

Public Interest Disclosure Procedure

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Applicable Legislation	<i>Criminal Law Consolidation Act 1935</i> <i>Independent Commission Against Corruption Act 2012</i> <i>Local Government Act 1999</i> <i>Ombudsman Act 1972</i> <i>Public Interest Disclosure Act 2018</i> <i>Behavioural Standards for Council Members</i>

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Principal Officer - Statement of Intent

This Procedure has been prepared in accordance with the requirements of sections 12(4) and (5) of the *Public Interest Disclosure Act 2018* (PID Act).

As Chief Executive Officer of Alexandrina Council, and designated Principal Officer for the purposes of the PID Act, I expect that the implementation and operation of the PID Act will encourage and facilitate:

- further transparency and accountability in the Council's administrative and management practices; and
- 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.

This Procedure is designed to enable that to occur, by ensuring that proper procedures are in place for the making of such Disclosures and for dealing with such Disclosures, and by providing appropriate protections for those who make such Disclosures.

I, and the other employees, officers and Council Members at Alexandrina Council remain deeply committed to the protection of informants who make public interest Disclosures in accordance with the objectives of the PID Act, and to the genuine and efficient consideration and action in relation to information provided to the Council via a public interest Disclosure, as contemplated and demonstrated by this Procedure.

Any questions about this Procedure should be directed in the first instance to the Responsible Officer, whose details are at Part 6 of this Procedure.

Andrew MacDonald PSM
Principal Officer
Chief Executive Officer, Alexandrina Council

1. Purpose

- 1.1 Alexandrina Council (Council) is committed to encouraging the making of appropriate Disclosures of Public Interest Information in accordance with this procedure including:
- (a) the protection of informants who make public interest Disclosures;
 - (b) the genuine and efficient consideration and action in relation to information provided in a public interest Disclosure;
 - (c) referring, as necessary, appropriate Disclosures to another Relevant Authority;
 - (d) where the Disclosure relates to Corruption, reporting the Disclosure directly to the Office for Public Integrity (OPI) in accordance with the [OPI Directions and Guidelines](#) and the requirements of the ICAC Act; and
 - (e) where the Disclosure relates to Misconduct or Maladministration in public administration, reporting the Disclosure directly to the Ombudsman in accordance with the [Ombudsman Directions and Guidelines](#).
- 1.2 This document explains the applicable procedures and processes that Council has in place for when a person makes an appropriate Disclosures of public interest information, to ensure that Council:
- (a) properly fulfils its responsibilities under the *Public Interest Disclosure Act 2018* (PID Act) and the *Independent Commission Against Corruption Act 2012* (ICAC Act), including the [PID Guidelines](#);
 - (b) appropriately encourages and facilitates Disclosures of public interest information, including environmental and health information regarding a location within the area of Council;
 - (c) provides a process by which Disclosures may be made so that they are properly dealt with;
 - (d) provides appropriate protection for those who make Disclosures in accordance with the PID Act;
 - (e) recognises the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate Disclosure.
- 1.3 The Chief Executive Officer will review the operation of this Procedure as needed.

2. Scope

- 2.1 This Procedure applies to appropriate Disclosures of Public Interest Information that are made in accordance with the PID Act, by Public Officers including Council Members, Council Committee Members, Officers and Employees of the Council, and by members of the public.
- 2.2 This Procedure is intended to support the legislatively required reporting framework under the ICAC Act and Ombudsman Act, and to operate in conjunction with other existing Council policies, including:
- *Code of Conduct for Council Employees*;

- *Behavioural Management Policy*, including the *Behavioural Management Standards for Council Members*;
- *Complaints Policy*;
- *Fraud, Corruption, Misconduct and Maladministration Prevention Policy*; and
- *Internal Review of Council Decisions Procedure*

3. Definitions

For the purposes of this Procedure the following definitions apply.

Commission means the Independent Commission Against Corruption.

Commissioner means the person holding or acting in the office of the Independent Commission Against Corruption.

