

MANAGEMENT GUIDELINE

Reference Number	1016719
Responsible Business Unit	Office of the Chief Executive
Responsible Officer	Chief Executive Officer
Legislation	Public Interest Disclosure Act 2018 ICAC Act 2012 Ombudsman Act 1972 Criminal Law Consolidation Act 1935 Local Government Act 1999
Relevant Delegations	Chief Executive Officer Responsible Officers
Related Policies Management Guidelines Frameworks	<ul style="list-style-type: none"> • Good Governance Framework • Risk Management Framework • Fraud and Corruption Prevention • Code of Conduct for Employees • Code of Conduct for Council Members • Internal Review of Council decisions (\$270)
Link to Strategic Plan	Our Commitment
Date Endorsed by CEO	9 May 2022 (item 80.3)
Review Date	2025 or as legislation changes
Previous Revisions	24 September 2019 Once every Council term or as required by Legislation

PRINCIPAL OFFICER STATEMENT

This Guideline has been developed to provide guidance to members of the public and Public Officers on how to make a public interest disclosure in accordance with the *Public Interest Disclosure Act 1998 (the PID Act)*, and how the Rural City of Murray Bridge will implement the PID Act.

This Guideline explains how the Rural City of Murray Bridge will ensure that public interest disclosures are managed in a way that will encourage and facilitate disclosures of public interest information.

It is my expectation that all public officers of the Council comply with the PID Act and their respective obligations.

I am committed to the protection of informants and to the genuine and efficient consideration and action in relation to information provided in a public interest disclosure.

If an informant believes their public interest disclosure is not being handled appropriately I would ask that you contact me direct to discuss your concerns. Informants also have an option to raise their concerns through OPI.

Michael Sedgman
Principal Officer / Chief Executive Officer.

OBJECTIVES

Encourage and facilitate

- further transparency and accountability in Council's administrative and management practices
- public interest disclosures of information about
 - a potential issue of a substantial risk to the environment or to the health and safety of the public generally or a significant section of the public
 - a potential issue of corruption, misconduct or maladministration in public administration
- the protection of informants who make appropriate public interest disclosures in accordance with the *Public Interest Disclosure Act 2018*

Complement the reporting framework under the *ICAC Act 2012* and *Ombudsman Act 1972* and informs existing communication channels within Council and operates in conjunction with other Council policies, such as:

- Good Governance Framework
- Risk Management Framework
- Fraud and Corruption Prevention
- Code of Conduct for Employees
- Code of Conduct for Council Members
- Complaint Framework
- Internal Review of Council decisions (S270)

SCOPE

This guideline applies to all appropriate disclosures of public interest information made in accordance with the PID Act .

DEFINITIONS/INTERPRETATIONS

Definitions/Interpretations apply as described in the

- [ICAC Act 2012](#)
- [Ombudsman Act 1972](#)
- [Public Interest Disclosure Act 2018](#)

An extract of these definitions/interpretations are attached as **appendix 1**

DUTIES

Duties of the Principal Officer and the Responsible Officers are described in S12 and 13 of the *Public Interest Disclosure Act 2018* and an extract is attached as [appendix 2](#)

The Principal Officer is Council's Chief Executive, Mr Michael Sedgman

Council's Responsible Officers are:

- General Manager Assets & Infrastructure, Heather Barclay
- General Manager Community Development, Kristen Manson
- General Manager Corporate Services, Tim Vonderwall
- Executive Officer, Ros Kruger

TYPES OF DISCLOSURES

A person makes an appropriate disclosure of environmental and health information 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 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.

Public Interest Area	Disclosure relates to	Protection available under PID Act for
Environmental and Health Information	a substantial risk to the environment or to public health and safety	All persons
Public Administration	Potential corruption, misconduct or maladministration in public administration	Public Officers ¹

MAKING A DISCLOSURE

A disclosure may be made in one of the following ways:

Email: PublicInfoDisclosure@murraybridge.sa.gov.au

Post: Confidential - Public Information Disclosure,
Rural City Of Murray Bridge,
PO Box 421 Murray Bridge, 5253

Contacting one of the Council's Responsible Officers:

- General Manager Assets & Infrastructure, Heather Barclay, 85391 440
- General Manager Community Development, Kristen Manson, 85391 446
- General Manager Corporate Services, Tim Vonderwall, 85391 168
- Executive Officer, Ros Kruger, 85391 407

¹ Note that members of the public have protections under the Independent Commission Against Corruption Act 2012 and Ombudsman Act 1972 in relation to disclosures that relate to potential corruption, misconduct or maladministration in public administration

If a disclosure is made to a public officer of the Council they may refer the disclosure to one of Council's Responsible Officers to consider to ensure that the matters to which the information relates are properly investigated to ensure the public interest information is securely received and stored, and to ensure the requirements of the PID Act are complied with. Protection under the PID Act for the informant continues in accordance with the PID Act.

Disclosures relating to matters outside of the responsibility of Council should be made to that relevant authority.

