	<p align="center">Public Interest Disclosure Policy and Procedure <i>Policy No. GOVPOL 20</i></p>	Version No:	2
		Responsible Officer/s:	Governance Officer
		Classification:	Council
		Issued:	2 September 2019
		Next Review:	November 2028

1. Purpose

- 1.1. District Council of Grant (**the Council**) is committed to upholding the principles of transparency and accountability in its administrative and management practices and, therefore, encourages the making of disclosures that reveal public interest information.
- 1.2. The purpose of this Policy and Procedure is to ensure that the Council:
- properly fulfils its responsibilities under the *Public Interest Disclosure Act 2018 (the PID Act)*;
 - encourages and facilitates Disclosures of Public Interest Information in accordance with the objects and requirements of the PID Act;
 - ensures there is appropriate oversight of public interest disclosures about corruption, misconduct and maladministration in public administration;
 - provides appropriate protection for those who make disclosures in accordance with the PID Act; and
 - acknowledges the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate disclosure.


2. Scope

- 2.1. This Policy applies to appropriate disclosures of public interest information:

- about substantial risks to public health or safety, or to the environment; and
- about corruption, misconduct and maladministration in public administration;

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, and is intended to complement the reporting framework under the *Independent Commission Against Corruption Act 2012 (the ICAC Act)*.

- 2.2. A person makes an appropriate disclosure of environment and health information for the purposes of the PID Act if the disclosure is made to a relevant authority and the person:
- 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.
- 2.3. A public officer makes an appropriate disclosure of public administration information for the purposes of the PID Act 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.

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3. Definitions

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.

Informant a person who makes an appropriate disclosure of public interest information.

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

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

Public Officer defined under the ICAC Act includes:

- a Elected Member;
- a member of a Local Government body (including a subsidiary of a Council established under the Local Government Act 1999); and
- an Employee or Officer of the Council.


Relevant Authority the person or entity that receives an appropriate disclosure of public interest information in accordance with the PID Act. Where the information relates to a location within the Council area, the relevant authority is a member, officer or employee of Council or a Responsible Officer. Where the information relates to a public officer the Relevant Authority is a person who is, taken to be responsible for the management or supervision of the public officer or to the relevant responsible officer.

Responsible Officer a person who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019* and has been designated by the Council as responsible officer under Section 12 of the PID Act.

4. Statement from the Chief Executive Officer

4.1. It is an expectation in relation to the implantation and administration of the PID Act, that Council is committed to:

- Upholding the principles of transparency and accountability;
- Receiving disclosures in the public interest of environmental and health information, or of public administration information;
- Dealing with public interest disclosures received under the PID Act efficiently and taking action as necessary and in accordance with the requirements of the PID Act and this Policy and Procedure;

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- The protection of informants who make appropriate disclosures of public interest information;
- referring, as necessary, appropriate disclosures to another Relevant Authority;
- where the disclosure relates to corruption, or serious or systemic misconduct or maladministration in public administration, reporting the disclosure directly to the Office for Public Integrity (OPI) in accordance with the Guidelines and the requirements of the ICAC Act;
- otherwise facilitating the investigation of appropriate disclosures in a manner which promotes fair and objective treatment of those involved; and
- rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.

5. Policy


5.1. Confidentiality

- 5.1.1. The identity of an Informant will be maintained as confidential in accordance with the PID Act.
- 5.1.2. A person to whom an appropriate disclosure of public interest information is made, or a person to whom such a disclosure is referred or who otherwise knows that such a disclosure has been made, must not, without the consent of the informant, knowingly divulge the identity of the informant except—
 - so far as may be necessary to ensure that the matters to which the information relates are properly investigated; or
 - in accordance with any applicable guidelines prepared under section 14: <https://www.publicintegrity.sa.gov.au/directions-and-guidelines>
- 5.1.3. Section 9 of the PID Act makes victimisation of a person a criminal offence, where the person is caused a detriment on the ground, or substantially on the ground, that the person has made or intends to make an appropriate disclosure of public interest information.

