* attract immunity under the PID Act, the Act does not prevent other disclosures of public interest information or disclosures of *public administration information* by persons who are not *public officers*.

3.2 *Public Interest Information*

There are two types of public interest information covered by the PID Act

3.2.1 **Environmental and health information**

This is information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or to a significant section of the public. This procedure covers the reporting of *environmental and health information* that provides a risk to PIRSA or its public officers, or which relates to the activities of PIRSA or its public officers.

3.2.2 **Public administration information**

This is information that raises a potential issue of *corruption, misconduct or maladministration in public administration*. This procedure covers the reporting of *public administration information* by PIRSA *public officers* and persons external to PIRSA and the reporting of *public administration information* relating to the activities of PIRSA or its *public officers*.

3.3 *Appropriate Disclosures*

Section 5 of the [PID Act](#) sets out what is an *appropriate disclosure* of public interest information. This is summarised below, however a PIRSA *responsible officer* can provide advice on whether a proposed disclosure is an *appropriate disclosure*.

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3.3.1 Appropriate disclosure of environmental or health information

A person who makes a disclosure of environmental or health information makes an *appropriate disclosure* if

- The disclosure is made to a *relevant authority*
- The person believes on reasonable grounds that the information is true or is not in a position to form a belief on reasonable grounds as to the truth of the information but believes on reasonable grounds that it may be true and that it is of sufficient significance to justify disclosure so that its truth may be investigated.

See [Section 5 – Definitions of this Procedure](#) for detail on what is a *relevant authority*.

3.3.2 Appropriate disclosure of public administration information

A *public officer* who makes a disclosure of *public administration information* makes an appropriate disclosure if

- The disclosure is made to a *relevant authority*
- The public officer reasonably suspects that the information raises a potential issue of *corruption, misconduct or maladministration in public administration*.

See [Section 5 – Definitions](#) of this Procedure for detail on what is a *relevant authority* and what is *corruption, misconduct or maladministration in public administration*.

3.3.3 Appropriate disclosure to journalist or member of Parliament

The [PID Act](#) also provides protection for disclosures of *public interest information* to journalists or members of Parliament in limited circumstances, including where the person has already disclosed the information to a relevant authority in accordance with the Act's requirements and the person has not received a response within the time frames set out in section 6 of the PID Act. Reporting to a journalist or member of Parliament is not covered by this Procedure.

3.4 *Relevant authorities for receipt of disclosures of public interest information*

To gain protection under the [PID Act](#), disclosure must be made to a *relevant authority*. What is a *relevant authority* will vary depending on the nature of the information. [Section 5 – Definitions](#) of this Procedure provides links to the full list of *relevant authorities*.

3.4.1 Where the information relates to PIRSA

A *relevant authority* will include

- The Commissioner for Public Sector Employment
- A PIRSA *responsible officer*
- The Office for Public Integrity
- The Ombudsman
- Where the information relates to a risk to the environment, the Environment Protection Authority
- Where the information relates to irregular or unauthorised use of public money or substantial mismanagement of public resources, the Auditor-General
- Where the information relates to the commission or suspected commission of an offence, a member of SAPOL.

3.4.2 Where the information relates to a PIRSA public officer

A *relevant authority* will include

- A PIRSA *responsible officer*
- A person responsible for the management or supervision of that *public officer*
- The Office for Public Integrity
- The Ombudsman

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- Where the information relates to irregular or unauthorised use of public money or substantial mismanagement of public resources, the Auditor-General
- Where the information relates to the commission or suspected commission of an offence, a member of SAPOL

and, if the information relates to a public sector employee, a *relevant authority* also includes the Commissioner for Public Sector Employment.

3.4.3 Responsible Officers

PIRSA is required under section 12 of the [PID Act](#) to have one or more designated [responsible officers](#) who can

- Receive appropriate disclosures of public interest information relating to PIRSA
- Ensure compliance with the PID Act in relation to such disclosures
- Make appropriate recommendations to the Chief Executive in relation to dealing with such disclosures
- Provide advice to *informants* and *recipients* of *public interest information* in relation to the requirements of the PID Act.

[Responsible Officers](#) must have completed any training courses approved by the ICAC Commissioner.

3.5 *Procedure on receipt of an appropriate disclosure of public interest information*

Section 7 of the [PID Act](#) provides that a person to whom an *appropriate disclosure* of *public interest information* is made (a *recipient*) must

- Assess the information as soon as practicable after disclosure

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- Take action in accordance with Guideline 1 of the [Public Interest Disclosure Guidelines issued by ICAC](#) unless
 - The information disclosed does not justify taking any action
 - The information 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 relation to the matter
 - Guideline 1 is not applicable, in which case the *recipient* must take such action as is appropriate in the circumstances
- Take reasonable steps to notify the *informant* (unless the disclosure is anonymous) that an assessment of the information has been made and to advise the *informant*
 - What action is being taken in relation to the information, or
 - Where no action is being taken, the reasons why no action is being taken.
- Notify the Office for Public Integrity in accordance with Guideline 1 of the [Public Interest Disclosure Guidelines issued by ICAC](#) using the electronic notification form on the [Office for Public Integrity website](#).
- Following assessment of the information the *recipient* (or if the information is referred to another person, the person to whom the information is referred – also a *recipient*) must take appropriate action in relation to the investigation including undertaking an investigation if required and
 - take reasonable steps to notify the *informant* (unless the disclosure is anonymous) of the outcome of the action taken
 - inform the Office for Public Integrity of the outcome in accordance with Guideline 2 of the [Public Interest Disclosure Guidelines issued by ICAC](#).

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3.6 *Duty of Confidentiality*

Section 8 of the [PID Act](#) and Guideline 3 of the [Public Interest Disclosure Guidelines issued by ICAC](#) impose a duty on a *recipient* of an *appropriate disclosure* not to divulge the identity of an *informant* without that person's consent. For the purposes of section, 8 a *recipient* is

- A person to whom an *appropriate disclosure of public interest information* is made
- A person to whom an *appropriate disclosure* is referred
- A person who knows an *appropriate disclosure* has been made.

The identity of an *informant* may be disclosed by a *recipient*

- So far as is necessary to enable the matter to which the information relates to be properly investigated
- Where disclosure is necessary to prevent or minimise imminent risk of serious physical injury or death to any person
- Where disclosure is to an authority or person which the *recipient* believes is the most appropriate authority or person to prevent or minimise imminent risk of serious physical injury or death to any person.

The duty of confidentiality under the PID Act overrides any other legislation or common law rule that would require disclosure. Disclosure of the identity of an *informant* in breach of this duty is a criminal offence.

If you receive an *appropriate disclosure of public interest information*, when seeking any advice, for example from the Office for Public Integrity or from a PIRSA *responsible officer*, you must not disclose the identity of the *informant* unless the informant has consented.

If, following assessment of the disclosure, you refer the matter to another relevant authority for investigation (see [Part 3.4 Relevant authorities for receipt of disclosures](#)

[of public interest information](#)) and, based on your assessment, you have concluded that the matter cannot be fully investigated without the identity of the informant being disclosed, you may disclose the identity in accordance with Guideline 3 of the PID Guidelines.

3.7 Victimisation

Section 9 of the [PID Act](#) provides that a person who causes detriment to another (a victim) because the victim or another person has, or intends to make, an appropriate disclosure of public interest information, commits an act of victimisation.

A person who intentionally commits an act of victimisation is guilty of an offence under section 9(5) of the [PID Act](#).

A person who commits an act of victimisation may also be subject to civil proceedings brought by the victim for damages or other remedies. Alternatively, the victim may lodge a complaint under the *Equal Opportunity Act 1984*.

3.8 Preventing or hindering disclosure of public interest information

Preventing, hindering or obstructing a person from making an *appropriate disclosure* of *public interest information* is an offence under section 11 of the [PID Act](#).

3.9 Protecting informants

3.9.1 What protections are given under the PID Act

As detailed in [Part 3.6 of this Procedure](#), section 8 of the [PID Act](#) imposes a duty of confidentiality on *recipients* of an *appropriate disclosure* not to divulge the identity of an *informant* without that person's consent.

There are limited circumstances in which the identity of an *informant* may need to be disclosed and these are set out in Guideline 3 of the [Public Interest Disclosure Guidelines issued by ICAC](#).

3.9.2 How will PIRSA protect informants

PIRSA is committed to protecting people who make an *appropriate disclosure* of *public interest information*. To ensure that the *informants* are protected, PIRSA will:

- Adopt and apply internal procedures that require compliance with section 8(1) of the PID Act in relation to confidentiality.
- Store information about appropriate disclosures securely.
- Proactively recognise and address any potential detrimental outcomes that may be caused from the disclosure.
- Public officers can refer to the PIRSA Grievance Resolution Procedure for any concerns or complaints that need to be addressed with respect to their protection.

Remember you can seek the advice of a PIRSA *responsible officer* to ensure you are complying with the [Public Interest Disclosure Guidelines issued by ICAC](#), as well as with the PID Act.

Do public interest disclosure protections apply where a public officer is required to report a matter under the ICAC Act?

Following the 2021 amendments to the [Independent Commission Against Corruption Act 2012](#) (ICAC Act), *public officers* are no longer obliged to report suspected *misconduct or maladministration in public administration* to ICAC. The obligation to report suspected *corruption in public administration* to ICAC remains, however the Act requires reports to be directed to the Office for Public Integrity.

The Office for Public Integrity has published [Directions and Guidelines for public officers, public authorities and inquiry agencies](#) concerning reporting to OPI of any matter reasonably suspected of being *corruption in public administration*.

Notwithstanding the changes to the ICAC Act, the Office for Public Integrity will still receive reports of conduct which are *public administration information*, other than *corruption in public administration*. In most cases these will be referred on to the Ombudsman.

Whilst the [Directions and Guidelines](#) do not specifically address whether a *public officer* reporting a matter to OPI is entitled to rely on the protections under the [PID Act](#), OPI is a *relevant authority* for the purposes of the PID Act and consequently any *appropriate disclosure of public interest information* to OPI will be subject to the PID Act.

The Ombudsman has also published [Directions and Guidelines](#) relating to the reporting of *misconduct and maladministration in public administration*. These Directions and Guidelines provide that any report received by the Ombudsman which meets the definition of an *appropriate disclosure of public interest information* in the PID Act will be treated in accordance with the requirements of the Act. The Ombudsman is also a *relevant authority* for the purposes of the PID Act.

Both OPI's and the Ombudsman's Directions and Guidelines require a *public officer* making a report based on information provided by another person to consider whether section 8 of the [PID Act](#) applies to the information.

4. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Chief Executive	<ul style="list-style-type: none"> Approving the procedure. Ensure that one or more officers or employees are designated as responsible officers of PIRSA for the purpose of the <i>Public Interest Disclosure Act 2018</i>. Ensure that PIRSA responsible officers have completed any training courses approved by the ICAC Commissioner for the purposes of the <i>Public Interest Disclosure Regulations 2019</i>. Ensure that the name and contact details of each responsible officer of PIRSA are made available to officers and employees of PIRSA. Ensure that a document setting out procedures for: (a) a person who wants to make an appropriate disclosure of public interest information to PIRSA; and (b) officers and employees of PIRSA dealing with such a disclosure, is prepared and maintained in

Role	Responsibilities
	<p>accordance with the ICAC Public Interest Disclosure Guidelines prepared under section 14 of the <i>Public Interest Disclosure Act 2018</i>.</p> <ul style="list-style-type: none"> • Ensure that PIRSA has appropriate internal controls, processes and procedures to give effect to the confidentiality requirements in section 8 of the <i>Public Interest Disclosure Act 2018</i>.
Responsible Officers	<ul style="list-style-type: none"> • To receive appropriate disclosures of public interest information in relation to PIRSA and to ensure compliance with the <i>Public Interest Disclosure Act 2018</i> in relation to such disclosures. • To make recommendations to PIRSA's Chief Executive in relation to dealing with such disclosures. • To advise advice to PIRSA officers and employees in relation to the administration of the <i>Public Interest Disclosure Act 2018</i>.
General Manager People and Culture	<ul style="list-style-type: none"> • Ongoing management of the procedure. • Ensuring employees are made aware of this procedure. • Providing procedure advice and assistance, including interpreting procedure requirements.
PPGS approvers, owners, contacts and employees	<ul style="list-style-type: none"> • Refer to the list of standard PPGS roles and responsibilities included in 'Appendix B' of the PIRSA PPGS Development and Management Policy GO P 001.

5. DEFINITIONS

Term	Meaning
Corruption in public administration	This is defined in section 5(1) of the Independent Commission Against Corruption Act 2012 . The definition is also set out in the PIRSA Fraud and Corruption Policy

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Term	Meaning
Environmental or health information	Information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or to a significant section of the public
Informant	A person who makes an <i>appropriate disclosure of public interest information</i>
Maladministration in public administration	This is defined in section 4(2) of the Ombudsman Act 1972 . The definition is also set out in the PIRSA Fraud and Corruption Policy
Misconduct in public administration	This is defined in section 4(1) of the Ombudsman Act 1972 as <i>an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer</i>
Public administration information	This is information that raises a potential issue of <i>corruption, misconduct or maladministration in public administration</i>
Public interest information	<i>Public Interest information</i> includes both <i>environmental and health information</i> and <i>public administration information</i>
Public officer	The term <i>public officer</i> is defined in Schedule 1 of the ICAC Act. The most common categories of <i>public officer</i> are listed in Appendix A to the Public Interest Disclosure Guidelines issued by ICAC and a more detailed list is at the back of the Office for Public Integrity Directions and Guidelines . The definition includes a chief executive of an administrative unit of the Public Service, a Public Service employee and includes contractors engaged by a public authority or the Crown. For the purposes of this Procedure, the term <i>public officer</i> includes PIRSA's Chief Executive, other executive officers, public sector employees, contract and temporary staff and contracted service providers

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Term	Meaning
Recipient	<p>A <i>recipient</i> of an <i>appropriate disclosure</i> of <i>public interest information</i> includes</p> <ul style="list-style-type: none"> • A person to whom an <i>appropriate disclosure</i> of <i>public interest information</i> is made • A person to whom an <i>appropriate disclosure</i> is referred • A person who knows an <i>appropriate disclosure</i> has been made <p>N.B. a disclosure of information is only an <i>appropriate disclosure</i> if it is made to a <i>relevant authority</i> in accordance with section 5(5) of the PID Act</p>
Relevant authority	<p><i>Relevant authorities</i> are described in section 5(5) of the PID Act and also set out in Appendix B to the Public Interest Disclosure Guidelines issued by ICAC. What is a <i>relevant authority</i> for a particular disclosure will depend on what the disclosure relates to</p>
Responsible Officer	<p>Designated by the principal officer of a public sector agency pursuant to section 12(1) of the PID Act to carry out the functions assigned to the responsible officer under the Act (refer Section 4 Roles and Responsibilities).</p> <p>Information about PIRSA's responsible officers can be found here:</p>

6. RELATED DOCUMENTS

6.1 Legislation

- [Public Interest Disclosure Act 2018](#)
- [Independent Commissioner Against Corruption Act 2012](#)
- [Equal Opportunity Act 1984](#)
- [Freedom of Information Act 1991](#)
- [Public Sector Act 2009](#)
- [Public Sector \(Honesty and Accountability\) Act 1995](#)

- [State Records Act 1997](#)
- [Public Finance and Audit Act 1987](#)

6.2 SA Government

- [Code of Ethics for the South Australian Public Sector](#)
- [Public Interest Disclosure Guidelines issued by the Independent Commission Against Corruption under the Public Interest Disclosure Act 2018](#)
- [SA Office for Public Integrity Directions and Guidelines for Public Officers, Public Authorities and Inquiry Agencies](#)
- [Ombudsman SA Directions and Guidelines for Public Officers, Public Authorities and Inquiry Agencies](#)
- [Office of the Commissioner for Public Sector Employment Directions and Guidelines](#)

6.3 PIRSA

- [PIRSA Fraud and Corruption Control Procedure HR P 022](#)
- [PIRSA Fraud Control Plan](#)

Note: the following PIRSA intranet document and page links are only accessible by SA Public Sector employees on the PIRSA or StateNet SA Government networks:

- [PIRSA Document and Records Management Procedure IM P 002](#)
- [PIRSA Document and Records Management Access Controls and Security Guideline IM G 007](#)
- [PIRSA Freedom from Discrimination, Harassment and Bullying Procedure HR P 006](#)
- [PIRSA Grievance Resolution Procedure HR R 014](#)
- [PIRSA Health and Wellbeing Program \(EAP\)](#)

APPENDIX 1: MAKING AN APPROPRIATE DISCLOSURE OF PUBLIC INTEREST INFORMATION

Step 1 - Before making a disclosure

To ensure that if you make a disclosure you will receive protection under the [Public Interest Disclosure Act 2018](#), you must first ensure that

- The information being disclosed is *public interest information* (see [Part 3.2 of this Procedure](#))
- The disclosure will be an *appropriate disclosure* (see [Part 3.3 of this Procedure](#))
- You believe on reasonable grounds that the information is true or, if you are not in a position to form a belief on reasonable grounds as to the truth of the information, you must believe on reasonable grounds that it may be true and that it is of sufficient significance to justify disclosure so that its truth may be investigated.