Corruption in public administration¹ means:

- (a) an offence against Part 7 Division 4 (Offences relating to Public Officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:
 - (i) bribery or corruption of Public Officers;
 - (ii) threats or reprisals against Public Officers;
 - (iii) abuse of public office;
 - (iv) demanding or requiring benefit on basis of public office;
 - (v) offences relating to appointment to public office; or
- (b) an offence against the *Public Sector (Honesty and Accountability) Act 1995* or the *Public Corporations Act 1993*, or an attempt to commit such an offence;
- (c) an offence against the *Lobbyists Act 2015*, or an attempt to commit such an offence; or
- (d) any of the following in relation to an offence referred to in a preceding paragraph:
 - (i) aiding, abetting, counselling or procuring the commission of the offence;
 - (ii) inducing, whether by threats or promises or otherwise, the commission of the offence;
 - (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - (iv) conspiring with others to effect the commission of the offence

Council means Alexandrina Council.

Detriment² includes:

- (a) loss or damage (including damage to reputation);
- (b) injury, harm (including psychological harm); or

¹ ICAC Act, section 5(1)

² PID Act, section 9(7)

- (c) intimidation or harassment; or
- (d) discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or
- (e) threats of reprisal (which may be express or implied, and/or conditional or unconditional).

Disclosure means an appropriate disclosure of Public Interest Information made by an Informant to a Relevant Authority.

A person makes an **appropriate disclosure of environmental and health information**³ if:

- (a) the person:
 - (i) believes on reasonable grounds that the information is true; or
 - (ii) is not in a position to form a belief on reasonable grounds about the truth of the information, but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its disclosure so that its truth may be investigated; and
- (b) the disclosure is made to a Relevant Authority.

A person makes an **appropriate disclosure of public administration information**⁴ if:

- (a) the person:
 - (i) is a Public Officer; and
 - (ii) reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and
- (b) the disclosure is made to a Relevant Authority.

Employee means any person employed or engaged by Council, or who carries out work for or on behalf of Council, in any capacity. This includes people employed directly by Council on a full-time, part-time, casual, permanent, fixed-term, temporary or contractual basis, as well as apprentices, trainees, secondees, volunteers, work experience students, contractors, subcontractors, employees of contractors or subcontractors, labour hire workers, consultants, other authorised personnel, and any other person providing services to, or on behalf of, Council, whether or not they are employed by another party.

Fraud includes an intentional dishonest act or omission done with the purpose of deceiving⁵.

ICAC Act is the *Independent Commission Against Corruption Act 2012*.

Informant means a person who makes an appropriate disclosure of public interest information to a Relevant Authority⁶.

Maladministration in public administration⁷

³ PID Act, section 5(3)

⁴ PID Act, section 5 (3)

⁵ Unlike "corruption" there is no statutory definition of 'fraud'. Fraud is a style of offending. The offences addressed under Part 5 and Part 6 of the *Criminal Law Consolidation Act 1935* are considered to constitute fraud offences.

⁶ PID Act, section 4

⁷ Ombudsman Act, section 4(2)

- (a) means:
 - (i) conduct of a Public Officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
 - (ii) conduct of a Public Officer involving substantial mismanagement in or in relation to the performance of official functions; and
- (b) includes conduct resulting from impropriety, incompetence or negligence; and
- (c) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.

Misconduct in public administration⁸ means:

- (a) contravention of a code of conduct by a Public Officer while acting in his or her capacity as a Public Officer that constitutes a ground for disciplinary action against the officer; or
- (b) other misconduct of a Public Officer while acting in his or her capacity as a Public Officer.

Ombudsman Act is the *Ombudsman Act 1972*.

Ombudsman Directions and Guidelines means the directions and guidelines issued pursuant to section 12D(1) of the Ombudsman Act relating to reporting matters of suspected misconduct or maladministration in public administration.

Office for Public Integrity (OPI) is the office established under the ICAC Act that has the functions to:

- (a) receive and assess complaints about public administration from members of the public;
- (b) receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and Public Officers;
- (c) refer complaints and reports to inquiry agencies, public authorities and Public Officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated⁹.

Public Administration defined at section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the *Ombudsman Act 1972* will be taken to be carried out in the course of public administration.

