Adelaide Plains Council

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Procedure

Public Interest Disclosure

As required by section 12(4) & (5) of the PID Act

Principal officer–statement of intent

This procedure has been prepared in accordance with the requirements of the PID Act[1] and Guidelines.

As CEO, and designated principal officer for the purposes of the PID Act, I expect the implementation and operation of the PID Act will encourage and facilitate the disclosure, in the public interest, of information about substantial risks to public health or safety, or to the environment, and about corruption, misconduct and maladministration in public administration–

- by ensuring that a proper procedure is in place (this procedure) for the making of, and for dealing with, such disclosures; and
- by providing appropriate protections for those who make such disclosures to Council.

I, the other employees and Council Members of Council, remain deeply committed to:

- protection of informants who make public interest disclosures in accordance with the PID Act;
- the genuine and efficient consideration, and action, in relation to information provided to Council through public interest disclosures;
- referring, as necessary, appropriate disclosures to other relevant authorities;
- reporting disclosures directly to OPI in accordance with the Guidelines,[2] as well as the reporting obligations of public officers under the *Independent Commission Against Corruption Act 2012* and the *Ombudsman Act 1972*;
- facilitating the investigation (where necessary) of appropriate disclosures in a manner which promotes fair and objective treatment of those involved; and
- rectifying any substantiated wrongdoing to the extent practicable in all circumstances.

Any questions about this procedure should be directed in first instance to a responsible officer, whose details are in part 8 of this procedure.

Principal Officer
Chief Executive Officer, Adelaide Plains Council

[1] Section 12(4)&(5) of the PID Act.
[2] Section 14 of the PID Act.

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Public Interest Disclosure Procedure

As required by section 12(4) & (5) of the PID Act.[3]

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[3] This procedure is also intended to support the legislative reporting framework under the *Independent Commission Against Corruption Act 2012* and *Ombudsman Act 1972*.

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1 Purpose

The purpose of this procedure is to comply with Council's legislative requirements,[4] encourage and facilitate the disclosure of public interest information, provide a clear process for disclosures to be made and properly dealt with, and ensure appropriate protection is provided to those who make disclosures.[5]

2 Scope

(a) This procedure is to operate in conjunction with existing Council policies and procedures, and applies to disclosures of public interest information made in accordance with the PID Act. This procedure is also intended to support the legislative reporting framework under the *Independent Commission Against Corruption Act 2012* and *Ombudsman Act 1972*.

(b) This procedure does not apply to other Council processes or matters outside Council's jurisdiction. The community will be redirected where applicable.

3 Definitions

3.1. ***appropriate disclosure*** is as defined in the PID Act (also referred to as disclosure);
3.2. ***CEO*** means Chief Executive Officer of Council;
3.3. ***corruption in public administration*** is as defined in section 5(1) of the *Independent Commission Against Corruption Act 2012*;[6]
3.4. ***commission*** is as defined in the PID Act;
3.5. ***community*** means any person who lives, works, pays rates, conducts private or government business, visits, utilises services, facilities and public space within the Council area;
3.6. ***Council*** means Adelaide Plains Council;
3.7. ***Council Member*** means a member of Council elected or appointed in accordance with the *Local Government Act 1999* or *Local Government (Elections) Act 1999*;
3.8. ***employee*** means any person carrying our duties or performing tasks for and on behalf of Council, whether they are paid or unpaid, including staff, contractors, consultants, trainees, volunteers, students and any other person who has access to Council's electronic systems and services in a full-time, part-time or casual capacity;
3.9. ***Guidelines*** means the Independent Commission Against Corruption Public Interest Disclosure Guidelines issued in accordance with section 14 of the PID Act;
3.10. ***maladministration in public administration*** is as defined in section 4(2) of the *Ombudsman Act 1972*;[7]
3.11. ***misconduct in public administration*** is as defined in section 4(1) of the *Ombudsman Act 1972*;[8]
3.12. ***PID Act*** means the *Public Interest Disclosure Act 2018*;
3.13. ***public interest information*** is as defined in section 4 of the PID Act;
3.14. ***public officer*** is as defined in the *Independent Commission Against Corruption Act 2012*;[9]

[4] Section 12(4) & (5) of the PID Act; *Independent Commission Against Corruption Act 2012*; Guidelines.
[5] *Note: while anyone can make a disclosure, only public officers who make such a disclosure of public administration information are eligible for protection under the PID Act.*
[6] See also Guidelines Appendix C.
[7] See also Guidelines Appendix C.
[8] See also Guidelines Appendix C.
[9] See also Guidelines Appendix A.

