

	PROCEDURE	Version:	3
	Public Interest Disclosure	Date Adopted:	09/05/2023
		Next Review Due:	09/05/2027

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).

1. STATEMENT FROM THE CEO

As CEO of Wattle Range Council, I have caused the preparation of this procedure that sets out the process for making and dealing with appropriate disclosures of public interest information.

Council is committed to the protection of informants, as well as to the genuine and efficient consideration and action of appropriate disclosures of public interest information made under the Act.

I expect that all appropriate disclosures of public interest information made to a relevant authority at the Council will be dealt with in the strictest confidence and with the utmost priority.

In preparing this Procedure, the Council is giving effect to its obligations under the Act to encourage and facilitate disclosures of public interest information by ensuring that proper procedures are in place for making and dealing with such disclosures and by providing protections, in accordance with the Act, for persons who make disclosures.

2. DEFINITIONS

Informant - A person who makes an *appropriate disclosure of public interest information* is referred to in this procedure and throughout the PID Act as an informant.

Public officer - The term *public officer* is defined in Schedule 1 of the ICAC Act. The most common categories of *public officer* can be found in the appendices of the PID Guidelines. Council Members and employees (including contractors) are *public officers*.

Corruption, misconduct and maladministration – refer to ICAC Act or PID Guidelines Appendices.

3. PROCEDURE

3.1 Scope

This procedure applies to all Council Members, Employees and Officers (including contractors).

3.2 Responsible Officers

The CEO will designate in writing, the responsible officers for the purposes of the PID Act.

The role of responsible officers is as per the PID Act. The CEO will ensure that responsible officers have received the training required by the PID Act.

In making any determination or taking any action pursuant to this procedure or the PID Act: the responsible officer may seek legal advice from Council's lawyers and/or guidance from SAPOL, Ombudsman or OPI in relation to the most appropriate course of action to pursue; and is authorised to incur costs in accordance with the Council's Budget for that purpose.

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3.3 Making a Public Interest Disclosure

Anyone wanting to disclose public interest information related to Council can seek advice of a responsible officer. Information is also available on the on the ICAC / Office for Public Integrity (OPI) website (www.icac.sa.gov.au).

To gain the protections provided by the PID Act Informants must make an *appropriate public interest disclosure*.

Appropriate Public Interest Disclosures	
Environmental & Health Information <i>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</i> Disclosure can be made by: Any Person, that - believes on reasonable grounds that the information is true; or - are 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	Public Administration Information <i>raises a potential issue of corruption, misconduct or maladministration in public administration</i> Disclosure can only be made by: A Public Officer, that reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration
and it must be disclosed to a Relevant Authority*. Appropriate disclosures should generally, and wherever possible, be directed in the first instance to a Responsible Officer in person, by telephone or in writing. Other Relevant Authorities at Council may include: Where it relates to a location within the Wattle Range Council area: - an officer or employee of Council*; or - a Council Member; *Council's Responsible Officers are employees of Council Where it relates to a Public Officer: - a responsible officer - a person responsible for the management / supervision of the public officer *There are a number of Relevant Authorities that can receive appropriate disclosures, depending on the nature of the disclosure. A full list of Relevant Authorities are listed in the Public Interest Disclosure Guidelines issued by ICAC. The choice of Relevant Authority is to be made by the Informant at their discretion.	

Responsible Officers	Contact
Paul Duka Director Corporate Services John Wright Governance Officer David Ryan Governance Officer	Telephone 08 8733 0900 Email disclosures@wattlerange.sa.gov.au subject: Public Interest Disclosure In Person Council Service Centre 12 North Terrace, Millicent Mail CONFIDENTIAL PID Responsible Officer PO Box 27 Millicent SA 5280

An Informant may remain anonymous, but where insufficient information is provided in a disclosure, the matter may not be able to be properly investigated and notification on progress may not be able to be provided to the informant.

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3.4 Complaints

If an Informant believes that their disclosure is not being dealt with appropriately or in accordance with this procedure, they should contact a responsible officer.

If an Informant is dissatisfied with a determination, it is open to the Informant to report to another relevant authority external to the Council.