Whether you are entitled to protection under the *Public Interest Disclosure Act 2018* will depend in part on who you are and the subject matter of the disclosure. Anyone can make an *appropriate disclosure of environmental and health information* in accordance with the Act. However only *public officers* are eligible for the protection under the *Public Interest Disclosure Act 2018* if disclosing *public administration information* (see [Section 5 Definitions](#) of this Procedure for what constitutes *public administration information*).

You will be a *public officer* of PIRSA if you are the Chief Executive, a public sector employee, a contract or temporary staff member or a contracted service provider.

A *public officer* of another agency or public authority will also be entitled to protection under the Act when making an *appropriate disclosure of public administration information* relating to PIRSA or a PIRSA employee.

Step 2 - Making a disclosure

To gain protection under the [Public Interest Disclosure Act 2018](#), your disclosure must be made to a *relevant authority*. What is a *relevant authority* will depend on the subject and nature of the information (see [Part 3.4 of this Procedure](#))

You can seek advice from a PIRSA *responsible officer* or the [Office for Public Integrity](#) if you are unsure which is the most appropriate *relevant authority* to report your information to.

Most *relevant authorities* will pass the information on to another *relevant authority* if they do not consider they are the most appropriate authority to investigate the disclosure. When doing this they will notify you, where they are able to do so, of the action taken.

Protecting you as an informant

When making the disclosure of information, if you reveal your identity, you have rights (set out below) to be kept informed. Please speak to the *recipient* 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.

When the *recipient* of your information refers it to another *relevant authority*, your identity will not be disclosed without your consent, unless it is necessary to disclose your identity for one of the purposes outlined in [Part 3.6 of this Procedure](#).

Step 3 - Assessment of disclosure

Once you make an *appropriate disclosure of public interest information* the *recipient* of that information must assess it and decide what action should be taken.

Outcomes of the assessment may include

- Where the information suggests that there is an imminent risk of serious physical injury or death to a specific person or the public generally, the *recipient* must immediately communicate the information to an appropriate agency e.g. SAPOL, SafeWork SA, SA Ambulance, Environment and Protection Authority.

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- Where the *recipient* forms a reasonable suspicion that the information discloses *corruption in public administration*, the recipient must report the matter to the Office for Public Integrity in line with OPI's [Directions and Guidelines for public officers, public authorities and inquiry agencies](#)
- Where the *recipient* assesses the content as requiring further action, to take such action to ensure the subject matter of the disclosure is properly addressed
- Where the *recipient* assesses the content as requiring further action by another *relevant authority*, the *recipient* must ensure that the information is communicated to the appropriate person or authority to take that action.
- Where the recipient assesses the information as requiring no action, no action will be taken. This may be because the information is assessed as not justifying taking any action or because the matter has already been investigated or for any other reason.

Where your identity is known to the *recipient*, following the assessment, the *recipient* must take reasonable steps to notify you of

- the action being taken in relation to the information; or
- if, no action is being taken in relation to the information, the reasons why no action is being taken.

The *recipient* is also required to notify the Office for Public Integrity as soon as practicable regarding your disclosure. Section 4 of the Guideline 1 of the [Public Interest Disclosure Guidelines issued by ICAC](#) set out the recommended matters to be reported to OPI. These include, where your identity has been communicated by the *recipient* to another party, the reasons for such communication.

Step 4 - Action to be taken

If any action is taken in relation to your information, then the *recipient* of your information (or the person it has been referred to) must take reasonable steps to notify you (if your identity is known) of the outcome of that action.

They must also report the outcome to the Office for Public integrity in accordance with the [Public Interest Disclosure Guidelines issued by ICAC](#) .

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Concerns about the action taken

If you are concerned that the *recipient* of your disclosure is not dealing appropriately with your information

- If your *appropriate disclosure of public interest information* was made to a *relevant authority* within PIRSA other than a *responsible officer*, you may contact a PIRSA *responsible officer* and discuss the matter with them.
- If your *appropriate disclosure* was made to a PIRSA *responsible officer*, or you have discussed the matter with a *responsible officer* and are still not satisfied with the outcome, you may contact another of the *relevant authorities* listed in [Part 3.4 of this Procedure](#).
- If your appropriate disclosure was made to another *relevant authority*, you may contact the Office for Public Integrity.

Where you are not notified of action taken

Where you have made an *appropriate disclosure of public interest information* and made your identity known to the *recipient*, and you either

- Have not received notification of the outcome of the assessment of that information by the *recipient* within 30 days of providing the information, or
- Have not received notification of the outcome of any action taken by the *recipient* (or another *relevant authority* to which the *recipient* referred your information) within 90 days of providing the information (or longer period notified in writing to you before the expiry of the 90 day period),

you may, if you believe the information to be true, make an *appropriate disclosure* of the public interest information to a journalist or to a member of Parliament who is not a Minister of the Crown in accordance with section 6 of the [Public Interest Disclosure Act 2018](#). An *appropriate disclosure* made in accordance with section 6 will attract the protections of the Act.

Concerns about adverse appropriate disclosure

consequences of making an

If you are concerned or suspect that you are or may be adversely affected as a consequence of having made or being about to make an *appropriate disclosure* of *public interest information*, you are encouraged to report your concern or suspicion to

- A PIRSA [responsible officer](#)
- If your concerns relate to the way in which a PIRSA *responsible officer* is handling your matter, a different PIRSA *responsible officer*
- Alternatively, you might prefer to contact the [Office for Public Integrity](#).

Duty of confidentiality

PIRSA [responsible officers](#) and other *recipients* of public interest disclosure are required under the [Public Interest Disclosure Act 2018](#) to ensure *appropriate disclosures* are kept strictly confidential.

This includes restricting access to any printed materials, which will be kept in a locked cupboard or drawer that only the PIRSA *recipient* can access. Any conversations with an *informant* must be held in private. Emails sent to and from PIRSA *recipients must be* kept secure and are not to be accessed by other staff members.

PIRSA is committed to minimising any risk that an informant might be victimised as a consequence of making, or intending to make, a *public interest disclosure*.

PIRSA [responsible officers](#) can provide support and information to *informants* about the protections provided under the *Public Interest Disclosure Act 2018*.

APPENDIX 2: RECEIVING AND DEALING WITH AN APPROPRIATE DISCLOSURE OF PUBLIC INTEREST INFORMATION

Receipt, assessment and notification of appropriate disclosures of public interest information

In order to determine whether someone has made an *appropriate disclosure of public interest information* to you, you need to assess the information given to you and consider

- Whether the information is *public interest information* and, if so
- Whether you are a *relevant authority* for the particular information.

Public Interest Information

Public interest information may be *environmental and health information* or *public administration information*. These are defined in [Part 3.2 of this Procedure](#).

This procedure is only required to be followed in relation to *public administration information* where the person disclosing the information is a *public officer*. See [Part 5 of this Procedure](#) for who is a *public officer*.

Relevant authorities

Whether you are a *relevant authority* will depend on the subject of the *public interest information* being disclosed. Within PIRSA, you will be a *relevant authority* where the disclosure relates to a PIRSA *public officer* and you are a *responsible officer* or you are responsible for the management or supervision of that *public officer*. If the information relates to a public sector employee, you will be a *relevant authority* if you are a *responsible officer*.

In some cases the information will need to be referred to an external *relevant authority*. See [Part 3.4 of this Procedure](#) for more detail on *relevant authorities*.

If you are unsure whether the information disclosed is *public interest information*, or whether you are a *relevant authority* for that information you should seek advice from a PIRSA *responsible officer* or the [Office for Public Integrity \(OPI\)](#).

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Once you have determined that you are a *relevant authority* who has received an *appropriate disclosure of public interest information* you must take steps to comply with the [PID Act](#) and the [Public Interest Disclosure Guidelines issued by ICAC](#). To ensure you are complying with the PID Act it is recommended that you seek the advice and assistance from a PIRSA *responsible officer*.

When seeking advice you must not disclose the identity of the *informant*, nor disclose any information that could reveal the identity of the *informant*, unless the *informant* has consented to that disclosure.

If you are not a *relevant authority* for the purposes of the [PID Act](#), or the information disclosed to you is not considered *public interest information* for the purposes of the Act, you should immediately advise the *informant* that is the case and seek advice from a PIRSA *responsible officer* as to what the next steps should be.

Informant confidentiality

When receiving an *appropriate disclosure of public interest information* from the *informant*, you should ask the *informant* how they wish to be contacted by you. The *informant* may wish to remain anonymous and, if so, should understand that they will not be advised of the outcome of their disclosure.

If the *informant* discloses their identity to you, you should ensure you obtain contact details so that you can inform them of outcomes relating to their disclosure. The *informant's* identify and contact details must be managed in a way that ensures strict confidentiality as required by section 8 of the [PID Act](#). Communications with the *informant* must be made in a manner that maintains their confidentiality. Decide with the *informant* how you will keep them informed.

It is better they be kept informed in writing, although this is not a requirement.

Assessment

A *recipient of public interest information* must assess the information as soon as practicable after the disclosure is made (see section 7(1) of the [PID Act](#)). Whilst the PID Act does not impose a time limit on the assessment of the information, the *informant* is entitled to make another disclosure of the *public interest information* to a journalist or member of Parliament under section 6 of the Act, when they have not been notified of the outcome of the assessment within 30 days of making the

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disclosure (note this does not apply if the informant does not disclose their identity). It is important therefore that the assessment is undertaken promptly.

If you are the *recipient* of an *appropriate disclosure of public interest information*, you should consider seeking the advice of a PIRSA *responsible officer* on how to undertake the assessment. In doing so, you should not disclose the identity of the *informant*.

Assessment should be undertaken in accordance with Guideline 1 of the [Public Interest Disclosure Guidelines issued by ICAC](#).

Assess for Imminent Risk

Immediately assess the information to ascertain whether there is an imminent risk of serious physical injury or death to any person or to the public generally. If you consider there is such a risk, you should immediately communicate such information as may be necessary to mitigate the risk to an appropriate agency e.g. SAPOL, SafeWork SA, SA Ambulance, Environment and Protection Authority.

Assess whether the information disclosed is public interest information

Public interest information may be *environmental and health information* or *public administration information*. These are defined in [Part 3.2 of this Procedure](#).

Public administration information

Public administration information comprises *corruption, misconduct or maladministration in public administration*. See [Part 5 of this Procedure](#) for definitions of *corruption, misconduct and maladministration in public administration*.

Corruption in Public Administration

If you form a reasonable suspicion that the information discloses *corruption in public administration*, you must comply with the reporting obligations under the [Independent Commission Against Corruption Act 2012](#). This will involve reporting the matter to the Office for Public Integrity using the on-line reporting form available at [South Australian Government - Make a complaint \(forms.sa.gov.au\)](#). You should ensure you are familiar with the [Directions and Guidelines for public officers, public authorities and inquiry agencies](#) issued by OPI and the instructions for completing the form before you commence.

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Misconduct or Administration

Maladministration in Public

If you form a reasonable suspicion that the information discloses *misconduct or maladministration in public administration*, you are no longer legally obliged to report the matter to the Office for Public Integrity however reporting to OPI is strongly recommended.

If you do not report to OPI, you may report directly to the South Australian Ombudsman via the on-line reporting tool available at [Make a report | Ombudsman SA](#).

In some circumstances you may consider it is more appropriate that the information be referred to another *relevant authority*, such as the Commissioner for Public Sector Employment. A full list of *relevant authorities* is set out in Appendix B to the [Public Interest Disclosure Guidelines issued by ICAC](#).

The [Ombudsman SA guidelines](#) provide that Ombudsman SA has an expectation that *public officers* and public authorities (including PIRSA) will report suspected *misconduct or maladministration in public administration* unless the *public officer* or public authority knows that the matter has already been reported to Ombudsman SA or to OPI.

Reasonable suspicion

Suspicion is a state of mind that requires more than conjecture or speculation but may be less than a knowledge or belief as to the existence of relevant facts. A suspicion must have a factual basis. Whether or not a suspicion is reasonable will depend on the surrounding circumstances.

Assessed as requiring further action

If you assess the disclosure as requiring further action, unless the matter is reported to OPI as potential *corruption in public administration*, you must take appropriate action to ensure the matter which is the subject of the disclosure is properly addressed. This may include providing information about the matter to the most appropriate person or *relevant authority* to take such action.

When referring information to another person or *relevant authority* for investigation, you must not disclose the identity of the *informant*, nor disclose any information that could reveal the identity of the *informant*, unless the *informant* has consented to that disclosure or you believe it is necessary to disclose the information to ensure that the matter can be properly investigated.

In this case you must follow Guideline 3 of the [Public Interest Disclosure Guidelines issued by ICAC](#).

Notifying outcome of assessment

Where the *informant* has provided their identity, they must be notified within 30 days of the *appropriate disclosure* being made (refer [Assessment](#) above) following assessment as to

- What action is being taken in relation to the information, or
- Where no action is being taken, the reasons why no action is being taken.

It is preferable for the notification to be made in writing using means of communication which you have agreed with the *informant* (see [Informant confidentiality](#) above).

You must also notify the Office for Public Integrity in accordance with Guideline 1 of the [Public Interest Disclosure Guidelines issued by ICAC](#) using the electronic notification form on the [Office for Public Integrity website](#).

When you report the matter to OPI you will be assigned a unique reference number. This reference number must be provided to any other party to whom you refer the *appropriate disclosure* for investigation as it will be required in order for them to report the investigation outcomes to OPI.

Investigation of appropriate disclosures of public interest information and notification of outcome

This section of the Guideline applies to the *recipient* of an *appropriate disclosure* made by an *informant* and to a *relevant authority* that has been referred information provided through an *appropriate disclosure* following assessment of the information.

Time frame for investigation

and notification to informant

If the information is assessed as requiring further action and the matter is not referred to another *relevant authority* for investigation, you should aim to complete your investigation within 90 days of receipt of the *appropriate disclosure* from the *informant* and to notify the informant of the outcomes of the action.

If you form the view that it will take longer than 90 days from the *appropriate disclosure of public interest information* for an outcome, then you must notify the *informant* in writing of this alternative longer period of time in which you will report to them on the outcomes of the actions. Ideally this should be done when you notify the *informant* of the action to be taken.

If the informant is not notified of the outcome of the investigation within 90 days or such longer period as notified to them, they will be entitled, if they believe the information to be true, to disclose it to a journalist or member of parliament under section 6 of the [PID Act](#).