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3.15. ***recipient*** means a person to whom an appropriate disclosure of public interest information is made, or a person to whom such a disclosure is referred or a person who otherwise knows that such a disclosure has been made;
3.16. ***relevant authority*** see section 5(5) of the PID Act;[10]
3.17. ***responsible officer*** means a person designated as a responsible officer under section 12 of the PID Act;
3.18. ***Regulations*** means the *Public Interest Disclosure Regulations 2019*;
3.19. ***OPI*** is as defined in the PID Act.

Other terms referred to that have not been defined are as defined in the PID Act and/or Regulations (if there is any definition in the PID Act or Regulations).

4 Our Core Values

Our approach to public interest disclosure is underpinned by Council's core values:

Honesty and Integrity	Innovative and Open-minded	Leadership and Diplomacy	Professionalism	Respect	Teamwork
Building trust and loyalty with the community and within Council.	Being proactive in continually improving our services.	By acting strategically and effectively managing our relationships.	Through commitment, quality and timeliness of work delivered.	For others, acting with humility and empathy.	Through unity, cooperation and support.

5 What is public interest disclosure?

(a) The PID Act aims to encourage and facilitate the disclosure of public interest information to certain persons and authorities (known as public interest disclosure). Protections are provided for those who make appropriate disclosures (see part 10 of this procedure).

(b) There are 2 types of public interest information; public administration and environmental and health information.

[10] See also Guidelines Appendix B.

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6 Disclosure of public administration information

6.1 What is public administration information?

Public administration information means information that raises a potential issue of corruption, misconduct or maladministration in public administration.[11]

6.2 Who can make a disclosure of public administration information?

Anyone can make a disclosure of public administration information. However, only **public officers** who make appropriate disclosure of public administration information are eligible for the protections provided by the PID Act, in circumstances where the public officer reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration.

6.3 Who can receive a disclosure of public administration information?

To be eligible for the protections provided by the PID Act, a public officer must make a disclosure of public administration information (accompanied by reasonable suspicion) to a **relevant authority** (see Appendix B of the Guidelines).[12]

7 Disclosure of environmental & health information

7.1 What is environmental & health information?

Environmental and health information means information that raises a potential issue of a substantial risk to the environment, or to the health and safety of the community generally or a significant section of the community.[13]

7.2 Who can make a disclosure of environmental & health information?

Anyone can make a disclosure of environmental and health information. However, to be eligible for the protections provided by the PID Act, a person who makes a disclosure of environmental and health information must believe on reasonable grounds that the information is true; or not being in a position to form such belief, believe on reasonable grounds that the information may be true and is of such sufficient significance to justify its disclosure so that its truth may be investigated.

7.3 Who can receive a disclosure of environmental & health information?

To be eligible for protections provided by the PID Act, a person must make a disclosure of environmental and health information (accompanied by either of the above beliefs) to a **relevant authority** (see Appendix B of the Guidelines).[14]

[11] Section 4 of the PID Act.
[12] Section 5(5) of the PID Act specifies relevant authorities that can receive a disclosure of public interest information.
[13] Section 4 of the PID Act.
[14] Section 5(5) of the PID Act specifies relevant authorities that can receive a disclosure of public interest information.

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8 How do I make a disclosure of public interest information?

(a) Every relevant authority will have its own procedures for receiving public interest information. Should any person wish to make a disclosure for the purposes of the PID Act to Council, a disclosure may be made to Council's responsible officers:

- in person at Council's principal office: 2a Wasleys Road, Mallala SA 5502 (Opening Hours: Monday to Friday, 9am to 5pm (Except public holidays));
- by telephone; or
- in writing (either by post or email).

Note: Nothing in this procedure prevents a person from making a disclosure to a relevant authority, external to Council. Any disclosure relating to a person appointed as a responsible officer should be made to another person appointed as a responsible officer, or a relevant authority external to Council.