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3.5 Secure Receipt and Handling of a Disclosure

SECURE RECEIPT & HANDLING OF A PUBLIC INTEREST DISCLOSURE

The below process flow:

- Outlines the steps that will be taken to securely receive and store public interest disclosures;
- provides criteria that will be applied in assessment of a disclosure.

The following documents may need to be referred to during the process:

 Public Interest Disclosure Act (s#(##)) = a reference to a specific section in the Act	 Public Interest Disclosure Guidelines issued by ICAC (G#.#) = a reference to a specific clause in this guideline
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GENERAL INFORMATION: CONFIDENTIALITY & VICTIMISATION

IMPORTANT INFORMATION THAT APPLIES AT ALL STAGES OF THE PROCESS

The identity of an Informant must be maintained as confidential in accordance with the PID Act. A 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 to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the Informant is 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; (G3.1(a))
- the recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the recipient must disclose the identity of the Informant to the OPI; (G3.1(b))
- the Informant consents to his/her identity being disclosed (s8(1) PID Act)

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, but in considering whether to further disclose other information provided as part of an appropriate Disclosure recipients should be mindful of the prohibition against Victimisation in the PID Act.

It is an offence under the PID Act to victimise a person that has or intends to make a public interest disclosure. This includes causing detriment such as:

- Loss or damage (including to reputation); or
- Injury or harm (including psychological harm); or
- Intimidation or harassment; or Discrimination, disadvantage or adverse treatment in relation to a person's employment; or
- Threats of reprisal (whether express or implied or conditional or unconditional).

GENERAL INFORMATION: SECURE STORAGE

Records relating to a disclosure will be securely stored in Council's record management system. The file will be marked confidential and only Responsible Officers are authorised to access the file. Hard copy files will be kept in a secure location.

When processing incoming mail, Records Officers will:

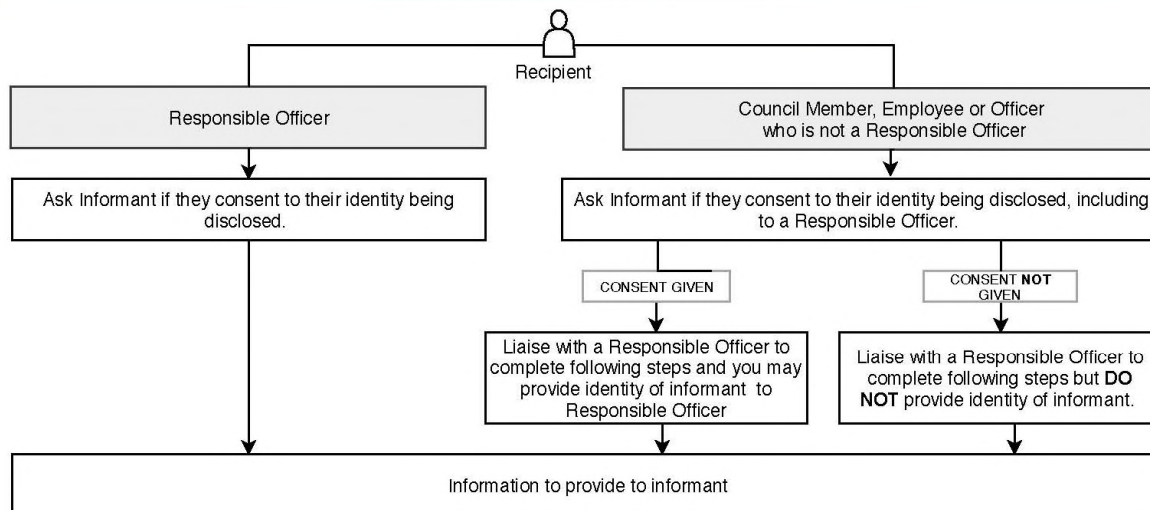
- not open any mail marked Confidential and addressed to a Public Interest Disclosure Responsible Officer; and
- hand the mail directly (in person) to one of the Responsible Officers.

The email address that disclosures are directed to (disclosures@wattlerange.sa.gov.au) is fully accessible by Responsible Officers. It may be accessed by the IT Officer to provide IT support services only.