Conduct of investigation

If you do not refer the *appropriate disclosure* to a PIRSA *responsible officer* or other *relevant authority*, you must take the appropriate action as determined following assessment of the information.

In doing so you must ensure that you do not disclose the identity of the *informant* except so far as is necessary to ensure that the matters to which the information reported can be properly investigated.

Notifying outcome of investigation

You must take reasonable steps to notify the *informant* (if the *informant's* identity is known) of the outcome of that action (section 7(3)(a) [PID Act](#)). Notification should take place within the time frames set out above. It is preferable for the notification to be made in writing using means of communication which you have agreed with the *informant* (see [Informant confidentiality](#) above).

You must also notify the Office of Public Integrity of the outcomes in accordance with Guideline Two of the [Public Interest Disclosure Guidelines issued by ICAC](#).

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You must notify the *informant* and OPI regardless of whether any action was taken following the investigation.

Keeping the information safe

Any person who has received an *appropriate disclosure of public interest information*, must keep that information confidential.

PIRSA [responsible officers](#) have access to a secure positional mailbox through their email account. The mailbox can only be accessed by PIRSA [responsible officers](#) and has appropriate ICT security measures in place.

PIRSA [responsible officers](#) and any *recipients* of an *appropriate disclosure of public interest information* must ensure that all details relating to the *appropriate disclosure* are kept strictly confidential. This includes, but is not limited to ensuring

- all printed materials are kept in a locked cupboard or drawer that only the *recipient* or PIRSA *responsible officer* can access
- any conversations with an *informant* are held in private
- all communications relating to the disclosure are made in a confidential manner and, where communicating with the *informant* communications will be in a manner advised to the *recipient* by the *informant*
- emails are kept secure and are not accessed by other staff members.

PIRSA is committed to minimising any risk that an *informant* might be victimised as a consequence of making, or intending to make, a *public interest disclosure*.

PIRSA [responsible officers](#) will provide support and information about the [PID Act](#) protections to potential informants, and will encourage *informants* to raise any concerns they have about potential detrimental outcomes that may be caused from the disclosure, and to address those concerns.

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APPENDIX 3: HOW INFORMANTS CAN CONTACT PIRSA

There are a number of ways you can contact PIRSA to make *an appropriate disclosure of public interest information*, including:

- Email: PIRSA_PID@sa.gov.au
- Telephone: (08) 8226 0995 (Head Office), or
- Post: **Mark the envelope private and confidential*

Public Interest Disclosure, Department of Primary Industries and Regions

c/- People and Culture

GPO Box 1671, Adelaide SA 5001

You can contact a *responsible officer* via the channels above to make an *appropriate disclosure* or you may request to meet them face to face in a neutral location.

PIRSA's Chief Executive is responsible for ensuring compliance with the following

- Where an *appropriate disclosure* is made, the PIRSA *responsible officer* or other *relevant authority* within PIRSA that is the *recipient* of that disclosure will ensure that the information is securely received and not divulged to other parties
- Only [responsible officers](#) will be able to access the PIRSA_PID mailbox (with appropriate ICT security measures).

When making the disclosure of information, if you are revealing your identity, you have rights about being kept informed. Please speak to the *responsible officer* or other *relevant authority* about how you wish to be contacted by them.

The person receiving the *public interest information* must comply with the requirements set out under the PID Act and must also follow the procedures outlined in this document (see the section 'Receiving and dealing with an appropriate disclosure of public interest information').

Accessibility and assistance

For customers who do not have English as their first language or customers who are hearing impaired or mute, the Australian Government provides the following services:

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- Translating and Interpreting Services (TIS): call 131 450
- National Relay Service (speak and Listen): call 1300 555 727
- National Relay Service (TTY users): call 133 667
- Internet relay users can make an online call at: <https://relayservice.gov.au/>

Customers using these services can request to be put through to PIRSA via telephone on (08) 8226 0995 to provide a *disclosure* or to make an enquiry.

APPENDIX 4: PIRSA RESPONSIBLE OFFICERS

- Mehdi Doroudi – Chief Executive
- Peter Appleford – Executive Director, SARDI & Major Programs
- Jo Collins – Executive Director, Industry, Strategy and Partnerships
- Michelle Griffiths – Executive Director, Corporate Services

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Customer Feedback Report

Every six months we need to complete a Customer Feedback report to meet the requirements laid down by the Ombudsman. This report also forms part of the annual Report, so it becomes available to the public.

What needs to be done:

- Reviewing the registers from other divisions and summarising their info into the PIRSA template
- Entering AFW customer feedback into the AFW register
- Summarising the AFW register into the PIRSA template
- Analysing the information in the PIRSA template and preparing a minute to the CE through Jo
- Making sure the report gets to Executive

Instructions to complete the task:

1. The link to the PIRSA Customer Feedback folder is qA164233. In this folder are the archived reports as well as the folders for each division.
2. On March 28, send an email to all Business Managers asking them to ensure that their registers are up to date by 31 March
3. For AFW the folder is fA384168. You are looking for report 04. AFW Customer Feedback Sept 2017 to March 2018. There will be all the feedback that has been collected in this reporting period. You will need to add all the information from emails and letters that have been stored in the folder into the excel spreadsheet A3403428 and then summarise that information into the PIRSA template.
4. Check with Andrea to see if she has any feedback from the website and if so, add this to the summary and save any documentation from Andrea into the AFW folder.
5. You will need to review customer feedback registers from all divisions and summarise into the PIRSA reporting template. (you can refer to a previous report and minute (A3304784 and A3300110)
6. The PIRSA reporting template is located in fA639916
7. When the summary is complete, add an accompanying minute to the CE, through Jo. Please save the completed documents in the 05. 2018 Customer Feedback Sept 2017 to March 2018 (fA639947)
8. This report and minute will need to be tabled at Executive by Jo, so you might need to speak to Ange about this.

Sample email for Business Managers from 2016-17



Customer Feedback
Report - due 31 Marc

Farley, Lisa (PIRSA)

From: Cochrane, Hazel (PIRSA)
Sent: Friday, 17 March 2017 7:05 AM
To: Anear, Elena (PIRSA); Belperio, Christina (PIRSA); Brissenden, Celia (PIRSA); Brown, Karen (PIRSA); Cochrane, Hazel (PIRSA); Cox, Stephen (PIRSA); Draper, Ann (PIRSA); Hebart, Ben (PIRSA); Houston, Becky (PIRSA); Husband, Kate (PIRSA); Kain, Bonnie (PIRSA); Langberg, Jack (PIRSA); Lapidge, Steven (PIRSA); Leach, David (PIRSA); Lindsay, Andrea (PIRSA); Matthews, Sharon (PIRSA); Mills, Louise (PIRSA); Palmer, Matthew (PIRSA); Peters, Elizabeth (PIRSA); Ross, Justin (PIRSA); Teaha, Karen (PIRSA); White, Emily (PIRSA)
Subject: Customer Feedback Report - due 31 March

Follow Up Flag: Follow up
Due By: Sunday, 23 April 2017 9:30 AM
Flag Status: Flagged

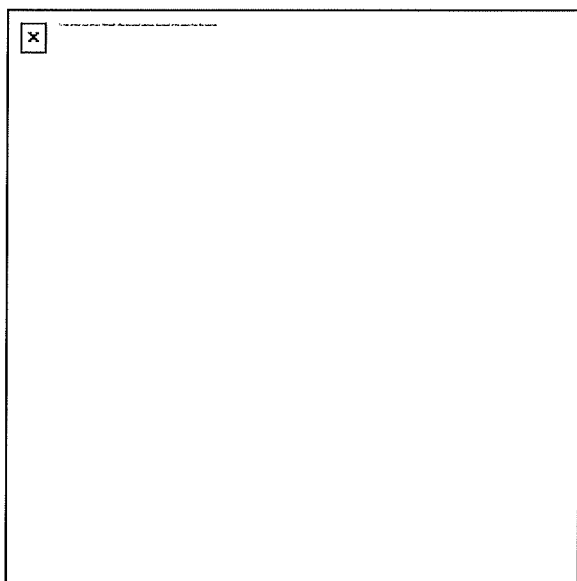
Good morning,

The AFW input to the Customer Feedback Report due soon. The reporting period is from 1 September 2016 to 31 March 2017.

If you have any emails or letters that need to be included in the report and have not been sent to me during the last six months, please send them through to me by COB, Friday March 31.

Thanks

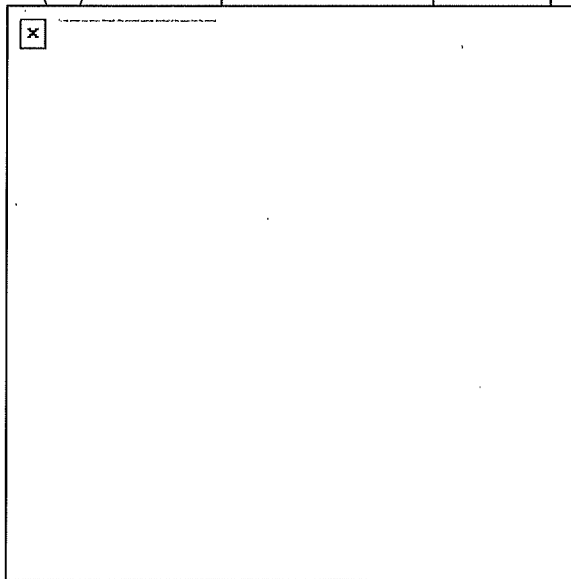
Hazel

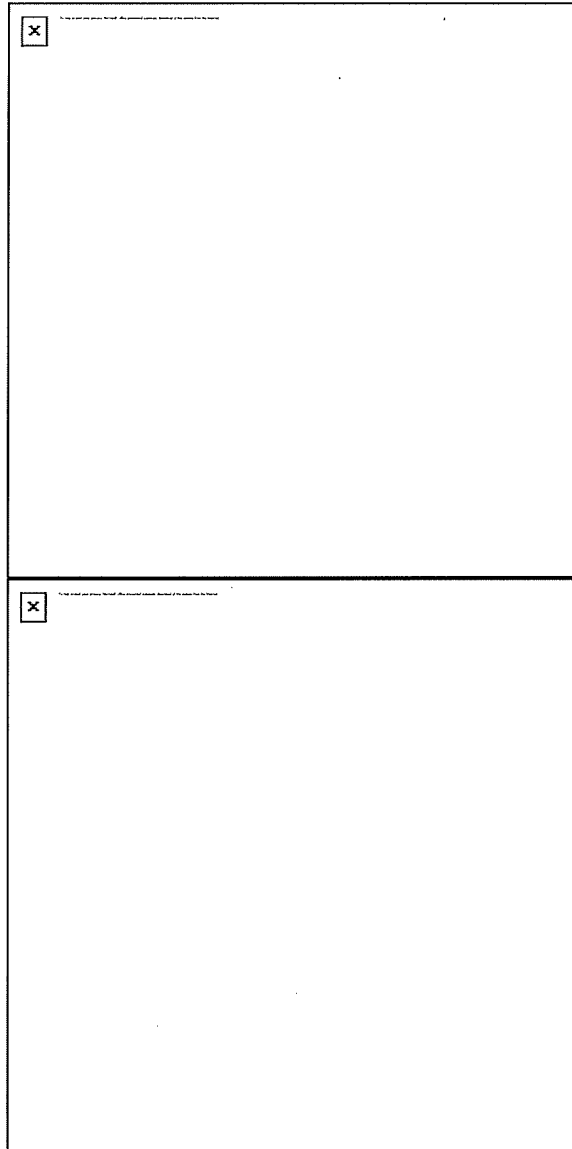


Hazel Cochrane | Business Manager
Agriculture, Food and Wine | **Primary Industries and Regions SA - PIRSA**

Government of South Australia | 25 Grenfell Street, Adelaide
GPO Box 1671 Adelaide SA 5001 | DX number

P: (08) 84290259 | **M:** 0475 943 897 | **W:** www.pir.sa.gov.au





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Policy

PIRSA

HR P 006

PIRSA FREEDOM FROM DISCRIMINATION, HARASSMENT AND BULLYING POLICY

PIRSA is committed to zero tolerance of discrimination, harassment, sexual harassment and bullying in the workplace.

DOCUMENT CONTROL

PPGS Owner	People and Culture	PPGS Owner:	Director, People and Culture	PPGS Risk Rating & Review Cycle:	Medium 4 years
PPGS Contact Name:	John Kirkham	PPGS Approver:	Director, People and Culture	Objective File & Document No.:	CORP F2009/001047 A942861
PPGS Contact Title:	Principal Consultant, Industrial Relations and Injury Management	Date Approved:	16 August 2022	Status:	Approved
PPGS Contact Number:	(08) 8429 2110	Next Review Date:	16 August 2026	Security Classification:	02 Official



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REVISION RECORD

Date	Version	Revision description
15/02/2012	1.0	Policy approved by the PIRSA Chief Executive.
17/09/2014	1.1	Minor revisions to policy approved by the Director, People Governance and Assets.
20/12/2017	1.2	Minor revisions to policy approved by the General Manager, People and Culture.
16/08/2022	1.3	Policy converted to new PIRSA PPGS policy template with minor updates.

RISK ASSESSMENT

Date	Risk Rating	Risk Assessment Evaluation
16/08/2022	Medium	This policy applies PIRSA's zero tolerance and active management approach to discrimination, harassment and bullying in the workplace.

1. PURPOSE

The purpose of this policy is to ensure discrimination, harassment, sexual harassment and bullying has no place in PIRSA through a zero tolerance and active management approach of such behaviours.

The policy aims to ensure that PIRSA meets the requirements of the [Equal Opportunity Act 1984](#), [Public Sector Act 2009](#), [Work Health and Safety Act 2012](#) and [Code of Ethics for the South Australian Public Sector](#).

2. SCOPE

This policy applies to:

- all PIRSA employees, contractors, sub-contractors, visitors and volunteers
- the behaviour of PIRSA employees toward people who have dealings with this agency
- all aspects of PIRSA employment subject to specific exemptions under the [Equal Opportunity Act 1984](#).

3. POLICY DETAILS

- PIRSA recognises that all employees have the right to work in a culture free of discrimination, harassment, sexual harassment and bullying.
- The Chief Executive expects that all PIRSA employees will role model professional behaviours that support such a culture.
- Deputy chief executives, executive directors, directors, senior managers and managers will take a lead role in modelling and being 'champions' of professional and ethical behaviour to ensure zero tolerance of discrimination, harassment, sexual harassment and bullying.
- PIRSA acknowledges that the potential consequences of ignoring or condoning discrimination, harassment, sexual harassment, and bullying are high levels of workplace stress, increased absenteeism, reduced productivity and increased levels of employee turnover. Appropriate training, education and coaching will be

conducted to reinforce what constitutes acceptable and unacceptable behaviours to support all employees.

- All complaints will be treated confidentially and managed consistent with procedural fairness and natural justice.
- All complaints will be dealt with on merit, however if any claim is found to be [frivolous](#) or [vexatious](#), PIRSA may take disciplinary action against the complainant.
- Where workplace discrimination, harassment, sexual harassment or bullying of any kind is found to have occurred, this may be considered as misconduct or serious misconduct and disciplinary action may be commenced against the respondent.

4. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Chief Executive	<ul style="list-style-type: none"> • Approving this policy and associated PIRSA Freedom from Discrimination, Harassment and Bullying Resolution Procedure HR R 001. • Ensuring that PIRSA sustains a workplace culture that has zero tolerance to discrimination, harassment, sexual harassment and bullying.
PIRSA Executive	<ul style="list-style-type: none"> • Role modelling and ‘championing’ behaviours within their business division that will ensure zero tolerance of discrimination, harassment, sexual harassment and bullying. • Ensuring that PIRSA complies with the relevant legal requirements in relation to discrimination, harassment, sexual harassment and bullying in the workplace. • Ensuring that allegations of discrimination, harassment, sexual harassment and bullying are investigated and resolved promptly in accordance with this policy and the PIRSA Freedom from Discrimination, Harassment and Bullying Resolution Procedure HR R 001.