(b) Any person wishing to make a disclosure under the PID Act can do so on a confidential basis.[15] Council has nominated the following responsible officers:[16]

Director Corporate Services	**Sheree Schenk** Telephone: (08) 8527 0220 Email: sschenk@apc.sa.gov.au Post: Marked, Confidential Sheree Schenk, Public Interest Disclosure PO Box 18 Mallala SA 5502
Manager Governance	**Rachel Kammermann** Telephone: (08) 8527 0220 Email: rkammermann@apc.sa.gov.au Post: Marked, Confidential Rachel Kammermann, Public Interest Disclosure PO Box 18 Mallala SA 5502

9 What action is taken when a disclosure is received?[17]

9.1 Receipt

9.1.1 by employee or Council Member

(a) If an employee or Council Member receives a disclosure, the recipient will:

(i) ask the informant whether they consent to the details of their identity being provided to the responsible officer (or another relevant authority) and in doing so advise that a failure to provide consent may mean the disclosure cannot be properly investigated; and the informant's identity may be disclosed (despite lack of consent) if it is necessary to do so to ensure the matter is properly investigated; and

[15] Subject to section 8 of the PID Act and Guidelines.
[16] Under section 12(1) of the PID Act, for the purposes of the *Public Interest Disclosure Regulations 2019*.
[17] Section 7(1) & (2) of the PID Act; see also Appendix 2.

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(ii) refer the disclosure to a responsible officer or relevant authority (and in doing so keep the informant's identity confidential (if applicable) unless it is necessary to disclose their identity, contrary to their wishes, to ensure the matter is properly investigated).[18]

Note: where a disclosure is made in person or by telephone, the recipient must take notes of the conversation.

9.1.2 by a responsible officer

(a) Upon receipt of a disclosure (whether directly, or by referral from an employee, Council Member or external relevant authority) the recipient will:
   (i) ensure the disclosure is stored securely (in accordance with part 9.1.3 of this procedure);
   (ii) ask the informant whether they consent to the details of their identity being disclosed to another relevant authority (e.g., OPI) or other relevant parties (e.g., CEO) and in doing so advise the informant that a failure to provide consent may mean the disclosure cannot be properly investigated (unless the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated); and the informant's identity may be disclosed (despite lack of consent) if it is necessary to do so to ensure the matter is properly investigated;
   (iii) immediately undertake a preliminary assessment (including assessment of imminent risk, refer to part 9.2 of this procedure);

(b) The recipient must also notify the informant (if the identity is known or reasonably ascertainable), as soon as practicable, that their disclosure has been received, in writing, **within 2 business days** and in doing so will provide a copy of this procedure to the informant.

Note: where a disclosure is made in person or by telephone, the recipient must take notes of the conversation.

9.1.3 What steps will be taken to ensure the disclosure is received securely?

(a) To ensure confidentiality is maintained, and to minimise the likelihood of any victimisation associated with the disclosure, Council has the following steps in place:
   (i) all records will be recorded in a register, and be securely stored and maintained in Council's record management system or in a locked cabinet. The responsible officer will ensure appropriate security restrictions are applied;
   (ii) all telephone calls and meetings will be conducted privately and in the strictest of confidence (including accurate notes of all discussions, phone calls and interviews). The responsible officer's telephone lines and email address will only be accessible to the responsible officer and, to the minimum extent necessary, information technology employees;
   (iii) mail addressed to a responsible officer will not be opened by any person within Council prior to being provided to the responsible officer;
   (iv) to maintain confidentiality of the informant's identity, the recipient should develop a code name for the informant (and only keep the personal details of the informant in 1 location, with such document(s) being clearly marked as containing the identity of the informant);
   (v) in any event a responsible officer is no longer an employee, all information, keys, passwords or any other credentials must be provided to the newly appointed responsible officer, and the responsible officer will continue to be bound by confidentiality of any disclosure.

[18] If the disclosure is referred to another relevant authority, refer to part 9.3 of this procedure.

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9.2 Preliminary assessment of a disclosure

(a) Upon receipt of the disclosure, the responsible officer must immediately undertake a preliminary assessment to determine whether the disclosure is an 'appropriate disclosure' in accordance with the PID Act;[19] and if the content of the disclosure suggests there is an imminent risk of serious physical injury or death to any person or the community generally (see part 9.2.1 of this procedure).