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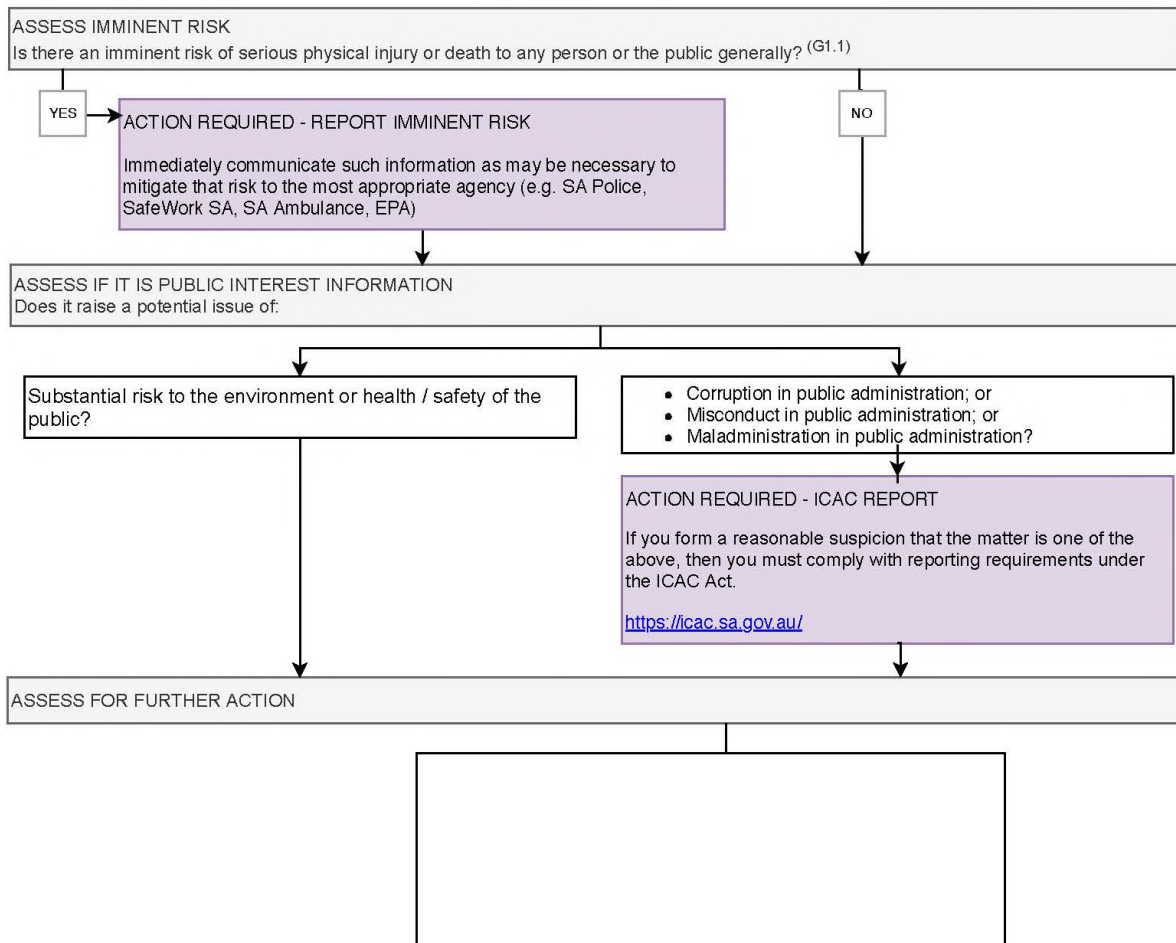
STEP 1: RECEIVING A DISCLOSURE