Public Interest Information – there are two types of public interest information¹⁰:

- (a) **Environmental and Health Information** means information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public¹¹.

⁸ PID Act, section 4(1)

⁹ ICAC Act, section 17(1)

¹⁰ PID Act, section 4

¹¹ PID Act, section 4

- (b) **Public Administration Information** means information that raises a potential issue of corruption, misconduct or maladministration in public administration¹².

PID Act means the *Public Interest Disclosure Act 2018*.

PID Guidelines is a reference to the Guidelines issued by ICAC pursuant to section 14 of the PID Act

PID Regulations means the *Public Interest Disclosure Regulations 2019*.

Principal Officer for the purposes of the PID Act means the Chief Executive Officer of the Council.

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

- a Council Member;
- a member of a Council committee; and
- an employee or officer of the Council;

Relevant Authority means the person or entity that receives an appropriate disclosure of Public Interest Information in accordance with the PID Act, as set out in [Appendix A](#) to this Procedure.

Responsible Officer is a person who has completed any training courses approved by the Commissioner for the purposes of the PID Regulations and has been designated by the Council as responsible officer under section 12 of the PID Act. Designated to undertake the duties as per section 13 of the PID Act.

Victimisation as per section 9(1) of the PID Act, occurs when a person causes detriment to another on the ground, or substantially on the ground, that the other person (or a third person) has made or intends to make an appropriate disclosure of public interest information.

4. Responsibilities

4.1 Chief Executive Officer

- 4.1.1 Council's Chief Executive Officer is the Principal Officer for the purposes of the PID Act. The Principal Officer is responsible for:
- (a) ensuring that one or more appropriately qualified officers or employees of the Council are designated as Responsible Officers of the Council for the purposes of the PID Act and undertake any training required by the PID Regulations; and
 - (b) ensuring that the name and contact details of each Responsible Officer of the Council are made available to officers and employees of the Council; and

¹² PID Act, section 4

- (c) the preparation and maintenance of this Procedure in accordance with the requirements of the PID Act and the PID Guidelines.

4.1.2 The Chief Executive Officer will support the Responsible Officer(s) including by ensuring there is a system in place to securely receive and store Disclosures.

4.2 Responsible Officer(s)

4.2.1 Council's Responsible Officer may be contacted in person, by telephone or in writing. The relevant details are provided under clause 6.3.2.

4.2.2 A person designated as a Responsible Officer for the Council has the following responsibilities:

- (a) receiving and securely storing appropriate Disclosures relating to the Council and ensure compliance with the PID Act, and this Procedure, in relation to any such Disclosures.
- (b) upon receipt of a Disclosure, the Responsible Officer will deal with the Disclosure in accordance with the processes described in this Procedure, and the PID Act. This includes being responsible for the procedures set out in clause 5.4 of this Procedure.
- (c) liaising as required with the Informant and ensuring that the Informant is provided with support as necessary and appropriate in the circumstances of the Disclosure.
- (d) making appropriate recommendations to the CEO (Principal Officer) of the Council in relation to dealing with Disclosures, including any suggested changes to this Procedure .
- (e) providing advice to officers and employees of the Council in relation to the administration of the PID Act; and
- (f) completing any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations; and
- (g) carrying out any other functions relating to the PID Act as appropriate to their role.

4.3 Council Member, Council Committee Member, Officer or Employee of the Council (Public Officer)

A Public Officer of Council is responsible for:

4.3.1 Ensuring they comply with this Procedure when dealing with any Disclosure; and

4.3.2 Immediately referring any Disclosure of Environmental and Health Information made to them by a member of the public, or any Disclosure of Public Administration Information made to them by a Public Officer, to the Responsible Officer.

5. Disclosure Protection Information

5.1 Immunity

Section 5 of the PID Act provides that an Informant is not subject to any liability as a result of that Disclosure if:

- (a) a person makes an appropriate disclosure of Environmental and Health Information; or
- (b) a Public Officer makes an appropriate Disclosure of Public Administration Information.