(b) If the responsible officer does not consider the disclosure meets the requirements of the PID Act (and there is not imminent serious risk), the recipient is to proceed to part 9.3 of this procedure.[20]

(c) If the responsible officer is satisfied the disclosure meets the requirements of the PID Act to be considered 'appropriate disclosure', the recipient is to then consider if the information disclosed justifies further action, including whether the disclosure:
   (i) is frivolous, vexatious or trivial (no further action to be taken, refer to part 9.3 of this procedure);
   (ii) involves a matter which has been already 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 (no further action to be taken, refer to part 9.3 of this procedure);
   (iii) requires referral to another relevant authority, external to Council (refer to parts 9.5.1.1 and 9.5.2.1 of this procedure);
   (iv) warrants a formal investigation (refer to parts 9.5.1.3 and 9.5.2.2 of this procedure);
   (v) warrants any other action to ensure the matter is properly addressed (where the responsible officer determines the disclosure warrants any other action to ensure the matter is properly addressed, the determination details of other recommended action should be included in their report to the CEO (see parts 9.3.3 and 9.5.1.4 of this procedure)).

9.2.1 Preliminary action

(a) If the responsible officer determines the disclosure poses an imminent risk of serious physical injury or death to any person or the community generally, the recipient must immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (see part 10 of this procedure, the identity of an informant (if confidential) may be disclosed to an agency e.g., South Australian Police (SAPOL), SafeWork SA, SA Ambulance, Environment Protection Authority)).

(b) A responsible officer may seek legal advice from Council's lawyers and/or guidance from SAPOL or Ombudsman SA in relation to the most appropriate action to pursue and is authorised to incur costs in accordance with Council's budget for that purpose.

(c) The responsible officer will maintain a confidential records register of all information and documents relevant to the disclosure (including any action taken).[21]

[19] Section 7(1) of the PID Act.
[20] Section 7(2) of the PID Act.
[21] All records will be securely stored and maintained in Council's record management system or in a locked cabinet. The responsible officer will ensure appropriate security restrictions are applied.

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9.3 Notification of preliminary assessment outcome

9.3.1 Informant

(a) The responsible officer must notify the informant (if the identity is known or reasonably ascertainable) in writing, of the outcome of the preliminary assessment as soon as reasonably practicable after the preliminary assessment has been made, and in any event **within 30 days of receipt**. In doing so, the recipient must advise:
   (i) any action that has been taken, or will be taken; or
   (ii) if no action taken, the reason(s) why.

(b) If the recipient fails to notify the informant within 30 days of receipt, the informant may be entitled to protection in relation to any subsequent disclosure of that information to a journalist or member of parliament.[22]

9.3.2 OPI

(a) The responsible officer must also notify OPI as soon as reasonably practicable after the receipt of the disclosure using the dedicated electronic notification form on OPI's website (publicintegrity.sa.gov.au). The following information should be included in the notification:[23]
   (i) the date the disclosure was received;
   (ii) the name and contact details of the recipient of the disclosure;
   (iii) a summary of the content of the disclosure;
   (iv) the assessment made of the disclosure;
   (v) the action taken by the recipient of the disclosure, including:
      - whether the disclosure was referred to another relevant authority, public authority or public officer or another person; and
      - if the disclosure was referred to another relevant authority, public authority or public officer or another person;
      - the date of the referral;
      - the identity of that relevant authority, public authority or public officer or another person to whom the disclosure was referred;
      - the manner of referral; and
      - the action to be taken by that relevant authority, public authority or public officer or another person (if known).
   (vi) if no action was taken by the recipient of the disclosure, the reason why; and
   (vii) whether the identity of the informant is known only to the recipient of the disclosure or if the identity of the informant has been communicated to a relevant authority, public authority or public officer or another person (and if so, the reasons why such communication was made).

(b) The recipient should retain the unique reference number issued by the OPI upon notification and should ensure that unique reference number is provided to any other person or authority to whom the disclosure is referred.

[22] Section 6(a)(iii)(A) of the PID Act.
[23] Guidelines 1.4, page 14.

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9.3.3 CEO

The responsible officer must report the outcome of any determination following preliminary assessment to the CEO (if the disclosure relates to the CEO, the report must be made to the Mayor). Any report prepared in accordance with this will not disclose particulars that will or are likely to lead to the identification of the informant, unless part 10 of this procedure applies.

9.3.4 Council Member or employee

If original receipt was a Council Member or employee, the responsible officer will notify the recipient when OPI and the informant have been contacted (if applicable).