5.2. Disclosure Procedure

- 5.2.1. Disclosures should generally, and wherever possible, be directed in the first instance to a Responsible Officer, who has the responsibility for receiving appropriate disclosures relating to the Council. However, nothing in this document prevents a person from making a disclosure to another Relevant Authority, including a Relevant Authority external to the Council. This is a choice to be made by the Informant at his/her discretion.
- 5.2.2. A Disclosure may be made to any of the Council's designated Responsible Officers in person, by telephone or in writing. The relevant contact details are:

Phone: 8721 0444

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Email: pidisclosure@dcgrant.sa.gov.au
Subject: CONFIDENTIAL – Public Interest Disclosure

In person: 324 Commercial Street West, Mount Gambier
Responsible Officers – Brittany Shelton, Kate Gilmore,
Leith McEvoy or Marianne Tucker

In writing: CONFIDENTIAL
Public Interest Disclosure
(Attention: Brittany Shelton, Kate Gilmore, Leith McEvoy
or Marianne Tucker)
PO Box 724
Mount Gambier SA 5290

- 5.2.3. Disclosures of public interest information and all related information, reports, correspondence, etc., will be treated confidentially and stored securely in accordance with Council's Record Management guidelines and procedures.

5.3. The Role of Responsible Officers

5.3.1. A person designated as a Responsible Officer for the Council must:


- (i) receive appropriate disclosures relating to the agency or Council and ensure compliance with the PID Act in relation to any such disclosures;
- (ii) make appropriate recommendations to the principal officer of the agency or Council in relation to dealing with such disclosures; and
- (iii) provide advice to officers and employees of the agency or Council in relation to the administration of the PID Act; and
- (iv) complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations; and

- may carry out any other functions relating to the PID Act.

5.3.2. In making any determination or taking any action under this Policy and Procedure:

- the Responsible Officers may seek legal advice from Council's lawyers and/or guidance from SAPOL or the Ombudsman 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.

5.3.3. The Responsible Officers will liaise as required with the Informant and any Independent Assessor in relation to any investigation process undertaken, and will ensure that the Informant is provided with protection as necessary and appropriate in the circumstances of the disclosure.

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5.4. Receipt of an appropriate disclosure

5.4.1. If a public officer 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
- 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.


5.4.2. Upon the receipt of a disclosure (whether directly, or by referral from a Council Member, employee or officer), the Responsible Officer will:

- immediately undertake a Preliminary Assessment in accordance with clause 5.5.1 of this document; and
- as soon as practicable thereafter, in accordance with clause 5.5 of this document:
 - (i) notify the OPI of the disclosure; and
 - (ii) confirm receipt of the disclosure with the Informant; and
- subject to the outcome of the Preliminary Assessment, then take appropriate action, including, where required:
 - (i) appointing an Independent Assessor to further investigate the disclosure in accordance with clause 5.5.1 of this document; and
 - (ii) notifying the Informant of the outcome of any action, including any investigation in accordance with clause 5.5.2 of this document; and
 - (iii) notifying the OPI of the outcome of any action taken in accordance with clause 5.5.3 of this document; and/or
 - (iv) reporting the outcome of any action taken to the Minister; and
 - (v) preparing and issuing a final report to the Principal Officer.


5.5. Assessment and Investigation

5.5.1. Preliminary Assessment

- 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 and in doing so, will provide a copy of the Public Interest Disclosure Policy to the Informant.

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- Upon receipt of a disclosure, the Responsible Officer will undertake a preliminary assessment to determine:
 - (i) if there is an imminent risk of serious physical injury or death to any person or the public generally;
 - (ii) if the matter/s involve corruption in public administration, or serious or systemic misconduct or maladministration in public administration; or
 - (iii) if the information disclosed justifies further action, including a decision as to whether the disclosure:
 - is frivolous, vexatious or trivial (in which case, no further action will be taken in relation to the disclosure);
 - 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 (in which case, no further action will be taken in relation to the disclosure);
 - requires referral to another Relevant Authority external to the Council; or
 - warrants referral to an Independent Assessor for a formal investigation and report to Council.
- The Responsible Officer must report the outcome of the Preliminary Assessment to the Chief Executive Officer (unless the disclosure relates to the Chief Executive Officer). 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 **Error! Reference source not found.** of this document apply.
- Where the Responsible Officer determines that the disclosure suggests there is an imminent risk of serious physical injury or death to any person or to the public generally, the Responsible Officer must immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (for example, South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority). In doing so, the Responsible Officer must also have regard to clause **Error! Reference source not found.** of this document.
- Where the Responsible Officer forms a reasonable suspicion that the matter/s the subject of the disclosure involve corruption in public administration, or serious or systemic misconduct or maladministration in public administration, the Responsible


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Officer must comply with their reporting obligations under the ICAC Act in accordance with the Directions and Guidelines.