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Role	Responsibilities
	<ul style="list-style-type: none">• Ensuring that their business division(s) has at least one active <u>PIRSA Discrimination, Bullying and Harassment Contact Officer</u> (reviewable every two years) and that a small budget is available for their periodic training.• Ensuring nominations and/or elections take place should a vacancy for a Discrimination, Bullying and Harassment Contact Officer occur in their business division(s).• Ensuring that principles of natural justice are upheld.
Senior Managers/ Managers	<ul style="list-style-type: none">• Complying with the policy and performing any particular policy actions or steps.• Ensuring that measures are taken to prevent discrimination, harassment, sexual harassment and bullying from occurring in the first place.• Ensuring that all complaints are considered and accorded the appropriate action.• Ensuring that they and the employees under their supervision comply with legal requirements in relation to discrimination, harassment, sexual harassment and bullying.• Ensuring that discrimination, harassment, sexual harassment and bullying induction and awareness training is provided.• Ensuring proactive and prompt investigation of circumstances, once they become aware of warning signs of inappropriate behaviour to prevent discrimination, harassment, sexual harassment, bullying or victimisation once they become aware of it.• Contacting the <u>Principal Consultant, Industrial Relations and Injury Management</u> to obtain advice and or assistance in the handling of a complaint.• Supporting the role of <u>PIRSA Discrimination, Bullying and Harassment Contact Officers</u>.

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Role	Responsibilities
Director, People and Culture	<ul style="list-style-type: none">Implementing the policy and associated <u>PIRSA Freedom from Discrimination, Harassment and Bullying Resolution Procedure HR R 001</u> (including communication, awareness and training).Monitoring the workforce; and taking appropriate action, where relevant, by assisting managers in investigating and resolving any allegations of discrimination, harassment, sexual harassment and bullying.Ensuring that employees and elected business division <u>PIRSA Discrimination, Bullying and Harassment Contact Officers</u> are educated in the identification, prevention and elimination of discrimination, harassment, sexual harassment and bullying; and have a sound understanding of this policy and the <u>PIRSA Freedom from Discrimination, Harassment and Bullying Resolution Procedure HR R 001</u>.Providing policy advice and assistance, including interpreting policy requirements.Ongoing management of the policy (including feedback, review, document and records management requirements, updating policy versions and removal of revoked policies).Evaluating, monitoring and reviewing the policy; and reporting on the implementation of and compliance with this policy within PIRSA.
PIRSA People Operations	<ul style="list-style-type: none">Contributing to implementing the policy, including communication, awareness and training where relevant.Contributing to providing policy advice and assistance, including interpreting policy requirements.
PIRSA Work Health Safety Representatives	<ul style="list-style-type: none">Offering support and information to employees regarding discrimination, harassment, sexual harassment and bullying resolution.

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Role	Responsibilities
PIRSA Discrimination, Bullying and Harassment Contact Officers	<ul style="list-style-type: none">• Ensuring that they are well known and easily accessible throughout PIRSA.• Confidentially providing support to complainants and informing them of all available options for the resolution of any allegations of discrimination, harassment, sexual harassment and bullying.• Ensuring that the parties to discrimination, harassment, sexual harassment or bullying allegation(s) are aware of defamation laws, and that the parties should take care with the nature of the statements that they make.• Acknowledging any personal biases, conflicts of interest and lack of knowledge.• Completing a PIRSA Discrimination Bullying and Harassment Procedure Contact Officer Reporting Form each time they are approached to either provide information or advice to an employee in relation to discrimination, harassment, sexual harassment or bullying issues.• Distributing information on this policy, the PIRSA Freedom from Discrimination, Harassment and Bullying Resolution Procedure HR R 001 and other information as it comes to hand.
Employees	<ul style="list-style-type: none">• Complying with the policy and ensuring they do not engage in inappropriate behaviours.• Ensuring they genuinely participate in attempts to resolve their allegations in accordance with the PIRSA Freedom from Discrimination, Harassment and Bullying Resolution Procedure HR R 001.• Ensuring that any allegations of discrimination, bullying, harassment and sexual harassment are not frivolous or vexatious.

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5. DEFINITIONS

Term	Meaning
Bullying	<ul style="list-style-type: none"> Any behaviour that is repeated or ongoing, systematic and directed towards an employee or group of employees that a reasonable person, having regard to the circumstances, would expect to victimise, humiliate, undermine or threaten and which creates a risk to health and safety. A 'bully' can be anyone within the workplace, including a manager, supervisor or co-worker. 'Repeated' refers to the persistent or ongoing nature of the behaviour and can refer to a range of different behaviours over time. 'Systematic' refers to having, showing or involving a method or plan. Whether behaviour is systematic or not will depend on an analysis of the circumstances of each individual case. Risk to health and safety includes the risk to the emotional, mental or physical health of the person(s) in the workplace. Bullying behaviour can be overt or covert. Obvious examples of workplace bullying may include: <ul style="list-style-type: none"> physical or verbal abuse, including abusive, insulting or offensive language behaviour or language that frightens, humiliates, belittles or degrades teasing or regularly making someone the brunt of practical jokes displaying material that is degrading or offensive excluding people unreasonably criticising peoples' work or nit-picking assigning too much, or inappropriate, work withholding information to undermine work performance spreading gossip, rumours and innuendo of a malicious nature.

Term	Meaning
	<ul style="list-style-type: none"> • Workplace bullying is not: • giving feedback and constructive criticism, raising concerns about work performance, disciplining or dismissing an employee, if they are done in a reasonable way • reasonable action taken in a reasonable manner by an employer to reassign/transfer, demote, discipline, counsel or dismiss an employee • a decision by an employer, based on reasonable grounds, not to award or provide a promotion, reassignment/transfer or benefit in connection with an employee's employment • reasonable administrative action taken by an employer in connection with an employee's employment, or • reasonable action taken in a reasonable manner under an Act affecting an employee. • Bullying contravenes the Code of Ethics for the South Australian Public Sector. Also, under the Work Health and Safety Act 2012, employers are compelled to provide a safe workplace and take steps to recognise, assess and control hazards, including bullying behaviour.

Discrimination

Discrimination is not always wrong, but some discrimination is unfair and can be against the law. It is unlawful to discriminate against people because of their personal characteristics or because they belong to a certain group.

Equal opportunity is a positive way of describing the absence of discrimination. People are provided with equal opportunity if they are not discriminated against because of irrelevant personal characteristics.

Discrimination is against the law when it:

- is based on a [personal characteristic](#)
 - happens in an area of [public life](#)
-

Term	Meaning
	<ul style="list-style-type: none">• causes loss or humiliation. <p>Discrimination can be <i>direct</i> or <i>indirect</i>.</p> <p>Direct discrimination occurs when a person treats, or proposes to treat, someone unfairly or less favourably on the grounds of age, sex, chosen gender, race, disability, sexuality, marital or domestic partnership status, pregnancy, association with a child, spouse or partner's identity, religious appearance or dress (in work or study), caring responsibilities; or if they are whistleblowers.</p> <p>Indirect discrimination appears to be equal treatment but is unfair on certain people because of a particular personal characteristic. Indirect discrimination occurs when there is a requirement which at first seems fair but is in fact is unreasonable, and treats a group of people less favourably than another group because of one of the grounds identified as direct discrimination.</p> <p>For it to be unlawful, it must be also unreasonable.</p>
Equal opportunity	<p>Giving everybody a fair go in public life regardless of your personal characteristics.</p> <p>It is unlawful under the Equal Opportunity Act, for anyone to be treated unfairly or less favourably because of:</p> <ul style="list-style-type: none">• age• association with a child• caring responsibilities• chosen gender• disability• marital or domestic partnership status• pregnancy• race• religious appearance or dress (in work or study)

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Term	Meaning
	<ul style="list-style-type: none">• sex• sexuality• spouse or partner's identity; or if they are whistleblowers .
Frivolous	Allegations of discrimination, harassment, sexual harassment or bullying if they are insupportable or groundless.
Harassment	<p>Any form of unwelcome behaviour, either explicit or implicit, that offends, humiliates (puts down) or intimidates a person(s), and the behaviour is aimed at or is because of the person's:</p> <ul style="list-style-type: none">• age• association with a child• caring responsibilities• chosen gender• disability• marital or domestic partnership status• pregnancy• race• religious appearance or dress (in work or study)• sex• sexuality• spouse or partner's identity; or if they are whistleblowers . <p>Harassment occurs when a relationship or behaviour is not freely accepted by all persons involved. It must be recognised that what some people find acceptable, may cause embarrassment and discomfort to others around them.</p>

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Term	Meaning
Natural justice	<p>The principles that should apply in all instances that directly affect all parties subject to the allegation(s). These principles are:</p> <ul style="list-style-type: none">• duty to communicate allegations to a respondent• duty to ensure all parties have their respective views heard• duty to make a decision without bias <p>making a decision in good faith.</p>
<u>Sexual harassment</u>	<p>Any unwelcome conduct of a sexual nature, where it is reasonable to expect that the other person would be offended, afraid or humiliated.</p> <p>Both men and women can sexually harass and be sexually harassed by either sex.</p> <p>Sexual harassment is determined from the point of view of the person feeling harassed. It does not matter how the behaviour was intended. What matters is its effect on the other person.</p> <p>Sexual harassment can be:</p> <ul style="list-style-type: none">• unwelcome touching or kissing• commenting on a person's appearance• comments, jokes or name-calling• leering or staring• sexual pictures, objects, emails, text messages or literature• direct or implied propositions, or requests for dates• asking about a person's sexual history or sexual activities. <p>Mutual attraction or friendship with consent is not sexual harassment.</p>
Vexatious	<p>Allegations of discrimination, harassment, sexual harassment or bullying are vexatious, rather than <u>frivolous</u>, if it they have been lodged maliciously rather than in good faith. However, the complaint must also be unmeritorious for it to be vexatious.</p>

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Term	Meaning
Victimisation	<p>Treating people unfairly for complaining, or helping others to complain, either within their organisation or to the South Australian Equal Opportunity Commission.</p> <p>Unlawful victimisation is unfair treatment because of complaints about discrimination, harassment, sexual harassment or bullying.</p> <p>It is against the law because it punishes people for speaking out and stops people from complaining.</p>

6. RELATED DOCUMENTS

6.1 Policies, procedures and guidelines

- [PIRSA Freedom from Discrimination, Harassment and Bullying Resolution Procedure HR R 001](#)
- [PIRSA Whistleblowers Policy HR P 001](#)
- [PIRSA Grievance Resolution Procedure HR R 014](#)

6.2 Forms and templates

- [PIRSA Discrimination, Bullying and Harassment Contact Officers](#)
- [PIRSA Discrimination Bullying and Harassment Procedure Contact Officer Reporting Form](#)

6.3 Legislation

- [Code of Ethics for the South Australian Public Sector](#)
- [Equal Opportunity Act 1984](#)
- [Public Sector Act 2009](#)
- [Public Sector Regulations 2010](#)
- [Work Health and Safety Act 2012](#)
- [Fair Work Act 1994](#)

7. REFERENCES

- [PIRSA Contact People and Culture intranet page](#)
- [South Australian Equal Opportunity Commission website](#)
- [SafeWork SA website](#)
- [South Australian Employment Tribunal \(SAET\) website](#)

Procedure

PIRSA

HR R 001

FREEDOM FROM DISCRIMINATION, HARASSMENT AND BULLYING PROCEDURE

DOCUMENT CONTROL

PPGS Owner Workgroup:	People and Culture	PPGS Owner:	Director, People and Culture	PPGS Risk Rating & Review Cycle:	Medium 4 years
PPGS Contact Name:	John Kirkham	PPGS Approver:	Director, People and Culture	Objective File & Document No.:	CORP F2006/001048 A942866
PPGS Contact Title:	Principal Consultant, Industrial Relations and Injury Management	Date Approved:	16 August 2022	Status:	Approved
PPGS Contact Number:	(08) 8429 2110	Next Review Date:	16 August 2026	Security Classification:	02 Official



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REVISION RECORD

Date	Version	Revision description
15/03/2012	1.0	Procedure approved.
17/09/2014	1.1	Procedural updates in line with the changes to Commissioner for Public Employment
18/12/2017	1.2	Procedure updated to reflect role of SA Employment Tribunal in dealing with external
16/08/2022	1.3	Procedure converted to new PIRSA PPGS procedure template with minor updates.

RISK ASSESSEMENT

Date	Risk Rating	Risk Assessment Evaluation
16/08/2022	Medium	This procedure provides for PIRSA's zero tolerance and active management approach to discrimination, harassment and bullying in the workplace.

1. PURPOSE

PIRSA has a policy of zero tolerance toward [discrimination](#), [harassment](#), [sexual harassment](#) and [bullying](#) in the workplace. The purpose of this procedure is to provide for the prompt, fair and thorough handling of any allegations of these unacceptable behaviours in accordance with [natural justice principles](#); and aims to ensure that confidentiality is maintained in relation to all the parties to a complaint.

2. SCOPE

This procedure applies to:

- all PIRSA employees, contractors, sub-contractors, visitors and volunteers
- the behaviour of PIRSA employees toward people who have dealings with this agency.
- all aspects of PIRSA employment subject to specific exemptions under the [Equal Opportunity Act 1984](#).

3. PROCEDURE DETAILS

This procedure should be read in conjunction with the [PIRSA Freedom from Discrimination, Harassment and Bullying Policy HR P 006](#).

3.1 *Principals for handling allegations*

The following principles will apply in the handling of any allegations of discrimination, harassment, sexual harassment, and bullying:

- A person who is, or feels they are, being discriminated against, harassed, sexually harassed or bullied may lodge an allegation(s)/complaint. A complaint cannot be lodged on behalf of another person. However, PIRSA employees are reminded of the [Code of Ethics for the South Australian Public Sector](#) which require employees to report, to an appropriate authority, workplace behaviour that a reasonable person would suspect violates any law or represents corrupt conduct, mismanagement of public resources; is a danger to public health or safety or to the environment; or amounts to [misconduct](#).

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- Anonymous allegation(s) of discrimination, harassment, sexual harassment and bullying are considered to be contrary to the principles of natural justice and will not be handled through this resolution procedure.
- It is recognised that lodging a complaint may be difficult or culturally unacceptable for some employees. Management must be vigilant in their responsibilities to prevent and/or address discrimination, harassment, sexual harassment or bullying behaviour. Should management observe behaviour or incidents of concern and no complaint is subsequently made, management, as soon as reasonably possible, must approach the potential [complainant](#) and discuss the incident(s) with them. Management should ascertain whether the employee is also concerned about the incident(s) in question; and, if so, whether the employee wishes to lodge a complaint or any other course of action the employee in question prefers.
- All parties must ensure that any improper behaviour/conduct ceases immediately.
- All parties must comply with this resolution procedure.
- All parties must ensure details of the allegation(s) are kept confidential.
- All parties must initially focus resolution on conciliation and education, not punishment.
- Disciplinary measures will be used where circumstances warrant, e.g. breaches of the [Code of Ethics for the South Australian Public Sector](#).
- All parties must ensure there is no victimisation of the complainant or the [respondent](#).
- Just as a complainant has rights to fair and prompt action based on natural justice regarding their allegation(s), the respondent also has rights to natural justice. This includes the right to:
 - not be prejudged
 - be fully informed of the allegation(s) against them
 - be provided with adequate time to reply to the allegations
 - representation of their choice

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- confidentiality, including the restriction of information only to those directly involved in the resolution procedure
- have all records managed in accordance with the [State Records Act 1997](#) and [PIRSA Document and Records Management Policy IM P 002](#)
- seek an internal or external review where relevant.