9.4 No action

Proceed to part 9.6 of this procedure.[24]

9.5 Action

9.5.1 Public administration information

9.5.1.1 Referral to an appropriate agency

Where the recipient determines the disclosure warrants referral to an external body or another relevant authority, the responsible officer will undertake the referral, including ensuring that such information as is necessary to enable action to be taken is communicated to the most appropriate person or relevant authority to take that action.

Note: All relevant information and communication should be recorded in the register.

9.5.1.2 Report to OPI/ICAC

Where the recipient determines, or forms a reasonable suspicion, the subject matter(s) of the disclosure involve corruption or maladministration in public administration, the responsible officer must comply with their reporting obligations.[25]

Note: All relevant information and communication should be recorded in the register.

9.5.1.3 Investigation

(a) Where the recipient determines a formal investigation is required, the responsible officer will appoint an independent assessor to investigate the disclosure (in confidence) or in circumstances where appropriate, conduct the investigation.

(b) The independent assessor will be appointed on a case-by-case basis (depending on the nature of the disclosure).

(c) The investigation must be conducted in an efficient manner and involve a thorough and balanced assessment of available evidence (observing principals of natural justice), and other factors deemed relevant to the making of a fair and reasonable decision on the matter. The objective of the investigation process is to:
   (i) investigate the substance of a disclosure and determine whether there is evidence to support the matters raised, or alternately, refute the disclosure;

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[24] Section 7(2) of the PID Act (no action to be taken).

[25] Under the *Independent Commission Against Corruption Act 2012* and *Ombudsman Act 1972*, in accordance with the directions and Guidelines.

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(ii) collate information relating to the allegation(s) as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
(iii) consider the information collected and draw conclusions objectively and impartially;
(iv) observe procedural fairness in the treatment of any person subject to the disclosure;
(v) make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.[26]

(d) The identity of the informant (if known or reasonable ascertainable) must remain confidential unless part 10 of this procedure applies.

(e) Upon commencement of an investigation, the independent assessor (or responsible officer if applicable) will notify any person subject to the disclosure that an investigation has commenced, in writing, and provide them with an opportunity to respond to the disclosure within a reasonable time frame (either in writing or in person). The full details of any allegation contained in the disclosure need not be brought to the person's attention if the investigator considers that doing so will compromise the investigation.

(f) During any interview with the investigator, the person who is the subject of a disclosure may be accompanied by any person providing support to them (including a lawyer) as they consider fit. Any costs incurred in relation to obtaining the assistance of a support person are the personal expenses of the person subject to the disclosure. The support person is bound by confidentiality in relation to any matter discussed during such interview.

(g) If an independent assessor is appointed, they must keep the responsible officer informed of the expected timeframes for completion of the investigation, and provide an investigation report to the responsible officer at the conclusion of the investigation.

9.5.1.4 Report from responsible officer to CEO

(a) Upon finalising an investigation, the responsible officer will prepare a report for the CEO who will action as they consider appropriate. Such report will include the following details:
(i) the subject of the disclosure (the allegation(s));
(ii) an account of all relevant information, including any rejected evidence and why the rejection occurred and related attachments (e.g., report of independent assessor, any transcript or other record of any verbal evidence taken, including tape recordings, all documents, statements or other exhibits received by the independent assessor and accepted as evidence during the course of the investigation);
(iii) any action taken;
(iv) the conclusions reached and the basis for them;
(v) any recommendations arising from the conclusion, including any remedial action that should be taken (separate to any action already taken in accordance with other applicable Council policies or procedures).

(b) Any report of this nature must not disclose particulars that will or are likely to lead to the identification of the informant, unless the circumstances in part 10 of this procedure apply.

(c) At the discretion of the CEO, Council Members may be informed on a confidential basis that an investigation has taken place, and the outcome of such investigation.

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[26] *Note: if at any point the investigator forms reasonable suspicion, the investigator must comply with their reporting obligations under the Independent Commission Against Corruption Act 2012 and Ombudsman Act 1972.*

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9.5.2 Environment & health information

9.5.2.1 Referral to an appropriate agency

Where the responsible officer determines the disclosure warrants referral to an external body or another relevant authority, the responsible officer will undertake the referral, including ensuring that such information as is necessary to enable action to be taken is communicated to the most appropriate person or relevant authority to take that action.