5.2 Confidentiality and Security of Information

- 5.2.1 The identity of an Informant will be maintained as confidential in accordance with the PID Act.
- 5.2.2 The recipient of an appropriate Disclosure may only divulge the identity of an Informant where:
 - (a) the recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, **and** the identity of the Informant is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person.
 - (b) doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation).
 - (c) the Informant consents to their identity being disclosed.
- 5.2.3 The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations and information provided) to be maintained as confidential. In considering whether to further disclose other information provided as part of an appropriate Disclosure consideration should be given to whether it is necessary and appropriate to do so.
- 5.2.4 The Responsible Officer will ensure the steps listed in clause 5.4 are followed for the secure receipt and storage of a Disclosure received.

5.3 Protection of Informants

- 5.3.1 Victimisation of informants is a criminal offence in accordance with the provisions of section 9 of the PID Act. A person who causes detriment to another on the ground, or substantially on the ground, that the other person or a third person has made or intends to make an appropriate disclosure of Public Interest Information commits an act of victimisation. Detriment includes:
 - (a) loss or damage (including damage to reputation); or
 - (b) injury or harm (including psychological); or

- (c) intimidation or harassment; or
- (d) discrimination, disadvantage or adverse treatment in relation to a person's employment; or
- (e) threats of reprisal – which may be express or implied, or conditional or unconditional.

5.3.3 A person must not prevent another person from making an appropriate disclosure of Public Interest Information or hinder or obstruct another person in making such a disclosure.

5.4 Risk Management Steps and Processes – Confidentiality and Protection

To ensure confidentiality is maintained and to minimise the likelihood of any victimisation associated with public interest Disclosures, Council has the following steps in place to assess and minimise detrimental action in relation to public interest disclosures:

- (a) ensuring accurate records of an appropriate Disclosure are securely and confidentially maintained including notes of all discussions, phone calls, and interviews.
- (b) ensuring all information relating to an appropriate Disclosure is maintained as confidential and securely stored such that access to the records is limited to the Responsible Officer and such other persons as is necessary to ensure compliance with the PID Act and to ensure the matters to which the disclosure relates may be properly investigated.
- (c) ensuring any other person involved in investigating the Disclosure is aware of the confidentiality and security requirements and is provided with the access to support the confidentiality and security steps put in place by council.
- (d) ensuring that in the event that a person's appointment as a Responsible Officer is terminated, the person must provide access to the information to the newly-appointed Responsible Officer and having done so will continue to be bound by a duty of confidentiality in respect of an Informant's identity and the information received as a result of the Disclosure.
- (e) ensuring all Responsible Officers have undertaken the required training on confidentiality and informant protection.

6. Disclosure Process

6.1 Who can make a Disclosure?

- 6.1.1 Definitions within the PID Act (section 4 and 5) and as included in this Procedure refer to what is an 'Appropriate Disclosure'.
- 6.1.2 Any person can make an appropriate Disclosure of Environmental and Health Information and will be protected from liability because of that disclosure.

- (a) A Member, Officer or Employee of the Alexandrina Council is the Relevant Authority¹³ for a Disclosure of Environmental and Health Information within the Council boundary.
- 6.1.3 Any person can make an appropriate disclosure of Public Administration Information in accordance with the PID Act, however only Public Officers are protected from liability because of that disclosure¹⁴
- (a) If the Disclosure relates to a Public Officer at the Alexandrina Council, the Relevant Authority¹⁵ is that Officer's manager, supervisor or the Council's Responsible Officers.
- 6.1.4 A person who is not a Public Officer may make a disclosure about public administration by reporting the suspected corruption, misconduct or maladministration to the OPI under the ICAC Act:
- (a) disclosure to the OPI by members of the general public attracts the following protections:
- (i) confidentiality
 - (ii) restriction on publication of information; and
 - (iii) protection from victimisation

Appropriate Disclosure of Public Interest Information under the <i>Public Interest Disclosure Act 2018</i>		
	Environment and Public Health Information	Public Administration Information
<i>Public Officer (Council Member, Employee, Contractor)</i>	Disclosure can be made to Council Responsible Officer or any Relevant Authority	Disclosure can be made to Council Responsible Officer or any Relevant Authority
<i>General Public (resident, rate payer, general population etc)</i>	Disclosure can be made to Council Responsible Officer or any Relevant Authority	Disclosure to the OPI under the ICAC Act

6.2 How to submit Disclosure – Informant Considerations

- 6.2.1 Appropriate Disclosures of Public Administration Information should generally, and wherever possible, be directed in the first instance to the Responsible Officer in person or via email or telephone using the details below.

