

Public Interest Disclosure Procedure

Issued: October 2024

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Version: 4



1. Principal Officer Statement

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) and the PID Guidelines.

As Chief Executive Officer of Barunga West Council (the 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 Members of the Council remain deeply committed to the protection of informants who make public interest Disclosures in accordance with 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 or the Council's Public Interest Disclosure Policy should be directed in the first instance to the Responsible Officer, whose details are in Part 5.2 of this Procedure.

A handwritten signature in black ink, appearing to read "Mark McDonald".

Mark McDonald
Chief Executive Officer

2. Introduction

Council is committed to encouraging the making of appropriate Disclosures of public interest information in accordance with this Procedure including:

- The protection of informants who make public interest Disclosures.
- The genuine and efficient consideration and action in relation to information provided in a public interest Disclosure.
- Referring, as necessary, appropriate Disclosures to another Relevant Authority.
- 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.
- 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.

Council also recognises the importance of fostering a workplace culture in which individuals feel safe and supported to raise concerns regarding suspected wrongdoing. Council is committed to ensuring Public Interest Disclosures are managed respectfully, confidentially and in a manner that promotes public confidence and organisational integrity.

2.1. Purpose

This document explains the applicable procedures and processes that Council has in place for when a person makes an appropriate Disclosure of public interest information, to ensure that Council:

- 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.
- Appropriately encourages and facilitates Disclosures of public interest information, including environmental and health information regarding a location within the area of the Council.
- Provides a process by which Disclosures may be made so that they are properly dealt with.
- Provides appropriate protection for those who make Disclosures in accordance with the PID Act.
- Recognises the need to appropriately support Informants, the Responsible Officer and, as appropriate, those public officers affected by any appropriate Disclosure.
- promote clear, accessible reporting pathways for employees, Council Members and members of the public;
- encourage early reporting of suspected wrongdoing;
- support continuous improvement of Council's Public Interest Disclosure framework.

2.2. Scope

This Policy applies to appropriate Disclosures of Public Interest Information that are made in accordance with the PID Act, by public officers including Council Members, Officers and Employees of the Council, and by members of the public.

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 policies, including the:

- Fraud & Corruption Prevention Policy;
- Employee Conduct and Behaviour Policy; and
- Elected Member Behavioural Management Policy.

2.3. 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 Commissioner Against Corruption
Corruption in public administration	<p>Is defined in section 5(1) of the ICAC Act and means conduct that constitutes:</p> <p><i>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></p> <p><i>bribery or corruption of public officers;</i></p> <p><i>threats or reprisals against public officers;</i></p> <p><i>abuse of public office;</i></p> <p><i>demanding or requiring benefit on basis of public office;</i></p> <p><i>offences relating to appointment to public office; or</i></p> <p><i>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; or</i></p> <p><i>an offence against the Lobbyists Act 2015, or an attempt to commit such an offence; or</i></p> <p><i>any of the following in relation to an offence referred to in a preceding paragraph:</i></p> <p><i>aiding, abetting, counselling or procuring the commission of the offence;</i></p> <p><i>inducing, whether by threats or promises or otherwise, the commission of the offence;</i></p> <p><i>being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;</i></p> <p><i>conspiring with others to effect the commission of the offence.</i></p>
Detriment	<p>As per section 9(7) of the PID Act detriment includes:</p> <p><i>loss or damage (including damage to reputation); or</i></p> <p><i>injury or harm (including psychological harm); or</i></p> <p><i>intimidation or harassment; or</i></p> <p><i>discrimination, disadvantage or adverse treatment in relation to a person's</i></p> <p><i>employment; or</i></p> <p><i>threats of reprisal.</i></p>

Disclosure	For the purposes of the PID Act means an appropriate Disclosure of public interest information made by an Informant to a Relevant Authority. ¹
Appropriate Disclosure of environmental and health information	As per section 5(3) of the PID Act, a person makes an appropriate Disclosure of environmental and health information if the disclosure is made to a relevant authority and the person: <ul style="list-style-type: none"> believes on reasonable grounds that the information is true; or 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.
Appropriate Disclosure of public administration information	As per section 5(4) of the PID Act, a person makes an appropriate Disclosure of public administration information if the disclosure is made to a relevant authority and the public officer reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration.
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 public. ²
Informant	Means a person who makes an appropriate Disclosure of public interest information to a Relevant Authority. ³
Maladministration in public administration	As per section 4(2) of the <i>Ombudsman Act 1972</i> (the Ombudsman Act): <i>Means:</i> <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 conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and includes conduct resulting from impropriety, incompetence or negligence; and</i> <i>is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.</i>
Misconduct in public administration	As per section 4(1) of the Ombudsman Act <i>means 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>
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)	Established by the ICAC Act to <i>manage complaints about public administration with a view to—</i>