STEP 2: INITIAL ASSESSMENT

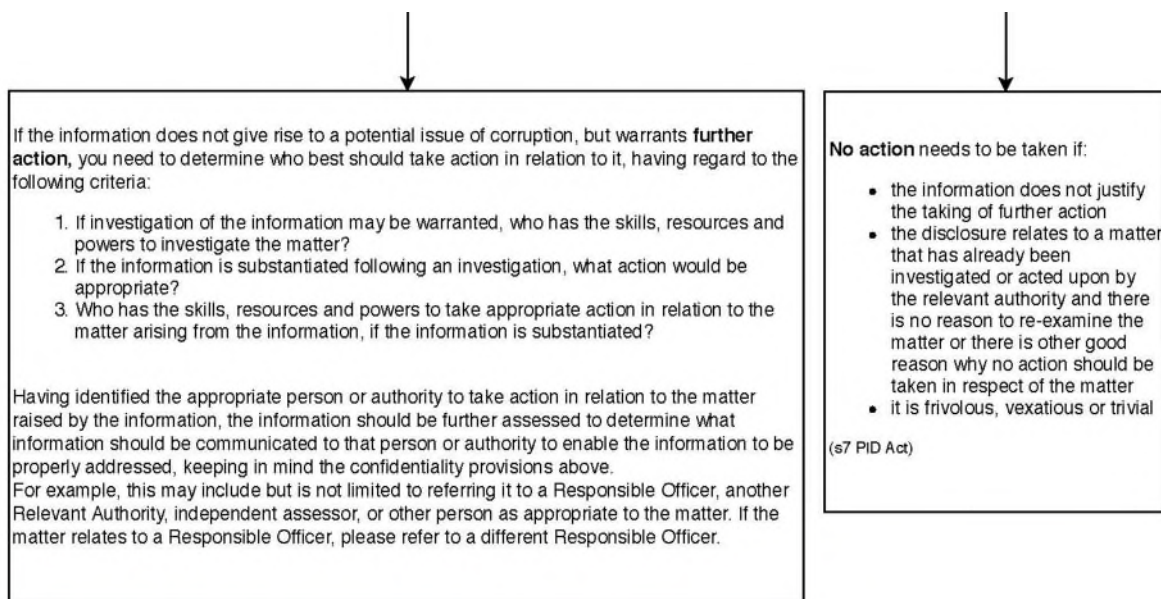


Recipient to complete

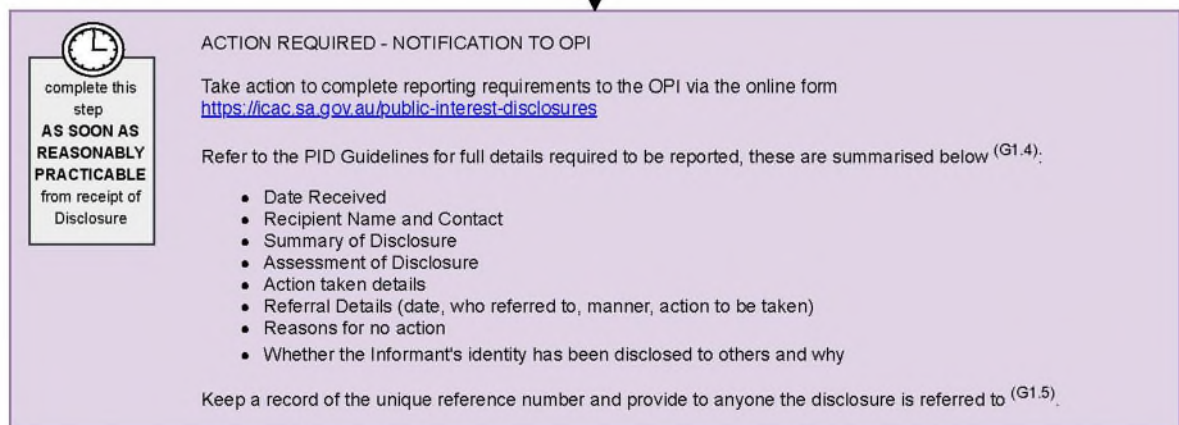
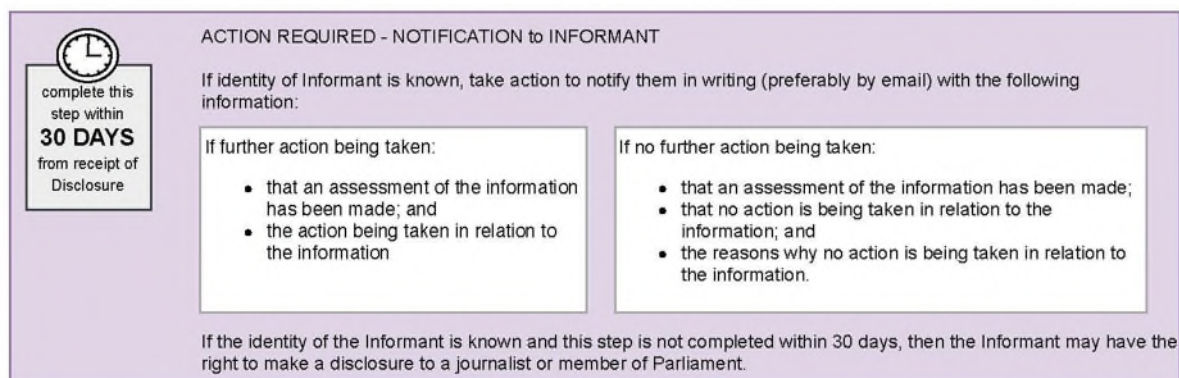