3.2 Timeframe for handling allegations

When an employee notifies their senior manager/manager of their allegations of discrimination, harassment, sexual harassment or bullying, the senior manager/manager must acknowledge receipt of the allegations in writing within two working days.

The resolution process must commence as soon as possible, and no later than within five days of the complaint being properly lodged.

3.3 Strategies for complaint resolution

When first raised, allegations should be addressed immediately at the workplace level. As appropriate, use of the following informal procedures is encouraged.

3.3.1 Employee self-help

Provided an employee (the complainant) feels capable and confident of doing so, they may adopt the following approaches.

A complainant may approach the other person involved (respondent) or write a letter, and advise them that their behaviour is unacceptable and ask them to stop.

Sometimes people are unaware that their behaviour may be unacceptable. Advising the person will give them a chance to stop or change what they are doing. Prior to arranging a meeting with the respondent, the employee may wish to seek advice from:

- a [PIRSA Discrimination, Bullying and Harassment Contact Officer](#) where the allegations of discrimination, harassment, sexual harassment or bullying has been made

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- their [PIRSA People Partnering Consultant](#) or other contact within PIRSA People and Culture
- external employee assistance providers contracted under the [PIRSA Health and Wellbeing / Employee Assistance Program \(EAP\)](#)
- advisers from the [South Australian Equal Opportunity Commission](#)
- medical practitioners
- a relevant union or employee association representative.

If the complainant does not feel capable and confident of communicating with the respondent by themselves, they may meet the respondent with someone as a third party support. If this approach is selected, the employee should refer to the section [3.3.2 Third party support](#) below.

At no time should an employee feel that they have to manage the situation alone.

3.3.2 Third party support

If a complainant does not wish to raise their allegations with the respondent alone, they may seek the support of a third party. The third party may be an employee's colleague, an employee association/ union representative, a [PIRSA People Partnering Consultant](#) or contact, or an elected union official.

The third party plays a supporting role. It is the responsibility of the complainant to ensure that the nature of the third party's involvement is made clear. The respondent may also seek the involvement of a third party.

Any meetings between the parties should be an open, honest and genuine attempt to resolve the allegations. If a resolution is agreed, it should be documented and signed by all parties.

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Asking your manager to intervene

If a complainant does not wish to self-manage their allegations, they can ask their manager to intervene and seek their help in resolving the allegations. The manager may intervene in a variety of ways to help the complainant resolve their allegations. For example, they may mediate or decide to engage an independent [mediator](#). If the manager is responsible for the behaviour, then the complainant should seek advice from the Principal Consultant, Industrial Relations and Injury Management about how to proceed.

The independent mediator must be a person who is impartial and have well developed capabilities in conflict resolution. The mediator may be a person within PIRSA, a person from another agency, an independent person from a mediation service, or a suitably skilled external consultant.

3.3.3 Mediation

Mediation is a practical process through which the mediator assists the parties themselves to check facts, exchange perceptions and ideas, and work towards reaching a mutually acceptable resolution. In mediation, the parties themselves have responsibility for deciding the resolution rather than the mediator who cannot impose an outcome. An agreement is reached when the parties are satisfied with all of its terms. The mediator usually helps draw up an agreement. The agreement should be signed and dated by all parties.

The mediator is to inform the senior manager/manager of the outcome and is strongly encouraged to ensure the preparation of documentation for the signature of all parties.

The complainant, respondent and manager will retain a copy of the agreement.

3.3.4 Conciliation

Conciliation is an informal, private and generally confidential process where a [conciliator](#) assists complainants and respondents to resolve a claim of discrimination, harassment, sexual harassment or bullying by agreement.

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The conciliator is independent and does not take sides, but works to bring the parties to an agreed resolution.

The style of each conciliator may vary but, in general, conciliation will include the following steps:

- the conciliator explains their role and the manner in which the conciliation is to be run
- each side briefly outlines their story, including what happened, any relevant facts and what they want
- the conciliator may allow or ask questions
- the circumstances, and any issues arising, are discussed
- the conciliator may talk separately to the parties
- the conciliator assists the parties to reach agreement by identifying common ground; suggesting possible options; and sometimes by making recommendations and assisting the parties in drafting an agreement in writing.

Mediation and conciliation have similar attributes. The most important distinction is that in mediation the parties come up with solutions themselves, whereas in conciliation the conciliator may suggest solutions. Besides being independent, conciliators must have skills either obtained through formal training and/or experience.

3.4 Internal review

Where the senior manager/manager considers it inappropriate to mediate or conciliate a complaint or a complainant prefers, an internal review of the allegation(s) may take place.

The manager may review the matter personally or engage the PIRSA Director, People and Culture; any other [PIRSA People Partnering Consultant](#); or, where it is relevant, invite an outside person to conduct the review. The outside person may

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actually be someone from within PIRSA skilled in the conduct of such reviews, e.g. [PIRSA People and Culture](#).

The person undertaking the review will gather all relevant information from the parties. The internal review may also involve bringing the parties together for a conference. The reviewer conducting the review will prepare a report to the manager who will consider the findings, make a decision and convey the decision to the parties in writing.

Irrespective of the outcome of the internal review, the complainant has the right to lodge their allegation(s) with the appropriate external authority where relevant in accordance with section 27 of the [Public Sector Regulations 2010](#).

If a complainant has been unable to resolve the allegation(s)/complaint, they may pursue a more formal approach. In such situation the employee must submit details of their allegation(s) in writing to the PIRSA Chief Executive, or relevant Deputy Chief Executive or Executive Director.

Where the allegations are purported to be as a result of the behaviour of a Deputy Chief Executive, Executive Director or manager, the employee may make their submission to the PIRSA Director, People and Culture.

This submission must include the:

- complainant's name and location
- details of the allegations, including date(s)
- name/s of the other party
- name/s of any witnesses
- any previous action taken to resolve the allegations
- the remedy that the complainant is seeking.

Upon receipt of the allegations of discrimination, harassment, sexual harassment or bullying, and having regard for their nature, the Chief Executive, Deputy Chief

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Executive or Executive Director should notify the PIRSA Director, People and Culture who will assist in the resolution of the allegations.

The PIRSA Director, People and Culture will then assign a person independent of earlier reviews to resolve the allegations and will discuss with the complainant how they would like to resolve the allegations. Where reasonable, the wishes of the complainant will be respected. However, it is the responsibility of PIRSA management to appropriately manage the matter.

The nature of the allegations will determine whether the matter can then be resolved through a discussion with the respondent, either with the complainant present or not, to seek a resolution. The complainant must be satisfied that the behaviour will stop and their feelings have been acknowledged. This may involve an apology on the part of the respondent and a commitment to act differently in the future.

Depending on the nature of the allegations, it may be necessary to refer an investigation to the [South Australian Police](#) (SAPOL) or other appropriate authority, such as the [SA Independent Commissioner Against Corruption](#) and/or [South Australian Office for Public Integrity](#).

It is essential that the rights of the respondent are protected. Any intervention to resolve a matter must be treated confidentially and be underpinned by the principles of natural justice and procedural fairness.

3.5 External review

Ideally, all allegations of discrimination, harassment, sexual harassment and bullying should be handled through this PIRSA resolution procedure in a prompt and fair manner. However, if complainants feel that their allegations have not been suitably addressed they may, at any time, choose to seek advice or to lodge allegations with an external organisation such as:

- [SafeWork SA](#) for bullying complaints
- [South Australian Equal Opportunity Commission](#)
- a relevant union or employee association representative

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- [South Australian Ombudsman](#)
- [South Australian Employment Tribunal \(SAET\)](#)
- [Australian Fair Work Commission](#)
- [Australian Fair Work Ombudsman](#)
- [Australian Human Rights Commission](#).

When an employee lodges allegations with an external organisation, PIRSA may be required to suspend any internal resolution procedure in place at the time. At all times, PIRSA will cooperate fully with the external organisation. After carrying out an investigation, the investigation officer from the external organisation may recommend a draft action plan for the consideration of the parties concerned, including PIRSA management, the complainant, the respondent and other relevant stakeholders. Such a plan may include

- personal development, support and assistance for the affected parties
- counselling and/or training for the complainant and respondent
- reviewing relevant human resources data, role descriptions, policies, procedures, guidelines, standards or systems.

3.6 *Frivolous, vexatious or untrue complaint*

There are penalties for [frivolous](#), [vexatious](#) or untrue complaints. The Chief Executive may initiate disciplinary action against any person covered by this procedure who lodges false, frivolous, vexatious or [malicious](#) allegations of discrimination, harassment, sexual harassment or bullying.

3.7 *Documentation and recordkeeping requirements*

Employees experiencing any discrimination, harassment, sexual harassment or bullying should keep a written record of any alleged incident(s) in accordance with the [PIRSA Document and Records Management Policy IM P 002](#). This includes:

- names of the person(s) involved
- exhibited behaviours

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- place(s) where the incident(s) occurred
- date and time that the incident(s) occurred
- names of any witnesses
- any action which the employee took to deal with the incident.

This information should be kept until the allegations are resolved; and must be kept confidential to protect the complainant, respondent and any other employees named in the record.

[PIRSA Discrimination, Bullying and Harassment Contact Officers](#) are to complete a [PIRSA Discrimination, Bullying and Harassment Procedure Contact Officer Reporting Form](#), each time they are approached to either provide information or advice to an employee in relation to discrimination, harassment, sexual harassment or bullying issues. These forms are an integral part in ensuring that PIRSA monitors the types of concerns raised by complainants and the determination of any appropriate action required.

Any personal notes should be kept confidential and may be used as evidence if the matter becomes the subject of formal allegation(s).

4. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Chief Executive	<ul style="list-style-type: none">• Approving the procedure and associated <u>PIRSA Freedom from Discrimination, Harassment and Bullying Policy HR P 006</u>.• Ensuring that PIRSA sustains a workplace culture that has zero tolerance to discrimination, harassment, sexual harassment and bullying.
PIRSA Executive	<ul style="list-style-type: none">• Role modelling and 'championing' behaviours within their business division that will ensure zero tolerance of discrimination, harassment, sexual harassment and bullying.

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Role	Responsibilities
	<ul style="list-style-type: none">• Ensuring that PIRSA complies with the relevant legal requirements in relation to discrimination, harassment, sexual harassment and bullying in the workplace.• Ensuring that the allegations of discrimination, harassment, sexual harassment and bullying are investigated and resolved promptly in accordance with this procedure and the <u>PIRSA Freedom from Discrimination, Harassment and Bullying Policy HR P 006</u>.• Ensuring that their business division(s) has at least one active <u>PIRSA Discrimination, Bullying and Harassment Contact Officer</u> (reviewable every two years) and that a small budget is available for their periodic training.• Ensuring nominations and/or elections take place should a vacancy for a <u>PIRSA Discrimination, Bullying and Harassment Contact Officer</u> occur in their business division(s).• Ensuring that principles of natural justice are upheld
Senior Managers, Managers	<ul style="list-style-type: none">• Complying with the policy and performing any particular policy actions or steps.• Ensuring that measures are taken to prevent discrimination, harassment, sexual harassment and bullying from occurring in the first place.• Ensuring that all complaints are considered and accorded the appropriate action.• Ensuring that they and the employees under their supervision comply with legal requirements in relation to discrimination, harassment, sexual harassment and bullying.• Ensuring that discrimination, harassment, sexual harassment and bullying induction and awareness training is provided.• Ensuring proactive and prompt investigation of circumstances, once they become aware of warning signs of inappropriate behaviour to prevent discrimination, harassment, sexual

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Role	Responsibilities
	<p>harassment, bullying or victimisation once they become aware of it.</p> <ul style="list-style-type: none">• Contacting the PIRSA Director, People and Culture to obtain advice and or assistance in the handling of a complaint.• Supporting the role of PIRSA Discrimination, Bullying and Harassment Contact Officers.
Director, People and Culture	<ul style="list-style-type: none">• Implementing the procedure and associated PIRSA Freedom from Discrimination, Harassment and Bullying Policy HR P 006 (including communication, awareness and training).• Monitoring the workforce; and taking appropriate action, where relevant, by assisting managers in investigating and resolving any allegations of discrimination, harassment, sexual harassment and bullying.• Ensuring that employees and elected business division PIRSA Discrimination, Bullying and Harassment Contact Officers are educated in the identification, prevention and elimination of discrimination, harassment, sexual harassment and bullying; and have a sound understanding of this procedure and the PIRSA Freedom from Discrimination, Harassment and Bullying Policy HR P 006.• Providing procedural and policy advice and information to the managers and employees on all the options available for handling a complaint effectively.• Ongoing management of the procedure (including feedback, review, document and records management requirements, updating procedure versions and removal of revoked procedures).• Evaluating, monitoring and reviewing the procedure; and reporting on the implementation of and compliance with this procedure within PIRSA.

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Role	Responsibilities
PIRSA People Operations	<ul style="list-style-type: none">• Contributing to implementing the procedure, including communication, awareness and training where relevant.• Contributing to providing procedure advice and assistance, including interpreting procedural requirements.
Work Health Safety Representatives	<ul style="list-style-type: none">• Offering support and information to employees regarding discrimination, harassment, sexual harassment and bullying resolution.
<u>PIRSA Discrimination, Bullying and Harassment Contact Officers</u>	<ul style="list-style-type: none">• Ensuring that they are well known and easily accessible throughout PIRSA.• Confidentially providing support to complainants and informing them of all available options for the resolution of any allegations of discrimination, harassment, sexual harassment and bullying.• Ensuring that the parties to discrimination, harassment, sexual harassment or bullying allegation(s) are aware of defamation laws, and that the parties should take care with the nature of the statements that they make.• Acknowledging any personal biases, conflicts of interest and lack of knowledge.• Completing a <u>PIRSA Discrimination Bullying and Harassment Procedure Contact Officer Reporting Form</u> each time they are approached to either provide information or advice to an employee in relation to discrimination, harassment, sexual harassment or bullying issues.• Distributing information on this procedure, the <u>PIRSA Freedom from Discrimination, Harassment and Bullying Policy HR P 006</u> and other information as it comes to hand.
Employees	<ul style="list-style-type: none">• Complying with the procedure and ensuring they do not engage in inappropriate behaviours.

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Role	Responsibilities
	<ul style="list-style-type: none"> Ensuring they genuinely participate in attempts to resolve their allegations in accordance with this procedure. Ensuring that any allegations of discrimination, harassment, sexual harassment and bullying are not frivolous or vexatious.

5. DEFINITIONS

Bullying	<p>Any behaviour that is repeated or ongoing, systematic and directed towards an employee or group of employees that a reasonable person, having regard to the circumstances, would expect to victimise, humiliate, undermine or threaten and which creates a risk to health and safety. A 'bully' can be anyone within the workplace, including a manager, supervisor or co-worker.</p> <p>'Repeated' refers to the persistent or ongoing nature of the behaviour and can refer to a range of different behaviours over time.</p> <p>'Systematic' refers to having, showing or involving a method or plan. Whether behaviour is systematic or not will depend on an analysis of the circumstances of each individual case.</p> <p>Risk to health and safety includes the risk to the emotional, mental or physical health of the person(s) in the workplace.</p> <p>Bullying behaviour can be overt or covert. Obvious examples of workplace bullying may include:</p> <ul style="list-style-type: none"> physical or verbal abuse, including abusive, insulting or offensive language behaviour or language that frightens, humiliates, belittles or degrades teasing or regularly making someone the brunt of practical jokes displaying material that is degrading or offensive excluding people unreasonably criticising peoples' work or nit-picking
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- assigning too much, or inappropriate, work
 - withholding information to undermine work performance
 - spreading gossip, rumours and innuendo of a malicious nature.