¹ PID Act, section 4² PID Act, section 4³ PID Act, section 4

	<p><i>the identification of corruption, misconduct and maladministration in public administration; and ensuring that complaints about public administration are dealt with by the most appropriate person or body.</i>⁴</p> <p>The functions of OPI are:</p> <p><i>(a) to receive and assess complaints about public administration from members of the public;</i></p> <p><i>(b) to receive and assess reports about corruption, misconduct and maladministration in public administration from inquiry agencies, public authorities and public officers;</i></p> <p><i>(c) to refer complaints and reports to inquiry agencies, public authorities and public officers or to determine to take no action in accordance with this section.</i>⁵</p>
OPI Directions and Guidelines	Is a reference to the directions and guidelines issued by OPI pursuant to section 18B of the ICAC Act in relation to reporting matters of suspected corruption in public administration.
Public administration	<p>As per section 4(1) of the ICAC Act - an administrative act carried out in the course of public administration.</p> <p>An administrative act is as per the definition in the Ombudsman Act 1972 and means:</p> <p><i>(a) an act relating to a matter of administration on the part of an agency to which this Act applies or a person engaged in the work of such an agency; or</i></p> <p><i>(b) an act done in the performance of functions conferred under a contract for services with the Crown or an agency to which this Act applies,</i></p> <p><i>but does not include—</i></p> <p><i>(c) an act done in the discharge of a judicial authority; or</i></p> <p><i>(d) an act done by a person in the capacity of legal adviser to the Crown or an agency to which this Act applies; or</i></p> <p><i>(e) an act of a class declared by the regulations not to be an administrative act for the purposes of this definition.</i></p>
Public administration information	Means information that raises a potential issue of corruption, misconduct or maladministration in public administration. ⁶
PID Guidelines	Is a reference to the Guidelines issued by ICAC pursuant to section 14 of the PID Act.
Principal Officer	For the purposes of the PID Act means the Chief Executive Officer of the Council. ⁷
Public Officer	Has the meaning given by section 4 and Schedule 1 of the ICAC Act and includes council members 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. ⁸

⁴ ICAC Act, section 3(1)(b)

⁵ ICAC Act, section 17(1)

⁶ PID Act, section 4

⁷ PID Act, section 4

⁸ PID Act, section 5(5)

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Responsible Officer	Is a person who has completed any training courses approved by the Commissioner for the purposes of the <i>Public Interest Disclosure Regulations 2019</i> and has been designated by the Chief Executive Officer as the 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.
	Refer to definition of 'detriment' in this table and section 9(7) of the PID Act.

3. Responsibilities

3.1. Chief Executive Officer

Council's Chief Executive Officer is the principal officer for the purposes of the PID Act and is responsible for:

- 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 they undertake any training required by the Public Interest Disclosure Regulations 2019.
- Ensuring that the name and contact details of each responsible officer of the Council are made available to officers or employees of the Council.
- The preparation and maintenance of this Procedure in accordance with the requirements of the PID Act and the PID Guidelines.

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

3.2. Responsible Officer(s)

Council's Responsible Officer may be contacted in person, by telephone or in writing. The relevant contact details are provided in part 5.2 of this Procedure.

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

- Receiving and securely storing appropriate Disclosures relating to council and ensuring compliance with the PID Act, and this Procedure, in relation to any such Disclosures.
- 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 section 4.2.3 of this Procedure.
- Liaising as required with the Informant and ensuring that the Informant is provided with support and protection as necessary and appropriate in the circumstances of the Disclosure.
- Making appropriate recommendations to the Chief Executive Officer (principal officer) of the Council in relation to dealing with Disclosures, including any suggested changes to this Procedure.

- Providing advice to Council Members, officers and employees of the Council in relation to the administration of the PID Act.
- Completing any training courses approved by the Commissioner for the purposes of the PID Regulations.
- Carrying out any other functions relating to the PID Act as appropriate to their role.

3.2.A. Informant Support

- Throughout the disclosure process, the Responsible Officer should, where appropriate: acknowledge receipt of the disclosure promptly;
- explain the assessment process and expected timeframes;
- maintain appropriate communication with the Informant, subject to legislative restrictions;
- advise the Informant of available support services, including Council's Employee Assistance Program (where applicable); and
- take reasonable steps to minimise the risk of victimisation.