- Where the Responsible Officer determines the disclosure warrants further investigation, they will, having regard to available resources, appoint the Independent Assessor and refer the disclosure to the Independent Assessor for investigation.
- 5.5.2. So long as the identity of the Informant is known or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of the determination in writing as soon as is reasonably practicable after the Preliminary Assessment has been made. 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.
- 5.5.3. 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 <https://www.publicintegrity.sa.gov.au/public-interest-disclosures/pid-notifications> to notify OPI of the disclosure, and in doing so must ensure that the details required by the Public Interest Disclosure Guidelines are included in the Initial Notification.
- *Note: a Notification is different from a Report under Part 5.5.1(e) of this Policy. A Notification must be made in relation to all disclosures, to inform the OPI of the action (if any) taken. The OPI will not conduct an assessment or investigate a disclosure based on a Notification. If it is determined as part of the Preliminary Assessment that the appropriate action to take it reporting the matter to the OPI, a report must be made using the online form at <https://www.publicintegrity.sa.gov.au/public-admin-complaints/information-for-the-public/make-a-complaint-about-a-public-officer>*
- 5.5.4. Upon finalising any action required in relation to a disclosure, the Responsible Officer must prepare a report containing the subject of the disclosure, the steps taken by the Responsible Officer, conclusions reached as a result of the steps taken, and any recommendations (including remedial action).
- 5.5.5. The Responsible Officer/s Report must be provided to the Chief Executive Officer to action as they consider appropriate.

5.6. Information to Elected Members

- 5.6.1. As a matter of discretion, the Chief Executive Officer may inform the elected members, on a confidential basis, of the fact that an investigation of a disclosure took place and the outcome of the investigation. The decision whether or not to inform the elected members will consider the impact (if any) of the investigation upon the Council's achievement of its

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objectives under its Strategic Management Plan and/or policies, and the impact of any action taken to finalise the matter upon the Council's operations and/or budget.


- 5.6.2. In the event the disclosure and/or any subsequent investigation process is confined to issues that impact only upon Council staff 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*).

5.7. Protection for the Informant

- 5.7.1. An Informant who makes an appropriate disclosure is protected by:
- (i) immunity from criminal or civil liability as provided for in Section 5(1) of the PID Act;
 - (ii) a prohibition on disclosure of his/her identity as provided for in Section 8 of the PID Act;
 - (iii) a prohibition against Victimisation as provided for in Section 9 of the PID Act; and
 - (iv) a prohibition against hindering, obstructing or preventing an Informant from making an appropriate disclosure as provided for in Section 11 of the PID Act.

5.8. Offences under the Act

- 5.8.1. The PID Act does not provide any protection to people who knowingly make disclosures that are false or misleading in a material particular (whether by reason of the inclusion or omission of a particular).
- 5.8.2. A person who knowingly makes a disclosure that is false or misleading in a material particular is guilty of an offence and may be prosecuted.
- 5.8.3. A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.
- 5.8.4. The Council will take action as appropriate in the circumstances of the relevant disclosure/s to protect Informants from Victimisation. Any Council Member or employee or officer of the Council who:
- (i) knowingly makes a disclosure that is false or misleading in a material particular; or
 - (ii) commits an act of Victimisation in relation to an Informant; or
 - (iii) acts otherwise than in accordance with this Policy or the Public Interest Disclosure Procedure (including with respect to divulging the identity of an Informant) in relation to a disclosure
- 5.8.5. may also face disciplinary action by the Council or the Chief Executive Officer (as appropriate).

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6. Responsibilities

It is the responsibility of the Governance Officer to monitor the adequacy of this policy and recommend appropriate changes.

7. References / Other Documents

7.1. Legislation

Local Government Act 1999

Public Interest Disclosure Act 2018

Independent Commission Against Corruption Act 2012

Criminal Law Consolidation Act 1935

Ombudsman Act 1972

7.2. Council Policies / Procedures

Fraud and Corruption Prevention Policy

Employee Code of Conduct

Behavioural Standards for Council Members

Behavioural Management Policy

Risk Management Policy

Internal Financial Controls Policy

8. Review

This Policy shall be reviewed by the District Council of Grant at a minimum, once within every four (4) year Council term (or on significant change to legislation or other matters which could affect this policy).

Action	Date	Minute Reference
Adopted by Council	2 September 2019	19116.2
Minor formatting amendments	4 May 2020	Governance Officer
Amended	20 February 2023	23028