Workplace bullying is **not**:

- giving feedback and constructive criticism, raising concerns about work performance, disciplining or dismissing an employee, if they are done in a reasonable way
- reasonable action taken in a reasonable manner by an employer to reassign/transfer, demote, discipline, counsel or dismiss an employee
- a decision by an employer, based on reasonable grounds, not to award or provide a promotion, reassignment/transfer or benefit in connection with an employee's employment
- reasonable administrative action taken by an employer in connection with an employee's employment, or
- reasonable action taken in a reasonable manner under an Act affecting an employee.

Bullying contravenes the [Code of Ethics for the South Australian Public Sector](#). Also, under the [Work Health and Safety Act 2012](#), employers are compelled to provide a safe workplace and take steps to recognise, assess and control hazards, including bullying behaviour.

Complainant	A complainant is any PIRSA employee or other person covered by this resolution procedure who has lodged an allegation(s) about discrimination, bullying, harassment or sexual harassment.
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Conciliator	A suitably trained person who actively facilitates a meeting/s between the complainant and respondent with a view to helping the parties resolve the matter and is authorised to make recommendations to PIRSA management.
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Discrimination	Discrimination is not always wrong, but some discrimination is unfair and can be against the law. It is unlawful to discriminate against
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people because of their personal characteristics or because they belong to a certain group.

[Equal opportunity](#) is a positive way of describing the absence of discrimination. People are provided with equal opportunity if they are not discriminated against because of irrelevant personal characteristics.

Discrimination is against the law when it:

- is based on a [personal characteristic](#)
- happens in an area of [public life](#)
- causes loss or humiliation.

Discrimination can be *direct* or *indirect*.

Direct discrimination occurs when a person treats, or proposes to treat, someone unfairly or less favourably on the grounds of age, sex, chosen gender, race, disability, sexuality, marital or domestic partnership status, pregnancy, association with a child, spouse or partner's identity, religious appearance or dress (in work or study), caring responsibilities; or if they are [whistleblowers](#).

Indirect discrimination appears to be equal treatment but is unfair on certain people because of a particular personal characteristic. Indirect discrimination occurs when there is a requirement which at first seems fair but is in fact is unreasonable, and treats a group of people less favourably than another group because of one of the grounds identified as direct discrimination.

For it to be unlawful, it must be also unreasonable.

[Equal opportunity](#) Giving everybody a fair go in public life regardless of your personal characteristics.

It is unlawful under the [Equal Opportunity Act](#), for anyone to be treated unfairly or less favourably because of:

- age
- association with a child

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	<ul style="list-style-type: none">• caring responsibilities• chosen gender• disability• marital or domestic partnership status• pregnancy• race• religious appearance or dress (in work or study)• sex• sexuality• spouse or partner's identity; or if they are <u>whistleblowers</u> .
Frivolous	Allegations of discrimination, harassment, sexual harassment or bullying if they are insupportable or groundless.
Harassment	<p>Any form of unwelcome behaviour, either explicit or implicit, that offends, humiliates (puts down) or intimidates a person(s), and the behaviour is aimed at or is because of the person's:</p> <ul style="list-style-type: none">• age• association with a child• caring responsibilities• chosen gender• disability• marital or domestic partnership status• pregnancy• race• religious appearance or dress (in work or study)• sex• sexuality

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	<ul style="list-style-type: none">• spouse or partner's identity; or if they are whistleblowers . <p>Harassment occurs when a relationship or behaviour is not freely accepted by all persons involved. It must be recognised that what some people find acceptable, may cause embarrassment and discomfort to others around them.</p>
Malicious	A malicious complaint can be a false or misleading allegation(s) where the complainant is not acting in good faith. In the event of malicious allegation(s) of discrimination, harassment, sexual harassment or bullying, there are procedures through common law, which are available to the aggrieved party and disciplinary action may be taken against the complainant.
Mediator	A mediator is a suitably trained person who mediates allegation(s) of discrimination, harassment, sexual harassment or bullying, and is authorised to make recommendations to PIRSA management.
Misconduct	It is a breach of a disciplinary provision of the Code of Ethics for the South Australian Public Sector while in employment as a public sector employee; or other misconduct while in employment as a public sector employee. It includes making a false statement in connection with employment application as a public sector employee and being convicted, while in employment as a public sector employee, of an offence punishable by imprisonment.
Natural justice	<p>The principles that should apply in all instances that directly affect all parties subject to the allegation(s). These principles are:</p> <ul style="list-style-type: none">• duty to communicate allegations to a respondent• duty to ensure all parties have their respective views heard• duty to make a decision without bias <p>making a decision in good faith.</p>
Respondent (other party)	A PIRSA employee or other person covered by this resolution procedure who has had allegation(s) of discrimination, harassment, sexual harassment or bullying lodged against them.

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<u>Sexual harassment</u>	<p>Any unwelcome conduct of a sexual nature, where it is reasonable to expect that the other person would be offended, afraid or humiliated.</p> <p>Both men and women can sexually harass and be sexually harassed by either sex.</p> <p>Sexual harassment is determined from the point of view of the person feeling harassed. It does not matter how the behaviour was intended. What matters is its effect on the other person.</p> <p>Sexual harassment can be:</p> <ul style="list-style-type: none">• unwelcome touching or kissing• commenting on a person's appearance• comments, jokes or name-calling• leering or staring• sexual pictures, objects, emails, text messages or literature• direct or implied propositions, or requests for dates• asking about a person's sexual history or sexual activities. <p>Mutual attraction or friendship with consent is not sexual harassment</p>
Vexatious	<p>Allegations of discrimination, harassment, sexual harassment or bullying are vexatious, rather than <u>frivolous</u>, if it they have been lodged maliciously rather than in good faith. However, the complaint must also be unmeritorious for it to be vexatious.</p>
Victimisation	<p>Treating people unfairly for complaining, or helping others to complain, either within their organisation or to the <u>South Australian Equal Opportunity Commission</u>.</p> <p>Unlawful victimisation is unfair treatment because of complaints about discrimination, harassment, sexual harassment or bullying.</p> <p>It is against the law because it punishes people for speaking out and stops people from complaining.</p>

6. RELATED DOCUMENTS

6.1 Policies, procedures and guidelines

- [PIRSA Freedom from Discrimination, Harassment and Bullying Policy HR P 006](#)
- [PIRSA Whistleblowers Policy HR P 001](#)
- [PIRSA Grievance Resolution Procedure HR R 014](#)
- [PIRSA Fraud and Corruption Control Policy HR P 022](#)
- [PIRSA Document and Records Management Policy IM P 002](#)

6.2 Forms and templates

- [PIRSA Discrimination, Bullying and Harassment Contact Officers](#)
- [PIRSA Discrimination Bullying and Harassment Procedure Contact Officer Reporting Form](#)

6.3 Legislation

- [Code of Ethics for the South Australian Public Sector](#)
- [Equal Opportunity Act 1984](#)
- [Public Sector Act 2009](#)
- [Public Sector Regulations 2010](#)
- [State Records Act 1997](#)
- [Work Health and Safety Act 2012](#)
- [Fair Work Act 1994](#)

7. REFERENCES

- [PIRSA Health and Wellbeing / Employee Assistance Program \(EAP\) intranet page](#)
- [PIRSA Contact People and Culture intranet page](#)
- [South Australian Equal Opportunity Commission website](#)
- [Australian Fair Work Commission website](#)
- [Australian Fair Work Ombudsman website](#)

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- [Australian Human Rights Commission website](#)
- [SafeWork SA website - for bullying complaints](#)
- [South Australian Employment Tribunal \(SAET\) website](#)
- [South Australian Independent Commissioner Against Corruption website](#)
- [South Australian Office for Public Integrity website](#)
- [South Australian Ombudsman](#)

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Procedure

PIRSA

HR R 014

PIRSA GRIEVANCE RESOLUTION PROCEDURE

DOCUMENT CONTROL

PPGS Owner Workgroup:	People and Culture	PPGS Owner:	Director, People and Culture	PPGS Risk Rating & Review Cycle:	Medium 4 years
PPGS Contact Name:	John Kirkham	PPGS Approver:	Chief Executive	Objective File & Document No.:	CORP F2015/000048 A2253699
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REVISION RECORD

Date	Version	Revision description
23/01/2015	0.1	New draft procedure for PIRSA-wide consultation.
28/04/2015	1.0	Procedure approved by PIRSA Executive. Supersedes the former <i>PIRSA Grievance</i>
30/04/2018	1.1	Minor updates to procedure approved by the General Manager, People and Culture.
30/03/2022	1.2	Procedure converted to new PIRSA PPGS procedure template with minor updates.

RISK ASSESSEMENT

Date	Risk Rating	Risk Assessment Evaluation
30/03/2022	Medium	This procedure provides in comprehensive detail the process to which an employee can have a grievance addressed.

1. PURPOSE

The purpose of this procedure is to provide all PIRSA employees with comprehensive information on how to have their [grievances](#) addressed in a timely manner through proper processes against what they consider to be unfair administrative acts; inappropriate actions; and/or failure or refusal to make decisions on matters associated with their employment.

2. SCOPE

This procedure applies to all PIRSA employees. This includes all Public Sector Act, weekly paid, RV Ngerin and casual employees working in PIRSA.

3. PROCEDURE DETAILS

This procedure covers employee grievances related to:

- an employment decision, which means an [administrative decision](#) relating to the employment of a person. This includes an administrative decision relating to:
 - the engagement, promotion, transfer, remuneration, entitlements or termination of employment of a person
 - a decision to take disciplinary action against a person.

An employment decision, in order to be a subject of an employee grievance, **must** relate to or directly affect an individual employee. However, this does not include organisational decisions to transfer employees to meet SA Government objectives, even though that organisational decision may affect individual employees.

Employment decisions which aggrieve individuals are only reviewable when:

- the employee feels they are being unlawfully discriminated against, and
- the decisions are not matters excluded from the right of review prescribed in Regulation 25 of the [Public Sector Regulations 2010](#).

Note: Certain situations are excluded from the right to an internal review of an

employment decision. Refer to section [3.5.4 Situations excluded from the right of internal review](#) for more information

- [discrimination](#), [harassment](#) and/or other inappropriate behaviour, including workplace [bullying](#), either from other colleagues and/or customers/clients. Where a grievance relates to allegations of discrimination, bullying or harassment in the workplace, employees should refer to the [PIRSA Freedom from Discrimination, Harassment and Bullying Policy HR P 006](#) and [PIRSA Freedom from Discrimination, Harassment and Bullying Procedure HR R 001](#) for more information
- other unethical treatment and/or breaches of the professional conduct standards as outlined in the [Code of Ethics for the South Australian Public Sector](#).

3.1 Grievance resolution principles

The following principles underpin grievance resolution in PIRSA:

- **solutions focussed** – efforts are made to resolve matters locally and quickly with an emphasis on resolution rather than apportioning blame
- [natural justice](#) – often referred to as [procedural fairness](#). Key aspects include the right to respond or to be heard; the right to have the decision maker free from bias; and the right to have decisions made on credible, reasonable, logical evidence, proven on the balance of probabilities
- **impartiality** – people involved in dealing with the grievance are impartial, deal with the facts only, and do not have preconceived opinions about the individuals or the issue at hand
- **relevance** – only information and/or people who are relevant to the grievance or disciplinary matter will be involved
- **timeliness** – grievances should be dealt with as promptly as possible. Where possible, timelines will be communicated to all people involved during the process
- **confidentiality** – complaints should only be discussed with people who have a genuine role to play in the grievance handling process. Related records are to be kept securely (see section [3.2 Grievance resolution documentation and records](#))

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- **privacy** – discussions held with all people involved should be conducted privately
- **sensitivity and empathy** – people involved in a grievance should be provided with an opportunity to be heard and to respond to information in a respectful manner
- **prevention and education first, discipline as a last resort** – where possible people should be provided with an opportunity to learn from and correct their behaviour/conduct. However, depending on the seriousness of the matter, disciplinary action(s) may be required
- **independent investigation of external groups** – when outside agencies are engaged to assist with the resolution of grievances they will be able to perform their functions independently without direction or interference from PIRSA management
- **assistance for special needs groups** – consideration should be given to providing assistance for people who may find it difficult to use or access grievance processes, e.g. Aboriginal and Torres Strait Islanders; people from cultural and linguistic diversity (CALD) backgrounds; and people with a disability or special needs. If required, managers and employees will be offered access to the [PIRSA Health and Wellbeing Program \(Employee Assistance Program\)](#)
- **intolerance to vexatious complaints** – prompt action must be taken against vexatious complaints and relevant misconduct guidelines applied to protect employees from such conduct.

3.2 Grievance resolution documentation and records

Where a grievance has been managed and resolved successfully at the local level, the relevant notes and documentation are to be stored in a local file, and kept securely and confidentially by the relevant supervisor/manager.

Where the grievance has been escalated to the next level and/or involves an outcome of a disciplinary process, a confidential PIRSA Objective EDRMS file, with appropriate security privileges applied, will be created (under the relevant business division 'Human Resource Management – Grievances' function and activity folder

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combination) and stored securely by PIRSA People and Culture. The outcome of the grievance will also be captured in the employee's PIRSA Objective EDRMS employee personal file held by PIRSA People and Culture.

All documentation and records relating to grievance resolution processes will be captured, kept and maintained in accordance with the [PIRSA Document and Records Management Policy IM P 002](#) and [SA Government General Disposal Schedule 30 \(GDS30\) for State Government Agencies in South Australia](#).

Personal information is to be managed in accordance with the [PIRSA Information Privacy Policy IM P 011](#) and [SA Department of Premier and Cabinet Circular PC012 – Information Privacy Principles Instruction](#).

3.3 Prevention of grievances

It is the responsibility of every SA Public Sector employee to familiarise themselves with the [Code of Ethics for the South Australian Public Sector](#); and to conduct themselves in a manner that is consistent with [South Australian Public Sector Values](#), behavioural principles and ethical standards of professional conduct.

PIRSA has a responsibility to treat employees fairly and consistently; and not subject employees to arbitrary, improper or unreasonable administrative decisions.

Grievances may be prevented in most instances through:

- regular promotion of PIRSA policies, the [Code of Ethics for the South Australian Public Sector](#) and [South Australian Public Sector Values](#)
- inclusive decision-making processes
- appropriate consultation (refer to the [Planning and Change intranet page](#) for more information).
- clear and prompt communication of administrative decisions to all employees who may be affected by that decision.

3.4 *Grievance resolution* *options*

PIRSA strongly supports prompt resolution of grievances in a fair and respectful manner without having to resort to more formal and time consuming processes. Whenever possible, grievances are to be resolved at the workplace level to prevent them from becoming more difficult and complex. PIRSA will aim to accommodate the preferred conciliation or conflict resolution styles of individual employees.

Grievance resolution options include:

3.4.1 Conciliation

- PIRSA will always attempt first to resolve any employee grievances of reviewable employment decisions by conciliation. This process involves informal discussions between the aggrieved employee and the other party who made the relevant decision in an endeavour, so far as is reasonably possible, to resolve the grievance.
- A conciliation should occur in as informal and timely manner as is possible in the circumstances through an open and transparent communication.
- Prior to arranging a meeting with the other party, the employee may wish to seek advice from [People and Culture](#) to receive information on relevant policies, procedures and guidelines relating to the decision or action which may be relevant to the grievance.

3.4.2 Mediation

- If an employee feels offended by the actions of another employee or customer/client - or feel as though they have been treated unfairly by an [administrative decision](#) made by management - they are encouraged to make it known to that person as soon as possible in an attempt to resolve the issue.
- If the employee does not wish to raise their grievance with the other party alone, they may seek confidential support of a [third party](#) (mediator) who may play a supporting or actual advocacy role to identify the issues in grievance, develop options, consider alternatives, and endeavour to reach an agreement on a solution.