3.3. Council Member, officer or employee of the Council (Public Officers)

A Council Member, officer or employee of the Council is responsible for:

- Ensuring they comply with this Procedure and the Public Interest Disclosure Policy when dealing with any Disclosure.
- Immediately referring any Disclosure of environmental and health information made to them by a member of the public, or any Disclosure of public interest information made to them by a public officer, to the Responsible Officer.

4. Disclosure protection information

4.1. Immunity

Section 5 of the PID Act provides for protection for Informants where appropriate public interest Disclosures are made:

- By a member of the public or a public officer about environmental and health information which the Informant reasonably believes to be true or which the Informant believes may be true and is of sufficient significance to warrant Disclosure, regarding a location within the Council area.
- By a public officer about information that the public officer reasonably suspects raises a potential issue of corruption, misconduct or maladministration in public administration.

4.2. Confidentiality and protections

4.2.1. Confidentiality and security of information

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

The recipient of an appropriate Disclosure may only divulge the identity of an Informant where:

- 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;
- Doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation);
- The Informant consents to his/her identity being disclosed.

The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) 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.

The Responsible Officer will ensure the steps listed in part 4.2.3 below are followed for the secure receipt and storage of a Disclosure received.

Council will take all reasonable administrative and operational steps to protect the confidentiality of persons making Public Interest Disclosures, recognising that confidentiality assists in protecting individuals from victimisation and encourages the reporting of suspected wrongdoing.

4.2.2. Protection of informants

The PID Act provides for protection for Informants where public interest Disclosures are made:

- By a member of the public or a public officer about environmental and health information which the Informant reasonably believes to be true or which the Informant believes may be true and is of sufficient significance to warrant Disclosure, regarding a location within the Council area; and/or
- By a public officer about information that the public officer reasonably suspects raises a potential issue of corruption, misconduct or maladministration in public administration.

Victimisation of informants is a criminal offence in accordance with the provisions of section 9⁹ 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

⁹ PID Act Section 5(1)

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- 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.

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.

4.2.3. Risk management steps and processes – confidentiality and protection

The following procedures ensure compliance with the requirements under both section 12(5)(a) of the PID Act and Guideline 4 of the Public Interest Disclosure Guidelines. The steps taken ensure confidentiality and secure receipt, storage and processing of PID information that will also support minimising victimisation against people in relation to disclosures:

- Responsible Officers have undertaken the required training on confidentiality and informant protection.
- Council has a compartmentalised records management system, and the Responsible Officer ensures appropriate security practices are applied when receiving and maintaining all electronic communications relating to Disclosures. This includes a securely monitored email.
- Electronic records are secured, and confidentiality maintained, by limiting security access to Responsible Officers (or those involved in addressing or investigating the disclosure directly).
- All telephone calls and meetings in relation to a Public Interest Disclosure are conducted privately and in the strictest of confidence.
- Procedural fairness is observed in the treatment of any person making a disclosure.
- The consideration of information and evidence collected and drawing conclusions is done objectively and impartially.

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:

- Ensuring accurate records of an appropriate Disclosure are securely and confidentially maintained including notes of all discussions, phone calls, and interviews.
- 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.

- 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.
 - 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.
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- Assessing whether any immediate welfare or workplace support should be offered to the Informant.
 - Periodically reviewing whether additional measures are required to minimise the risk of victimisation throughout the assessment process.

5. Disclosure process information

5.1. Who can make a disclosure?

Refer to the definitions within the PID Act (section 4 and 5) and as included in this Procedure for what is an 'appropriate disclosure'.

Any person can make an appropriate disclosure of environmental and health information and will be protected from liability because of that disclosure.

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 disclosure¹⁰.

5.2. How to submit Disclosure – Informant considerations

A simplified overview of the Public Interest Disclosure process is provided in Appendix C – Public Interest Disclosure Reporting Guide. The Guide is intended to assist employees, Council Members and members of the public in understanding how to make a Public Interest Disclosure and what to expect after a disclosure has been made.

Governance Officer – Jacky Ritter

Mobile: 0411 667 153

Telephone: (08) 8635 2107

Email: public.interest@barungawest.sa.gov.au

Address: Confidential
Responsible Officer, Public Interest Disclosure
11 Bay Street **OR** PO Box 3
PORT BROUGHTON SA 5522

Following the above steps will ensure public interest information is securely received.

¹⁰ PID Act – section 5

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However, nothing in this Procedure prevents a person from making an appropriate Disclosure to another Relevant Authority, including a Relevant Authority external to the Council¹¹. This is a choice to be made by the Informant at their discretion.