9.5.2.2 Investigation

The matter should be referred to Council's Manager Regulatory to determine if the matter falls within the scope of Council's responsibilities to investigate as a regulatory activity (see parts 9.5.1.3 and 9.5.1.4 of this procedure (if applicable), other Council policies or procedures may also apply).

9.6 Notification of outcome

9.6.1 Informant

(a) The responsible officer will notify the informant (if the identity is known or reasonably ascertainable) of the outcome of the investigation or any further action taken (if any), in writing, as soon as is reasonably practicable. In any event, notice will be provided within **90 days of receipt** of the disclosure, **or** in such longer period as may be specified **by written notice given within that 90-day period by the recipient**.[27] Such notice must include any action that has been, or will be taken, or if no action is being taken the reason(s) why.

(b) If the recipient fails to notify the informant within 90 days of receipt, the informant may be entitled to protection in relation to any subsequent disclosure of that information to a journalist or member of parliament.[28]

9.6.2 OPI

(a) In addition to the requirement for OPI to be notified when an appropriate disclosure of public interest information is received, OPI must also be notified of any action taken in relation to the disclosure (publicintegrity.sa.gov.au).[29] The following information should be included in the notification:
   (i) the unique identification number issued by OPI upon notification of the original disclosure;
   (ii) the name and contact details of the recipient;
   (iii) the name and contact details of the person or authority responsible for taking the action;
   (iv) what (if any) findings were made in respect of the disclosure;
   (v) the nature of the action taken (if any);
   (vi) the outcome of any action taken;
   (vii) whether the identity of the informant was disclosed to a person other than the original recipient of the disclosure; and
   (viii) whether the informant was notified of the action taken, and if so, when that notification was made.

[27] Section 6(a)(iii)(B) of the PID Act.
[28] Section 6(a)(iii)(B) of the PID Act.
[29] Section 7(3) of the PID Act.

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9.6.3 External relevant authority

(a) If a disclosure was referred from an external relevant authority (e.g., Minister), the external relevant authority must also be notified of any action taken and the outcome of any action, including:
  (i) the criteria applied in the assessment of the disclosure;
  (ii) the manner in which details of the assessment were securely stored and the person (either by reference to position or individual) were advised of the assessment;
  (iii) the manner in which the informant was kept informed as to action taken in respect of the disclosure;
  (iv) the person (either by reference to position or individual) who can be contacted if the informant believes that his or her disclosure was not dealt with appropriately.

10 What protections are given under the PID Act?

10.1 Immunity

A person who makes a disclosure will have absolute privilege against any civil, criminal or administrative liability as a result of the disclosure, despite any duty of secrecy, confidentiality or any other restriction on disclosure applicable to the person,[30] unless the disclosure is knowingly false or misleading or a designated publication restriction is contravened without reasonable excuse.[31]

10.2 Confidentiality & security of information

(a) The identity of a person who makes a disclosure will be kept confidential (unless part 10.2(b) of this procedure applies).[32]

(b) A recipient of a disclosure may divulge the identity of an informant where:
  (i) the informant consents to their identity being disclosed;
  (ii) the recipient believes on reasonable grounds that it is necessary to divulge the identity of the informant to prevent or minimise imminent risk of serious physical injury or death to any person; and the identity of the informant is divulged to a person or authority the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person; or
  (iii) doing so is necessary for the matter to be properly investigated (but only to the extent to ensure proper investigation).

10.3 Other protections

(a) A person who makes an appropriate disclosure and suffers a detriment on the grounds that the person has made or intends to make a disclosure is protected by the PID Act.[33]

(b) A person must not prevent, hinder or obstruct another person from making a disclosure of public interest information.[34]

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[30] Section 5(1) of the PID Act.

[31] Section 10 of the PID Act; *Note: such determination will be made by the courts.*

[32] Section 8 of the PID Act; *Note: the PID Act does not expressly require any other information relating to the disclosure (including the nature of the allegations and information provided) to be maintained as confidential. In considering whether the further disclosure information provided from an informant, consideration should be given to whether it is necessary and appropriate to do so.*

[33] Section 9 of the PID Act.

[34] Section 11 of the PID Act.

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11 What if I am unhappy with how my disclosure is being or was processed?

(a) If an informant believes that their disclosure is not being dealt with appropriately (in accordance with this procedure) the informant is encouraged to contact the responsible officer in first instance.

(b) If the matter cannot be resolved, an informant may request the CEO review the handling of their disclosure in accordance with Council's ***Internal Review of Decisions Procedure***.