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- Mediation is a voluntary process. Neither the complainant nor the other party can be compelled to become involved in mediation.
- In a mediation process, discussion should be open and honest with a genuine attempt being made to resolve the grievance.
- It is essential that the person mediating should be trained and/or experienced in the conduct of a mediation process. The mediator may be a person within PIRSA, a person from another agency, an independent person from a mediation service, or a consultant who provides assistance in cases of workplace disputes.
- An agreement is reached when the parties are satisfied with all of its terms, and those terms meet any legislative or policy requirements.
- If resolution is agreed, then the details of the agreement should be documented and signed by all parties.
- The other party may also seek the involvement of a third party (mediator).

3.4.3 Investigation

- The purpose of an investigation is to gather enough information to be able to substantiate or not substantiate a grievance and/or breach of policy. This may involve statements being taken, interviews conducted, notes recorded and the preparation of a report with recommendations to the Chief Executive or delegate for consideration.
- The nominated investigator does not determine the outcome of the grievance or disciplinary action.
- Sometimes an initial investigation (or preliminary investigation) into the allegations/incident may be undertaken by local management or PIRSA People and Culture.
- An investigation may be initiated:
 - following a complaint received from an employee, or
 - when a supervisor/manager believes an investigation is necessary based on their own observations of inappropriate or unethical behaviour at work.
- An investigation is more likely to take place in the following circumstances:

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- serious allegations of [misconduct](#), including allegations of [harassment](#) or [bullying](#)
- situations where allegations are denied
- allegations of [victimisation](#) of either person involved in the grievance are raised
- [whistleblower](#) disclosures and fraud and corruption complaints handled by a 'responsible officer' (refer to section [3.12 Whistleblowers disclosures and fraud and corruption complaints](#) for more information).
- The outcome of an investigation process can include a complaint (or aspects of a complaint) being substantiated or unsubstantiated. Where a complaint is substantiated, PIRSA will determine the appropriate course of action, not the person raising the complaint. Where a complaint is unsubstantiated, action may include monitoring of the situation, education and/or no further action.
- The person raising the complaint should be informed in writing of the outcome of their complaint. However, this does not mean they will receive all details regarding the disciplinary action taken against another employee.

3.4.4 Interventions for interpersonal matters

When a grievance arises due to interpersonal matters - depending on the nature and seriousness of the concern, and consideration of the impact on the person and/or others in the workplace – supervisors/ managers or People and Culture may use one or more of the following interventions:

- assessing whether the complaint has been raised in good faith and has some substance
- approaching the person complained against to inform them of any concerns raised - without passing judgement on the accuracy or otherwise of the concerns and seeking any comment/response
- making clear their expectations regarding behaviours and actions being in line with the [Code of Ethics for the South Australian Public Sector](#) and [South Australian Public Sector Values](#); and the [PIRSA Freedom from Discrimination](#).

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[Harassment and Bullying Policy](#) [HR P 006](#) and [PIRSA Freedom from Discrimination, Harassment and Bullying Procedure HR R 001](#)

- if appropriate, considering whether there is any benefit in engaging both parties in a facilitated or mediated resolution process
- monitoring the situation to assess the appropriateness of the alleged behaviour and determine a course of action
- instigating a program of education and awareness raising for an individual and/or others at work
- protecting all parties from [victimisation](#).

3.5 Grievance resolution for Public Sector Act employees

3.5.1 Internal reviews

In accordance with the [SA Commissioner for Public Sector Employment Guideline: Review of Employment Decisions](#):

- An employee may seek internal review of a reviewable employment decision under section 61 of the [Public Sector Act](#), by submitting a completed [PIRSA Application for Internal Review Form](#) to the Chief Executive, with a copy sent to the Director, People and Culture.

An aggrieved employee may initiate the internal review where the grievance cannot be resolved through dialogue with their immediate line manager and/or divisional director or executive director.

- An internal review must be conducted as quickly and with as little formality as proper consideration of the matter allows; and in accordance with the rules of [natural justice](#) and [procedural fairness](#) described in the [Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance \(Including Misconduct\)](#).
- An internal review must be conducted by a person with an appropriate level of seniority and knowledge. The reviewer should have not been involved in the decision under review and not have an interest in the matter.
- Persons conducting internal reviews are generally to be provided by management with all documents relevant to the decision under review as described in the

- The role of a person conducting an internal review is to identify, quickly and with a minimum of formality, whether processes relating to the decision were conducted appropriately and procedural fairness was applied afforded to the employee. They must act independently, ethically and conduct an impartial, objective assessment based on the specific facts of the decision under review. Further guidance can be found in [Commissioner for Public Sector Employment Guideline: Review of Employment Decisions.](#)
- Persons conducting internal reviews should quickly identify and dispense with grievances that are frivolous or vexatious.
- Where it is considered advantageous to have objective external input, and/or where it is necessary to have an objective assessment of the employee's entire conduct as a SA Public Sector employee, the Director, People and Culture must be engaged in the internal review process.
- Internal reviews may be conducted without a hearing, and are usually undertaken on the basis of documents alone. However, it is essential that the person(s) conducting the internal review makes contact with the aggrieved employee, either in person or by telephone, to generally discuss the matter and explain the process. It is also desirable that employee and management representatives are personally informed of internal review decisions. It is fundamental that employees be provided with the written findings of an internal review. Findings of reviewers are to be written to and for the benefit of both the aggrieved employee and the Chief Executive or delegate.

3.5.2 Internal review timeframes

- If a SA Public Sector employee is aggrieved by a **merit based selection process**, the employee must submit a [PIRSA Application for Internal Review Form](#) **within seven days** after the day they were notified of the outcome of the selection process by PIRSA.

Note: If the role was advertised outside of PIRSA (i.e. on *I Work for SA*, in external media, etc.), then the request for an internal review of the merit based

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selection process decision should be submitted directly to the [South Australian Employment Tribunal](#).

- In the case of **other reviewable employment decisions**, e.g. in relation to reclassification or non-approval of special leave with/without pay or additional duties, a [PIRSA Application for Internal Review Form](#) must be submitted **within 21 days** after the day on which the employee was notified of the decision by PIRSA.
- In accordance with the [SA Commissioner for Public Sector Employment Guideline: Review of Employment Decisions](#), PIRSA may extend the time limit for making an application for internal review in special cases, e.g. where it would be industrially fair and reasonable to extend the time.
- Employees who seek an extension of time should be invited to provide reasons in writing as to why they claim to have been unable to submit an application within time.
- When an employee notifies their manager/senior manager/director of their grievance as part of an interview review process, the manager/senior manager/director must acknowledge receipt of the grievance in writing **within two days**.
- Following written acknowledgment, the grievance resolution process must commence immediately. Attempts to conciliate the grievance must aim to be completed **within 21 days** after the employee has finished providing information and made relevant submissions concerning their internal review application.
- The timeframe for the completion of a review may be extended in some special circumstances, e.g. where there are issues of particular complexity or voluminous documentation; where employees who might provide relevant information are unavailable; or when external parties are involved in exceptional circumstances.
- An employee who has submitted a [PIRSA Application for Internal Review Form](#) may withdraw it by notice in writing signed by the employee and delivered to PIRSA. The notice can be delivered via email with an attached PDF version of the signed notice of withdrawal.

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3.5.3 Process for internal reviews pursuant to section 63 of the Public Sector Act

Under section 63 of the [Public Sector Act](#), a review of a decision to select an employee as a consequence of a **merit based selection process** must be limited to considering whether the process should be recommenced from the beginning or at some later stage on the grounds that:

- the employee was not eligible for appointment
- the selection processes were affected by nepotism or patronage, or bias or unlawful discrimination
- the selection was not properly based on an assessment of the respective merits of the applicants
- there was some other serious irregularity in the process.

3.5.4 Situations excluded from the right of internal review

In accordance with the [SA Commissioner for Public Sector Employment Guideline: Review of Employment Decisions](#) the following situations are **excluded** from the right of internal review:

- if an employee is suspended from duty with pay for alleged misconduct, or charged with a criminal offence punishable by imprisonment or dismissal
- where a decision is made by the Minister or Commissioner for Public Sector Employment
- where a decision is made that affects an executive employee or a casual employee
- where a decision is taken not to re-engage a term employee at the end of the employee's term of employment
- where a decision to change the duties of an employee affects another person
- where a decision to engage an employee as a consequence of selection processes conducted on the basis of merit, to the extent that it affects an employee other than an employee who made due application in accordance with the selection processes for the particular duties and was eligible for appointment

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- where a decision is made to engage, transfer or promote another employee, unless the decision relates to a merit based selection process
- where a decision to suspend an employee from duty under section 57(1) of the [Public Sector Act](#), pending the completion of any investigation, process or proceedings in respect of alleged misconduct by the employee if PIRSA decides that it is in the public or agency's interest to do so.

Note: A decision under section 57(3) of the [Public Sector Act](#) that the suspension of an employee in such circumstances is to be **without** remuneration **is** subject to review

- where a decision to give a direction under section 69(2) of the [Public Sector Act](#) for a reduction in salary arising from an employee's refusal or failure to carry out their duties.

However, in line with [Public Sector Act](#) principles, and in the interests of industrial harmony, genuine efforts should be made by management to manage and resolve legitimate employee grievances in relation to non-reviewable employment decisions directly affecting aggrieved employees.

3.5.5 External review

In most cases, an employee will need to lodge a request for PIRSA to conduct an internal review before proceeding to request an external review. An employee who remains aggrieved following an internal review may then apply for an external review by the appropriate review body.

In particular circumstances described in the [SA Commissioner for Public Sector Employment Guideline: Review of Employment Decisions](#), an employee may apply directly for an external review without an internal review having occurred. Refer to section [3.5.6 When to proceed to an external review](#) for more information.

The South Australian Employment Tribunal will make a determination or may decline to review an employment decision as described in the [SA Commissioner for Public Sector Employment Guideline: Review of Employment Decisions](#).

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For external review of prescribed decisions

- The [South Australian Employment Tribunal](#) is the appropriate external review body if the reviewable employment decision review matter relates to a [prescribed decision](#) relating to:
 - internal review decisions
 - disciplinary action
 - reducing an employee's remuneration level
 - transferring or assigning an employee to different duties or different location as part of disciplinary action or decision to reduce an employee's remuneration. Note: the applicant must have applied for an internal review first
 - transferring an employee or assigning an employee to a different location that reasonably requires the employee to change their place of residence
 - dismissing an employee for misconduct or unsatisfactory performance. Note: such matters can proceed directly to the South Australian Employment Tribunal without an internal review process.
- A completed [South Australian Employment Tribunal Form A60 – Application for External Review \(Public Sector\)](#) must be lodged with the South Australian Employment Tribunal within:
 - 21 days after the day on which the employee was notified by the agency of the outcome on an internal review
 - seven days of being refused an extension of time for an internal review by the agency.

Note: a decision to suspend an employee from duty without remuneration pursuant to section 57 of the [Public Sector Act](#) – pending the completion of any investigation, process or proceedings in respect of alleged misconduct by the employee if PIRSA decides that it is in the public or agency's interest to do so - is **not** a [prescribed decision](#).

- If the South Australian Employment Tribunal finds the original prescribed decision, on the balance of probabilities, was harsh, unjust or unreasonable, it may substitute the original decision with one it considers appropriate, including

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restoring any entitlements lost up to the time of the decision of the South Australian Employment Tribunal.

For external review of merit based selection and all other reviewable employment decisions

- The [South Australian Employment Tribunal](#) is also the appropriate external review body for reviewable employment decisions other than prescribed decisions outlined above.
- If the matter relates to an external review of a **merit based selection process**, a completed [South Australian Employment Tribunal Form A60 – Application for External Review \(Public Sector\)](#) must be lodged with the South Australian Employment Tribunal **within seven days** after the day on which the employee was notified by the agency of the outcome of the selection process.
- If the matter relates to a **reclassification or other reviewable employment decision**, a completed [South Australian Employment Tribunal Form A60 – Application for External Review \(Public Sector\)](#) must be submitted to the South Australian Employment Tribunal **within 21 days** of the employee being notified by the agency of the reclassification or other reviewable employment decision.
- If the South Australian Employment Tribunal finds a reclassification or other reviewable employment decision under review, on the balance of probabilities, is harsh, unjust or unreasonable, then it may submit the matter to PIRSA for further consideration in accordance with any recommendations it believes appropriate.

Other external complaint bodies

Section [3.8 Other external complaint bodies](#) provides a list of other relevant external complaint bodies which aggrieved employees may contact at any stage during a grievance resolution process.

3.5.6 When to proceed to an external review

Before moving to external review, employees are encouraged to utilise the [internal review processes](#) outlined within this procedure. However, aggrieved employees may pursue a more formal consideration of their grievance through external review bodies under the circumstances described below:

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- An employee aggrieved by an employment decision of a SA Public Sector agency may directly apply to an appropriate review body for external review if:
 - the decision the employee is aggrieved by **is the outcome of an internal review**. In these circumstances the employee must apply for an external review **within 21 days** after the day on which the employee is notified of the outcome of the internal review
 - the decision relates to a **merit based selection process**. When an employee chooses to apply for external review of an employment decision based on a merit based selection process, the timeframe remains the same as in the case of internal review, i.e. **within seven days** after the day on which the employee is notified by the agency of the outcome of the selection.
- An employee aggrieved by an employment decision of a SA Public Sector agency may apply for an external review of a reviewable employment decision **without an internal review of the decision having been completed if**:
 - the application for internal review was made after the time period allowed for such application and the agency refused to extend the period, but the appropriate external review body feels that refusal to not extend the period was unreasonable. In these circumstances the timeframe for the employee to apply for external review is within seven days after the day on which the employee is notified by the agency of the refusal to extend the application period
 - the agency has extended the time for completion of an internal review and the appropriate review body is of the opinion that the extension was unreasonable. In these circumstances the employee must make an application to the appropriate review body for external review within seven days after the day on which the employee is notified by the agency of the decision to grant extension.
- An employee aggrieved by the **outcome of an internal review decision** may apply for an external review:

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- if the internal review decision is in relation to **a merit based selection process**, the application to the appropriate external review body must be made **within seven days** after the day on which the employee is notified by the agency of the internal review decision
- if the decision is in relation to **any other reviewable employment decision**, e.g. classification or reclassification advice, or non-approval of special leave with/without pay or additional duties, the application to an appropriate external review body must be made **within 21 days** after the day on which the employee is notified by the agency of the decision.

3.6 Grievance resolution for Weekly Paid employees

If the initial grievance resolution steps for weekly paid employees have not been effective, the manager must be advised of the grievance if they are not already party to the grievance.

Notwithstanding attempts to conciliate a grievance internally between the manager and the aggrieved weekly paid employee(s):

- the parties to the grievance resolution process are obliged to make every effort to encourage the effective functioning of the grievance resolution process
- without prejudice to either party, work should continue normally while matters in dispute are being dealt with, either internally or externally, except when a genuine health and safety issue is involved
- if there is undue delay on the part of any party in dealing with the matter creating the grievance, the party complaining of the delay may take the matter to the next level in the grievance resolution process if desired
- if a party fails to observe the resolution procedures, the other party may elevate the process to a higher authority.

These procedures will not restrict PIRSA, its representatives or an authorised official of the relevant employee representative association/union making representations to each other.

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3.6.1 Initial discussions

Initial discussions must take place where the aggrieved weekly paid employee(s) and/or nominated representative or employee representative association/union delegate should discuss any matter affecting the aggrieved weekly paid employee(s) with the supervisor in charge of the workgroup(s) where the grievance exists.

This settlement is primarily based on consultation, co-operation and discussion with the aim of avoidance of interruption to work performance.

3.6.2 Conferences

If the matter is not resolved following initial discussions, the aggrieved weekly paid employee(s) and/or nominated employee representative or association/union delegate should ask for it to be referred to the nominated [PIRSA representative](#) **within 24 hours**, or within such a period as agreed upon by the parties involved.