The following are further relevant considerations for an Informant in determining where to direct a Disclosure:

- When choosing to make a Disclosure internally, Disclosures relating to a Council Member or employee, including the Chief Executive Officer, should be made to a Responsible Officer.
- 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).
- 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.
- If there is a reasonable suspicion of corruption, it must be reported to the OPI in accordance with the OPI Directions and Guidelines.
- 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.

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:

5.3. Receipt of Disclosure

A flowchart outlining Council's internal Disclosure management Process is provided at Appendix B to this Procedure. A simplified Public Interest Disclosure Reporting Guide for Informants is provided at Appendix C.

Where a Disclosure is made by telephone, the recipient (noting this is ideally, but not always the Responsible Officer) must take notes of the conversation.

If a Council Member, officer or employee receives a Disclosure of public interest information regarding a location within the Council area, the recipient of that Disclosure will:

- 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:
 - a failure to provide that consent may mean that the Disclosure cannot be properly investigated; and
 - 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;

¹¹ PID Act – section 5(5)

- 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.

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 two (2) business days where practicable and provide:

- confirmation that the Disclosure has been received;
- information about Council's assessment process;
- indicative timeframes;
- contact details for further enquiries; and
- a copy of this Procedure.

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 ensure that a Disclosure is stored securely in accordance with Council's record management system and confidentiality requirements and the requirements of the *Public Interest Disclosure Act 2018*.

6. Assessment and actions

6.1. Preliminary assessment and action

Upon 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:

- 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 part 4.2.1 of this Procedure.
- 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 his/her 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.
- 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.
- If the Disclosure is frivolous, vexatious or trivial, the Responsible Officer may determine no further action will be taken in relation to the Disclosure.

- 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.

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 of information. If an Informant believes that their Disclosure is not being dealt with appropriately or in accordance with this Procedure they should contact the Responsible Officer in the first instance.

6.2. Notification of Preliminary Assessment

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 days of receipt of the Disclosure. In doing so, the Responsible Officer must advise the Informant of:

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

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.

If the Informant is dissatisfied with the Responsible Officer's determination, it is open to him/her to report the Disclosure to another Relevant Authority external to the Council.

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 of the Public Interest Disclosure Guidelines are included in the Initial Notification.

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.

6.3. Notification of Further Action

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 Further Action has been taken and, in any event, within either:

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

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

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

If the Responsible Officer fails to notify the Informant in accordance with clauses 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.

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

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 of the *Public Interest Disclosure Guidelines* are included in the Further Notification.

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.

7. Legislation and other documents

Public Interest Disclosure Act 2018
Ombudsman Act 1972
Independent Commissioner Against Corruption Act 2012
Criminal Law Consolidation Act 1935
Public Sector (Honesty and Accountability) Act 1995
Public Corporations Act 1993
Lobbyists Act 2015
Local Government Act, 1999
State Records Act 1997
Freedom of Information Act 1991

8. Availability & Grievances

This Procedure will be available free of charge for inspection at the Council's Principal Office at 11 Bay Street, Port Broughton during ordinary business hours and via the Council's website – www.barungawest.sa.gov.au/documents/policies.

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.

Any grievances in relation to this procedure or its application should be forwarded in writing addressed to the Chief Executive Officer, Barunga West Council, PO Box 3, Port Broughton SA 5522.

9. Approval and Review

The Chief Executive Officer will review the operation of this Procedure as needed.
This procedure will be reviewed in line with Councils usual policy review process.

Responsible Work Area	Chief Executive Officer
Responsible Officer	Governance Officer
Date/s Adopted	V1 Dec 2019 – Initial adoption V2 Apr 2021 – Updated PID Contact V3 Oct 2024 – Updated per LGA Model Policy, definitions and reporting obligations to reflect 2021 legislative amendments. V4 Jul 2026 – improved wording around culture, accessibility and support for whistleblowers as a result of the recommendations from the ICAC Whistleblower Report: ‘Doing right by those who call out the wrong’ .
Date of next review	Jul 2028
Skytrust Reference	
Records Reference	