¹³ See Appendix A

¹⁴ PID Act – section 5

¹⁵ See Appendix A

Responsible Officer(s)

Name	Gus Rankine	Manager People and Safety
	Tash Hunt	General Manager Corporate
	Lachlan Miller	Manager Governance &
	Communications	
	Melissa Huxtable	Team Leader Governance and Risk
Email	disclosure@alexandrina.sa.gov.au	
Postal Address	Strictly Confidential	
	Responsible Officer, Public Interest Disclosure	
	PO BOX 21	
	GOOLWA SA 5214	
Telephone	(08) 8555 7000 – please ask to be directed to the Responsible Officer for Public Interest Disclosure	

The listed email above is regularly monitored by the Responsible Officer(s), if you do not wish to email this address, please call to (08)8555 7000 to speak to a Responsible Officer or their direct email address.

- 6.2.2 Following the above steps will ensure Public Interest Information is securely received.
- 6.2.3 However, nothing in this Procedure prevents a person from making a Disclosure to another Relevant Authority, including a Relevant Authority external to the Council¹⁶. This is a choice to be made by the Informant at their discretion.
- 6.2.4 The following are relevant considerations for an Informant in determining where to direct a Disclosure:
- (a) when choosing to make a Disclosure internally, Disclosures relating to a Public Officers, including the Chief Executive Officer (or person acting in that position), should usually be made to a Responsible Officer;
 - (b) any Disclosure relating to a person appointed as a Responsible Officer should be made to the other person appointed as a Responsible Officer or failing this, to a Relevant Authority external to the Council (such as the OPI).
 - (c) any Disclosure relating to Public Administration Information about a Public Officer who is a Council Member or employee of the Council may be made to a Responsible Officer, or to the person responsible (either in fact, or as may be designated by the PID Act) for the management or supervision of the Public Officer the subject of the Disclosure.

¹⁶ PID Act – section 5

- (d) if there is a reasonable suspicion of corruption, it must be reported to the OPI in accordance with the OPI Directions and Guidelines.
 - (e) any Disclosure relating to maladministration or misconduct in public administration should be reported to the Ombudsman in accordance with the Ombudsman Directions and Guidelines. Note such disclosures may also be made to the OPI in accordance with the [ICAC Act](#).
- 6.2.5 A Disclosure may be made in person, by telephone or in writing (either by post or email) as described in clause 6.2.1 above.
- 6.2.6 All posted mail received with Strictly Confidential - Responsible Officer, Public Interest Disclosure, will only be opened by a Responsible Officer.

6.3 Receipt of a Disclosure

- 6.3.1 A flowchart outlining the Disclosure Process is at [Appendix B](#) to this Procedure.
- 6.3.2 Where a Disclosure is made by telephone, the recipient must take notes of the conversation which must then be recorded in a secure location.
- 6.3.3 If a Council Member, officer or employee of Council receives a Disclosure of Public Interest Information regarding a location within the Council area, the recipient of that Disclosure will:
- (a) ask the Informant whether they consent to the details of their identity being provided to the Responsible Officer, and in doing so advise the Informant that:
 - (i) a failure to provide that consent may mean that the Disclosure cannot be properly investigated; and
 - (ii) notwithstanding that the informant may not consent to their identity being disclosed, it may nonetheless be disclosed if it is necessary to do so to ensure the matters to which the information relates may be properly investigated.

- (b) refer the Disclosure to the Responsible Officer and, in doing so, comply with the wishes of the Informant with respect to whether details of their identity may be divulged unless it is necessary to disclose their identity contrary to their wishes to ensure the matters to which the information relates may be properly investigated.
- 6.3.4 Where the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will acknowledge receipt of the Disclosure within **2 business days** and in doing so, will provide a copy of this Procedure to the Informant.
- 6.3.5 To ensure the secure receipt and storage of the Disclosure, upon the receipt of a Disclosure (whether directly, or by referral from a Council Member, officer or employee), the Responsible Officer will:
 - (a) ensure that a Disclosure is stored securely in accordance with Council's records management system and confidentiality requirements
 - (b) each Disclosure will be referenced by an Index allocated to the recorded for centralised storage and security.