The nominated PIRSA representative must arrange a conference to discuss the matter. The conference is to be attended by:

- the weekly paid employee(s) and/or their nominated employee representative or association/union delegate
- the designated PIRSA representative.

If the matter is still unresolved after the conference, a further conference will then be arranged which may include PIRSA People and Culture representation; and should take place within **24 hours** of the last conference, or within such a period as agreed upon by the parties involved.

3.6.3 Further consultation

If the matter has not be resolved through the processes described in section [3.6.2 Conferences](#), PIRSA and the weekly paid employee(s) and/or their nominated employee representative or association/union delegate should enter into further consultation at a higher level on both sides, as considered appropriate by all parties. The [South Australian Employment Tribunal](#), employee representative or association/union delegate may be involved in this further consultation process.

3.6.4 Conciliation

It is preferable that weekly paid employee grievances are resolved by the parties directly concerned. However, it may be considered beneficial to refer the grievance for conciliation to a third person, within or external to PIRSA, who is acceptable to both parties. Refer to section [3.8.2 External grievance resolution](#) below for further guidance on facilitation and/or mediation.

3.6.5 External grievance resolution

Emphasis should be placed on a negotiated settlement for the aggrieved weekly paid employee(s). However, if the process breaks down or is exhausted without the grievance/dispute being resolved, any party may refer the matter to the South Australian Employment Tribunal for resolution and/or arbitration, and determination where appropriate. The aggrieved weekly paid employee(s) should preferably first check whether any other review or appeal mechanisms are available for their particular grievance.

In order to allow for peaceful resolution of grievances the parties will be committed to avoid industrial disputation while the procedures of negotiation and conciliation are being followed.

3.7 Informing employees of grievance and/or review outcomes

The aggrieved employee and PIRSA Chief Executive or delegate should be informed personally, and then in writing, of the outcome of grievance and/or review processes and any associated determination(s).

PIRSA aims to resolve conflicts, grievances and complaints promptly and satisfactorily for all parties concerned. Preferably, employees will be able to maintain or re-establish healthy working relationships and continue to work together effectively in their workplaces.

The resolution focus is not on blame or punishment, but on stopping inappropriate decisions or behaviours; preventing similar instances in future; and re-building trust

and understanding between the parties. However, PIRSA will take appropriate disciplinary action where required.

3.8 Potential grievance outcomes

Some of the outcomes that could potentially occur at **any** stage of the grievance resolution process may include:

- apologies and commitments to prevent further instances
- education and remedial counselling for individuals involved
- education and training for other employees
- monitoring and/or no further action where complaints are unsubstantiated
- changes to work practices and/or operating procedures
- assignment or transfer of employees to other work duties or locations
- disciplinary action where complaints are substantiated
- confirmation of the original employment decision and/or no further action.

3.9 Other external complaint bodies

Depending on the type of grievance, employees may contact the following other relevant external bodies at any stage during the grievance resolution process:

- an employee representative association/union
- [Australian Fair Work Commission](#)
- [Australian Fair Work Ombudsman](#)
- [Australian Human Rights Commission](#)
- [SA Office for Public Integrity](#)
- [SA Civil and Administrative Tribunal \(SACAT\)](#)
- [SA Equal Opportunity Commission](#)
- [SafeWork SA](#)

3.10 Alleged unsatisfactory performance and misconduct

In a situation where there are allegations of [misconduct](#) against an employee, PIRSA will conduct investigations. Depending on the nature of alleged misconduct under investigation, investigations can be conducted by:

- local management, or
- where specialist investigation skills are required, a specialised internal or external investigation unit.

In such circumstances, on the grounds of employee misconduct or unsatisfactory performance PIRSA may:

- reduce the employee's remuneration level pursuant to section 53 of the [Public Sector Act](#)
- suspend the employee from duty pending the completion of any investigation, process or proceedings, with or without remuneration, pursuant to section 57 of the [Public Sector Act](#)
- terminate the employment of an employee pursuant to section 54 of the [Public Sector Act](#)
- caution or counsel the employee, where it is not appropriate to impose a disciplinary action upon the employee.

PIRSA management **must** afford employees [procedural fairness](#) before imposing a disciplinary sanction(s) on employees on the grounds of committed misconduct.

Refer to the [Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance \(Including Misconduct\)](#) for more information on employee grievance and review in relation to unsatisfactory performance and misconduct.

3.11 *Equal opportunity* *grievances*

Equal opportunity grievances relate to concerns regarding inappropriate behaviour such as [discrimination](#), [harassment](#), [bullying](#) and [victimisation](#). Refer to the [PIRSA Freedom from Discrimination, Harassment and Bullying Policy HR P 006](#) and [PIRSA Freedom from Discrimination, Harassment and Bullying Procedure HR R 001](#) for more information.

3.12 *Whistleblowers disclosures and fraud and corruption complaints*

[Whistleblowers](#) disclosures and fraud and corruption complaints relate to:

- facilitating the disclosure of actual or suspected corrupt or illegal conduct and/or fraudulent activities; as well as instances of official misconduct, maladministration and waste within PIRSA
- providing a means for making such disclosures and appropriate protections for those who make disclosures.

Refer to the [PIRSA Whistleblowers Policy HR P 001](#) and [PIRSA Fraud and Corruption Control Policy HR P 022](#) for more information on:

- whistleblowers disclosures
- fraud and corruption complaints
- obligations to report certain corruption and serious or systemic misconduct or maladministration in public administration matters to the [Office for Public Integrity](#).

4. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Chief Executive	<ul style="list-style-type: none"> • Approving the procedure. • Ensuring procedure guidance is integrated to PIRSA's business activities to promote a harmonious, fair and just working

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Role	Responsibilities
	environment; and to recognise the rights of all PIRSA employees to be treated fairly, equitably and with impartiality.
PIRSA Executive	<ul style="list-style-type: none">• Implementing the procedure (including communication, awareness and training).• Ensuring that employee's grievances are investigated, fully explored and resolved promptly in accordance with the resolution processes described within this procedure.• Endeavouring to resolve an employee's grievance at the workplace level ensuring the application of principles of natural justice.• Ensuring and affording employees the opportunity to use appropriate avenues to have their grievance addressed.
Managers	<ul style="list-style-type: none">• Taking all reasonable steps to prevent discrimination, harassment and bullying in the workplace to avoid conduct that will reflect adversely on the employees.• Providing procedure advice and assistance.• Addressing, dealing with and attempting to resolve employee grievances at the workplace level.• Ensuring natural justice is provided to all parties who are subject to a grievance.• Promoting and raising awareness of the content of the Code of Ethics for the South Australian Public Sector and South Australian Public Sector Values.
Director, People and Culture	<ul style="list-style-type: none">• Ongoing management of the procedure.• Ensuring employees are made aware of this procedure and that grievance resolution processes are integrated into PIRSA business activities

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Role	Responsibilities
	<ul style="list-style-type: none">• Providing advice and appropriate coaching support and assistance to People and Culture employees, managers and general employees in dealing with grievance resolution.• Providing specialist advice to the Chief Executive and PIRSA Executive on initiating action to address and resolve grievance issues.• Carrying out independent grievance reviews and acting as a mediator where required.• Providing procedure advice and assistance, including interpreting procedure requirements.• Ongoing management of the procedure and any supporting information (including feedback, risk assessments, evaluation and monitoring, regular reviews, document and records management requirements, updating versions and removal of any revoked versions from access points).
Employees	<ul style="list-style-type: none">• Genuinely participating in attempts to resolve their grievance by:<ul style="list-style-type: none">○ identifying the specific issues to be addressed and attacking the problem, not the person○ choosing to use concise language; and avoiding vague or general terms, accusations, sarcasm or hostility○ listening effectively○ understanding and accepting responsibility for their own feelings and own behaviour○ moving from justification to resolution○ identifying the points where a complainant may seek to resolve their grievance by compromise rather than demand○ looking forward (opportunity), not backward (blaming)○ analysing the situation and attempting to view the problem in an unbiased manner

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Role	Responsibilities
	<ul style="list-style-type: none">○ being open and making every effort to respond in a positive manner○ seeking out resources that may be necessary for assistance.• Recognising that the other party has the right to respond to the specific allegations made in their grievance.• Utilising this procedure to resolve any grievance.• Ensuring grievances raised are not frivolous or vexatious.

5. DEFINITIONS

Term	Meaning
Administrative decision	A decision, or failure or refusal to make a decision, in the exercise of purported exercise of administrative authority.
Bullying	<p>Behaviour that is directed towards an employee or a group of employees that:</p> <ul style="list-style-type: none">• is repeated and systematic and that a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the employee or employees to whom the behaviour is directed, and <p>creates a risk to health or safety.</p>
Discrimination	<p>Treating or proposing to treat people unfairly or less favourably because of their age, sex or chosen gender, race, disability, sexuality, marital or domestic partnership status, pregnancy, association with a child, identity of spouse, religious dress or caring responsibilities, personal characteristics or because they belong to a certain group. Discrimination is against the law when it:</p> <ul style="list-style-type: none">• is based on a personal characteristic• happens in an area of public life• causes loss or humiliation

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Term	Meaning
	is unreasonable.
Employment decision	An administrative decision relating to the employment of a person, including an administrative decision relating to the engagement, promotion, transfer, remuneration, entitlements or termination of employment of a person; and a decision to take disciplinary action against a person.
Ethical behaviour	Guidance of ethical behaviour is provided in the Code of Ethics for the South Australian Public Sector and South Australian Public Sector Values . These documents include clear values and principles of behaviour that are expected of SA Public Sector employees.
Grievance	<p>An expression of dissatisfaction that an employee has in relation to an action or decision taken (or not taken) that they consider has or will affect the manner of their work. A grievance may cover when there is:</p> <ul style="list-style-type: none"> • a breach of a relevant Act, Regulation or the Code of Ethics for the South Australian Public Sector • an infringement of the principles of merit and equity, or any PIRSA People and Culture policies, procedures or guidelines • otherwise unfair or unreasonable action or inaction. <p>Grievances may develop from inadequately managed conflict. Therefore early resolution strategies should be considered as soon as possible. Managed effectively, most conflicts can be resolved fairly and in a way that satisfies all parties concerned.</p>
Harassment	Behaviour or acts which an employee perceives as distressing, insulting, offensive, demeaning, humiliating or intimidating. It can be direct or indirect acts that are unwelcome, unsolicited, and/or creates an intimidating and unpleasant work environment.
Misconduct	A breach of the Code of Ethics for the South Australian Public Sector or other misconduct while in employment as a SA Public Sector employee. Refer to the Commissioner for Public Sector Employment

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Term	Meaning
	<u>Guideline: Management of Unsatisfactory Performance (Including Misconduct)</u> for more information.
Natural justice	<p>The principles of natural justice should apply in all instances that directly affect all parties subject to the grievance. These principles are a duty to:</p> <ul style="list-style-type: none">• give all parties a hearing• make a decision without bias• make a decision that is based on logical evidence• make a decision in good faith according to legal criteria. <p>Refer to the <u>Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct)</u> for more information on natural justice and procedural fairness.</p>
PIRSA representative	<p>A nominated representative who would, in the first instance, be responsible for matters arising on the job, and shall be either the aggrieved weekly paid employee's manager, director or executive director (should the manager be a party to the grievance).</p>
Prescribed decision	<p>An employment decision which may be externally reviewed by the <u>South Australian Employment Tribunal</u> where the decision relates to:</p> <ul style="list-style-type: none">• internal reviews• disciplinary action• reducing an employee's remuneration• transferring or assigning an employee to different duties or different place as part of disciplinary action or decision to reduce an employee's remuneration level. Note: the applicant must have applied for an internal review first• transferring an employee or assigning an employee to a different place that reasonably requires the employee to change their place of residence

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Term	Meaning
	<ul style="list-style-type: none"> dismissing an employee for misconduct or unsatisfactory performance. Note: such matters can proceed directly to the South Australian Employment Tribunal without an internal review process. <p>Note: a decision to suspend an employee without remuneration pursuant to section 57 of the Public Sector Act – pending the completion of any investigation, process or proceedings in respect of alleged misconduct by the employee if PIRSA decides that it is in the public or agency's interest to do so - is not a 'prescribed decision'.</p>
Procedural fairness	<p>The requirement of procedural fairness is satisfied by</p> <ul style="list-style-type: none"> providing employees with detail as to their alleged conduct or the intent to impose a disciplinary sanction(s) (as appropriate) allowing employees a reasonable opportunity to respond to allegations and/or the intention to impose a disciplinary sanction(s). <p>Refer to the Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance (Including Misconduct) for more information on natural justice and procedural fairness.</p>
Third party support person/advocate	<p>A person who supports or advocates on behalf of an employee who has lodged a grievance. This person has no actual decision making power.</p>
Victimisation	<p>Unfair treatment of or detriment to an employee who has lodged a grievance. Detriment includes injury, damage or loss; intimidation or harassment; discrimination, disadvantage or adverse treatment in relation to a person's employment; or threats of reprisal.</p>
Whistleblower	<p>A person who makes an appropriate disclosure of public interest information in accordance with the Public Interest Disclosure Act 2018. Refer to the PIRSA Whistleblowers Policy HR P 001 for more information.</p>

6. RELATED DOCUMENTS

6.1 Policies, procedures and guidelines

- [Commissioner for Public Sector Employment Guideline: Management of Unsatisfactory Performance \(Including Misconduct\)](#)
- [Commissioner for Public Sector Employment Guideline: Review of Employment Decisions](#)
- [PIRSA Document and Records Management Policy IM P 002](#)
- [PIRSA Domestic Violence Policy HR P 020](#)
- [PIRSA Fraud and Corruption Control Policy HR P 022](#)
- [PIRSA Freedom from Discrimination, Harassment and Bullying Policy HR P 006](#)
- [PIRSA Freedom from Discrimination, Harassment and Bullying Procedure HR R 001](#)
- [PIRSA Information Privacy Policy IM P 011](#)
- [PIRSA Whistleblowers Policy HR P 001](#)
- [SA Department of Premier and Cabinet Circular PC012 – Information Privacy Principles \(IPPS\) Instructions](#)
- [SA Government General Disposal Schedule 30 \(GDS30\) for State Government Agencies in South Australia](#)
- [Office for Public Integrity Directions and Guidelines for Public Officers](#)

6.2 Forms and templates

- [PIRSA Application for Internal Review Form](#)
- [South Australian Employment Tribunal Form A60 – Application for External Review \(Public Sector\)](#)

6.3 Legislation

- [Code of Ethics for the South Australian Public Sector](#)
- [Disability Discrimination Act 1992](#)
- [Equal Opportunity Act 1984](#)

- [Fair Work Act 1994](#)
- [Public Sector Act 2009](#)
- [Public Sector Regulations 2010](#)
- [Public Sector \(Honesty and Accountability\) Act 1995](#)
- [Racial Discrimination Act 1975](#)
- [Sex Discrimination Act 1984](#)
- [State Records Act 1997](#)
- [Public Interest Disclosure Act 2018](#)

7. REFERENCES

- [PIRSA Planning and Change intranet page](#)
- [PIRSA Health and Wellbeing Program \(Employee Assistance Program\) intranet page](#)
- [PIRSA Employment Conditions and Conduct intranet page](#)
- [PIRSA Contact People and Culture intranet page](#)
- [South Australian Public Sector Values website](#)
- Employee representative associations/unions
- [Australian Fair Work Commission website](#)
- [Australian Fair Work Ombudsman website](#)
- [Australian Human Rights Commission website](#)
- [SA Office for Public Integrity](#)
- [SA Independent Commissioner Against Corruption website](#)
- [SA Civil and Administrative Tribunal \(SACAT\) website](#)
- [SA Equal Opportunity Commission website](#)
- [SafeWork SA website](#)
- [South Australian Employment Tribunal \(SAET\) website](#)