(c) If the Informant is dissatisfied with the determination, it is open to them to report the disclosure to another relevant authority, external to Council.

12 Where can I find more information about public interest disclosures?

Office for Public Integrity: publicintegrity.sa.gov.au
Ombudsman SA: ombudsman.sa.gov.au
Independent Commission Against Corruption: icac.sa.gov.au

13 References

Independent Commission Against Corruption Act 2012
Local Government Act 1999
Ombudsman Act 1972
Public Interest Disclosure Act 2018
Public Interest Disclosure Regulations 2019

14 Records management

All documents relating to this procedure will be registered in Council's Record Management System and remain confidential where identified.

15 Document review

This procedure will be reviewed in accordance with Council's *Procedure Review Schedule* to ensure legislative compliance and its continued relevance to Council's needs, activities and programs.

16 Further information

Public Access:	Members of the community may inspect this procedure (and any other related documents) free of charge at: Council's website: **www.apc.sa.gov.au;** or Council's Principal Office: **2a Wasleys Rd, Mallala SA 5502**. *A copy of this procedure may be obtained on payment of a fee.*[35]
Queries:	Any queries in relation to this procedure must be in writing to info@apc.sa.gov.au, marked: *Attention: Manager Governance*

[35] As outlined in Council's *Fees & Charges Schedule*.

Note: *the electronic version in Council's Electronic Document and Records Management System is the controlled version. Printed copies are considered uncontrolled. Before using a printed copy, verify that it is the current version.*

Appendix 1

Responsibilities

POSITION	RESPONSIBILITIES
PRINCIPAL OFFICER[36] (CEO)	• Ensure that 1 or more appropriately qualified employees are designated as responsible officers for the purposes of the PID Act; • Ensure the name and contact details of each responsible officer are made publicly available; • Prepare and maintain this procedure in accordance with the requirements of the PID Act and Guidelines; and • Support the responsible officers to undertake their duties in accordance with the PID Act, including by ensuring there is a system in place to securely receive and store disclosures.
RESPONSIBLE OFFICER[37]	• Receive and securely store disclosures relating to Council and ensure compliance with the PID Act (and this procedure) in relation to such disclosures; • Liaise, as required, with the informant and ensure they are provided with support and protection, as necessary and appropriate; • Make appropriate recommendations to the CEO in relation to the dealing with such disclosures (including any changes to this procedure); • Provide advice to Council Members and employees in relation to the administration of the PID Act; • Complete any training provided by the Commissioner for the purposes of the PID Act and Regulations; and • And carry out any other functions relating to the PID Act.
COUNCIL MEMBER OR EMPLOYEES (PUBLIC OFFICERS)	• All public officers must comply with this procedure and the PID Act; • A public officer should report to OPI/Ombudsman SA any matter that is reasonably suspected to involve corruption in public administration, unless the public officer knows that the conduct has already been reported; and • Immediately refer any disclosure made to them to a responsible officer.

[36] Section 12 of the PID Act.
[37] Section 13 of the PID Act.

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Appendix 2

Workflow

Receipt of disclosure

Disclosure by a public officer about public administration information–can be made to the person responsible for the supervision of the public officer that the information relates to, or a responsible officer.

Disclosure by a member of the community about environmental and health information in the Council area–can be made to any Council member or employee to then be passed on to a responsible officer.

Acknowledge receipt within 2 business days–see part 9.1.2(b) of this procedure.

Preliminary Assessment

Undertaken by the responsible officer to determine:

- if an imminent risk of serious harm exists;
- whether there is a need to refer to OPI;
- whether other action is required, and if so, what.

Preliminary Action

For example–report risk of imminent harm to SAPOL or another appropriate agency, make report to OPI.

See part 9.2.1 of this procedure.

Notification of Preliminary Assessment

Informant must be notified within **30 days** of the disclosure being made.

OPI and other parties to also be notified (as soon as reasonably practicable) – see part 9.3 of this procedure.

Take action

Action taken may vary depending on the subject matter of the disclosure.

May include undertaking investigations, or referring to another relevant authority–see part 9.5 of this procedure.

Notification of Outcome

Informant must be notified within either 90 days of the disclosure being made, or such longer period as specified by written notice given within that 90-day period.

OPI and other parties to also be notified (as soon as reasonably practicable) – see part 9.6 of the procedure.

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