7. Assessment and Actions

7.1 Preliminary assessment and action

- 7.1.1 Upon the receipt of a Disclosure, the Responsible Officer will undertake a preliminary assessment to determine the below and what (if any) actions need to be taken:
 - (a) if the content of the Disclosure suggests there is an imminent risk of serious physical injury or death to any person or the public generally. If it does, the Responsible Officer must immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (for example to, South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority). In doing so, the Responsible Officer must also have regard to clause 5.2 of this Procedure.
 - (b) if the matter(s) the subject of the Disclosure result in the Responsible Officer forming a reasonable suspicion that they involve corruption in public administration, or misconduct or maladministration in public administration; the Responsible Officer must comply with their reporting obligations under the ICAC Act in accordance with the [OPI Directions and Guidelines](#) and reporting expectations under the Ombudsman Act in accordance with the Ombudsman Directions and Guidelines.
 - (c) if 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.

- (d) if the Disclosure is frivolous, vexatious or trivial, the Responsible Officer may determine no further action will be taken in relation to the Disclosure.
 - (e) if the information disclosed involves a matter which 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 respect of the matter, the Responsible Officer can determine no further action will be taken in relation to the Disclosure.
- 7.1.2 Having considered the above, the Responsible Officer can initiate Council's usual investigation process noting the requirements of the PID Act around confidentiality and security in the first instance.
- 7.1.3 If an informant believes that their Disclosure is not being dealt with appropriate or in accordance with this Procedure they should contact the Responsible Officer in the first instance.

7.2 Notification of Preliminary Assessment

- 7.2.1 So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of their determination in writing as soon as is reasonably practicable after the Preliminary Assessment has been made, and in any event within 30 calendar days of receipt of the Disclosure. In doing so, the Responsible Officer must advise the Informant of:
- (a) any action that has been, or will be, taken in relation to the Disclosure; or
 - (b) if no action is being taken in relation to the Disclosure, the reason(s) why.
- 7.2.2 If the Responsible Officer fails to notify the Informant in accordance with the above, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or member of Parliament in accordance with the PID Act.
- 7.2.3 If the Informant is dissatisfied with the Responsible Officer's determination, it is open to them to report the Disclosure to another Relevant Authority external to the Council.
- 7.2.4 As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the Responsible Officer must use the dedicated online notification form at www.icac.sa.gov.au to notify OPI of the Disclosure (**Initial Notification**), and in doing so must ensure that the details required by Guideline 1.4 (page 14) of the [Public Interest Disclosure Guidelines](#) are included in the Initial Notification.
- 7.2.5 The Responsible Officer will retain the unique reference number issued by the OPI upon making the Initial Notification and will ensure that reference number is provided to any other person or authority to whom the Disclosure is referred.

7.3 Notification of Further Action

- 7.3.1 Upon finalising any Further Action required in relation to a Disclosure, the Responsible Officer must prepare a report that will contain the following details:
- (a) the subject of the Disclosure;
 - (b) an account of the steps taken by the Responsible Officer in accordance with this Procedure, including, where appropriate, enclosing a copy of any Independent Assessor's report;
 - (c) conclusions reached as a result of the steps taken in response to the Disclosure and the basis for them; and
 - (d) any recommendations arising from the conclusions, including any remedial action which should be taken by the Council.
- 7.3.2 Any report prepared in accordance with this Part will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 5.2 of this Procedure apply.
- 7.3.3 The Responsible Officer's Report must be provided to the Chief Executive Officer (or to the Mayor where the matter related to the Chief Executive Officer) to action as they considers appropriate.
- 7.3.4 The Chief Executive Officer may, in their discretion, inform the elected body, on a confidential basis, about a Disclosure.
- 7.3.5 Factors the Chief Executive Officer will take into account in determining whether to inform the elected body under clause 7.3.4 above and the level of detail provided in doing so are to include:
- (a) if known, the identity of the Informant, and whether the Informant has consented to their identity being divulged;
 - (b) if applicable, the identity of any person the subject of the Disclosure;
 - (c) the impact (if any) of the investigation upon the Council's achievement of its objectives under its Strategic Plan and/or policies; and
 - (d) the impact of any action taken to finalise the matter upon the Council's operations and/or budget.
- 7.3.6 In the event the Disclosure and/or any subsequent investigation process is confined to issues that impact only upon Council employees and human resource processes, the Chief Executive Officer will not inform the elected body of the fact of the Disclosure and/or investigation (since these matters fall outside the roles and responsibilities of elected members under the *Local Government Act 1999*).
- 7.3.7 So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of their determination in writing (which may include a copy of