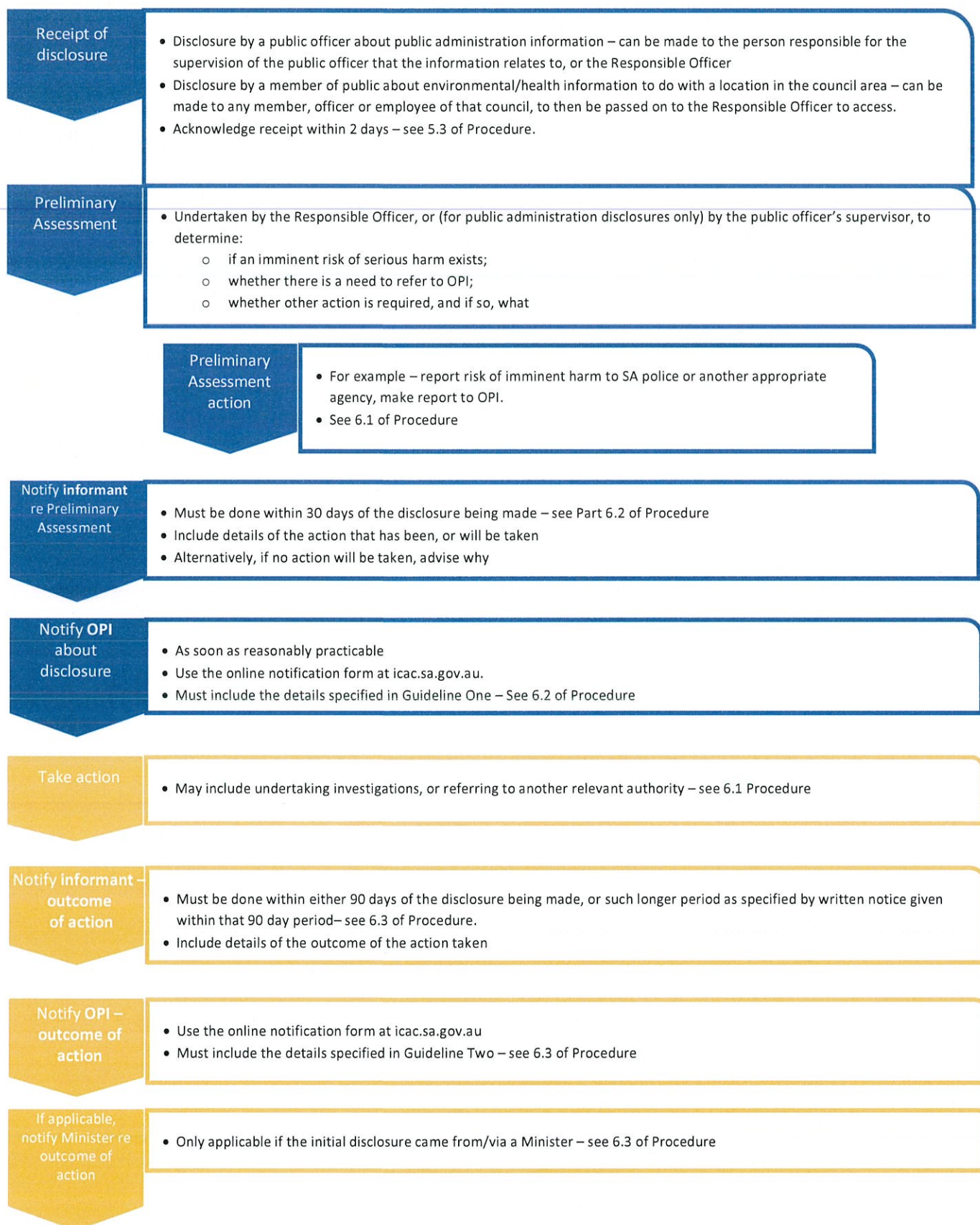
Appendix A - Relevant Authorities

Where the information relates to...	the relevant authority is...
a public officer*	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)
*as defined and set out in Schedule 1 of the <i>Independent Commissioner Against Corruption Act 2012</i> - relevantly, this includes members, officers and employees of local government bodies	
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 Environment 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 a matter of a prescribed class ¹²	an authority declared by the regulations to be a relevant authority in relation to such information

¹² at this stage, no prescribed persons or classes have been identified

Where the information relates to...	the relevant authority is...
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 prescribed class

Appendix B - Notification Process Flowchart



Appendix C - Public Interest Disclosure: Quick Reporting Guide

Step 1 - Do you believe there is:

- ☐ Corruption
- ☐ Misconduct
- ☐ Maladministration
- ☐ Serious environmental or public health risk



Step 2 - Choose how to report:

- Responsible Officer
- Office for Public Integrity
- Ombudsman
- Other Relevant Authority



Step 3 – Provide:

- ? What happened
- ? Who was involved
- ? When
- ? Supporting information



Step 4 - Council will:

- ✓ acknowledge your disclosure
- ✓ assess the information
- ✓ determine appropriate action
- ✓ keep you informed where permitted



Step 5 - You are entitled to:

- confidentiality
- protection from victimisation
- fair treatment
- information about the process