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STEP 3: NOTIFICATIONS Recipient to complete



IF FURTHER ACTION BEING TAKEN
Continue to Step 4

END of PROCESS IF NO FURTHER ACTION BEING TAKEN

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STEP 4: OUTCOMES OF ACTION	 Recipient or if disclosure referred, the person to whom it has been referred must complete
INVESTIGATION OBJECTIVES	
↓	
Undertake investigation or take other action as required by the circumstances of the relevant disclosure to ensure that the matter or subject of the disclosure is properly addressed. Outcomes of any investigation will be provided to the CEO	
↓	
EXTEND NOTIFICATION TIMEFRAME	
↓	
OPTIONAL ACTION If it will take longer than 90 days to reach the outcomes of the Action, you can write (preferably by email) to the Informant specifying the time period in which they can expect the notification in Step 5 below.	

STEP 5: NOTIFICATIONS	 Recipient or if disclosure referred, the person to whom it has been referred must complete
 complete this step within 90 DAYS (or as specified in notice to Informant) from receipt of Disclosure ACTION REQUIRED - NOTIFICATION to INFORMANT on ACTION TAKEN If identity is known, take reasonable steps to notify Informant in writing (preferably by email) of the outcome of the action. If the identity of the Informant is known and this step is not completed within 90 days or other specified time, then the Informant may have the right to make a disclosure to a journalist or member of Parliament.	
↓	
 complete this step AS SOON AS REASONABLY PRACTICABLE from receipt of Disclosure ACTION REQUIRED - NOTIFICATION TO OPI on ACTION TAKEN Take action to complete reporting requirements to the OPI via the online form https://icac.sa.gov.au/public-interest-disclosures Refer to the PID Guidelines for full details required to be reported, these are summarised below ^(G2): - Unique ID issued by OPI from first notification (obtain from Recipient of Disclosure) - Notifier Name and Contact - Name and Contact of who responsible for action - Any findings - Nature of any action taken - Whether the Informant's identity has been disclosed to others and why - When & How the Informant has been notified.	
↓	
ACTION REQUIRED - If disclosure was received from/via a Minister Take action to notify the Minister of action taken in relation to the information and outcome of the action.	

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4. REVIEW

This procedure will be reviewed at least once every four years.

The CEO will authorise updates to the details of Responsible Officers in accordance with designations made.

5. AVAILABILITY

This procedure is publicly available on Council's website: www.wattlerange.sa.gov.au.

A printed copy may be purchased from Council offices upon payment of the relevant fee in Council's Fees and Charges Schedule.

6. REFERENCES & FURTHER READING

References	• <i>Public Interest Disclosure Guidelines issued by the Independent Commissioner Against Corruption</i>
Relevant Legislation:	• <i>Public Interest Disclosure Act 2018</i> • <i>Local Government Act 1999</i>
Relevant Policies / Procedures / Guidelines	• Fraud & Corruption Prevention Policy • Code of Conduct for Council Employees • Code of Conduct for Volunteers • Behavioural Management Policy – Elected Members • Customer Experience Policy • Compliments & Complaint Handling Procedure • Internal Review of Decisions Procedure

7. ADOPTION & AMENDMENT HISTORY

The table below sets out the adoption, review and amendment history of the procedure.

Version No:	Issue Date:	Authorised by:	Description of Change:	Minutes Reference:
1	12/09/2019	ELT	Procedure required by <i>Public Interest Disclosure Act</i>	Item 9.2
2	17/04/2023	ELT	Update responsible officers and References updated	Item 11.2
3	09/05/2023	Council	Changes endorsed and adopted by Council	Folio 10539; Item 15.2.3

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