the Report as per clause 7.3.1) as soon as is reasonably practicable after the Further Action has been taken and, in any event, **within either:**

- (a) **90 days of receipt** of the Disclosure; or
- (b) such longer period as may be specified by written notice given by the Responsible Officer within that 90 day period.

7.3.8 In doing so the Responsible Officer must advise the Informant of:

- (a) any action that has been, or will be, taken in relation to the Disclosure; or
- (b) if no action is being taken in relation to the Disclosure, the reason/s why.

7.3.9 If the Responsible Officer fails to notify the Informant in accordance with clauses 7.3.7 and 7.3.8 above, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or member of Parliament in accordance with the PID Act.

7.3.10 If the Informant is dissatisfied with the Responsible Officer's determination or the action taken it is open to them to report the Disclosure to another Relevant Authority external to the Council.

7.3.11 As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the Responsible Officer must use the dedicated online notification form at www.icac.sa.gov.au to notify OPI of the action taken in relation to the Disclosure (**Further Notification**) and, in doing so, must ensure that the details required by Guideline 2 – Notification of action taken (section 7) (page 18) of the [Public Interest Disclosure Guidelines](#) are included in the Further Notification.

7.3.12 If the Disclosure came to the Council by way of a referral from a Minister, the Responsible Officer must ensure that the Minister is also notified of the action taken in relation to the Disclosure, and the outcome of any such action. The Minister should be notified in accordance with this clause following the Preliminary Assessment if the Responsible Officer determines that no action is to be taken.

8. Availability of the Procedure

8.1 This Procedure will be available free of charge for inspection at the Council's Offices during ordinary business hours and via the Council's website www.alexandrina.sa.gov.au.

8.2 Copies will also be provided to the public upon request and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.

Appendix A

Relevant Authorities

Where the information relates to.....	The Relevant Authority is...
a Public Officer* <i>*as defined and set out in Schedule 1 of the Independent Commissioner against Corruption Act 2012 – relevantly, this includes members, officers and employees of local government bodies</i>	either: - the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the Public Officer; or - the person who is in fact responsible for the management or supervision of the Public Officer; or - the relevant Responsible Officer (as designated by the Council in accordance with section 12 of the PID Act)
a public sector agency or public sector employee	either: - the Commissioner for Public Sector Employment; or - the responsible officer for the relevant public sector agency
an agency to which the <i>Ombudsman Act 1972</i> applies	the Ombudsman
a location within the area of a particular council established under the <i>Local Government Act 1999</i>	a member, officer or employee of that Council
a risk to the environment	the Environmental Protection Authority
An irregular and unauthorised use of public money or substantial	the Auditor-General
the commission, or suspected commission, of any offence	a member of the police force
a judicial officer	the Judicial Conduct Commissioner
a member of Parliament	the Presiding Officer of the House of Parliament to which the member belongs
a person or matter of a prescribed class ¹	an authority declared by the regulations to be a relevant authority in relation to such information
Public Interest Information – being; - Environmental and 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 a significant section of the public); or - Public Administration Information (information that raises a potential issue of corruption, misconduct or maladministration in public administration)	- the OPI; - a Minister of the Crown; or - any other prescribed person or person of a subscribed class

¹ presently, no prescribed persons or classes have been identified

Appendix B

Notification Process Flowchart