Disclosures of public interest information may also be made to the Office of Public Integrity. Further information is available on Council's [website](#)

MAKING A DISCLOSURE – ENVIRONMENTAL AND HEALTH INFORMATION

In accordance with the *PID Act* any person may make an appropriate disclosure of environmental and health information that relates to a location within the area of the Council to a member, officer (including Responsible Officer) or employee of the Council

Where information relates to a risk to the environment an appropriate disclosure can be made to the Environment Protection Authority.

An appropriate disclosure may also be made to a Minister of the Crown, or the OPI. Further depending on the nature of the public interest information there may be other persons or bodies to whom an appropriate disclosure of environmental and health information may be made. Council's Responsible Officers are able to assist in ensuring the disclosure is made to the relevant authority.

MAKING A DISCLOSURE – PUBLIC ADMINISTRATION

In accordance with the *PID Act* a public officer may make an appropriate disclosure of public administration information to one of the following persons where the disclosure is about a public officer who is a member, officer or employee of the Council;

- to a Responsible Officer of the Council; or
- to the person responsible (either in fact, or as may be designated by the guidelines under the *PID Act*) for the management or supervision of the public officer the subject of the disclosure; or
- to the OPI; or
- to a Minister of the Crown; or
- to a member of the police force where the information relates to the commission or suspected commission of any offence; or
- to the Auditor-General where the information relates to an irregular or unauthorised use of public money or substantial mismanagement of public resources.

In addition public officers have reporting obligations under the Independent Commission Against Corruption Act 2012. In addition the Ombudsman has issued directions and guidelines outlining their expectations regarding the reporting by public officers of misconduct and maladministration.

Disclosures relating to other persons can be made to such relevant authorities as identified in the *PID Act*.

The Council's Responsible Officers are able to assist in ensuring the disclosure is made to the relevant authority.

A public officer who makes a report to the OPI under the ICAC Act may also be protected under the PID Act

DISCLOSURE PROCESS

1. Upon the receipt of an appropriate disclosure of public interest information:
 - 1.1. The Responsible Officer (if the Responsible Officer has received the disclosure or has had the disclosure referred to him/her) or other officer or employee of the Council who has received the disclosure will:
 - 1.1.1. assess the information as soon as practicable after the disclosure is made in accordance with these guidelines and, following such assessment—
 - 1.1.1.1. take action in relation to the information in accordance with any applicable guidelines prepared under section 14 of the PID Act or, if no applicable guidelines exist, take such action as is appropriate in the circumstances; and
 - 1.1.1.2. take reasonable steps to notify the informant (if the informant's identity is known) that an assessment of the information has been made and to advise the informant—
 - 1.1.1.2.1. of the action being taken in relation to the information; or
 - 1.1.1.2.2. if, no action is being taken in relation to the information—the reasons why no action is being taken in relation to the information; and
 - 1.1.1.3. provide OPI with information relating to the disclosure in accordance with any applicable guidelines prepared under section 14 of the PID Act.
2. A person who takes action as set out above will;
 - 2.1. take reasonable steps to notify the informant (if the informant's identity is known) of the outcome of that action; and
 - 2.2. provide OPI with information relating to the outcome of that action in accordance with any applicable guidelines prepared under section 14 of the PID Act.
3. Upon receipt of a potential disclosure, of public interest information the Responsible Officer (or where relevant, other officer being the recipient of the disclosure) with the assistance of such persons as may be necessary will immediately conduct an assessment to determine whether the potential disclosure constitutes an appropriate disclosure of public interest information. In particular, the officer will assess:
 - a) Whether the information disclosed is public interest Information;
 - b) If the matter relates to public administration information: whether the informant is a public officer and therefore eligible for the protection of the PID Act;
 - c) Whether the relevant subjective elements in Sections 5(3)(a) or (b) or 5(4) of the PID Act are present (i.e. belief/reasonable suspicion on the part of the Informant);
 - d) Whether the person who received the disclosure was a relevant authority for the purpose of receiving that particular kind of Public Interest Information;
- 3.2. If the officer does not consider that the disclosure constitutes an appropriate disclosure of public interest information, then the officer will communicate this to the Informant, and these guidelines no longer apply.

- 3.3. Where the officer is satisfied that the disclosure constitutes an appropriate disclosure of public interest information, the officer will undertake further assessment to determine:
- a) if the content of the disclosure suggests that there is an imminent risk of serious physical injury or death to any person or the public generally;
 - b) if the matter/s the subject of the disclosure involve potential corruption in public administration, or serious or systemic misconduct or maladministration in public administration; or
 - c) if the information disclosed justifies further action, including a decision as to whether the disclosure:
 - i. is frivolous, vexatious or trivial (in which case, no further action will be taken in relation to the disclosure);
 - ii. 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);
 - iii. otherwise does not justify the taking of further action;
 - iv. requires referral to another relevant authority; or
 - v. warrants investigation in accordance with the relevant Council procedure for information of the kind to which the disclosure relates.
- 3.4. Where the Responsible Officer (or, where relevant, other officer being the recipient of the disclosure) assesses that the content of the disclosure suggests there is an imminent risk of serious physical injury or death to any person or to the public generally, the 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).
- 3.5. Where the Responsible Officer (or, where relevant, other officer being the recipient of the disclosure) forms a reasonable suspicion that the matter/s the subject of the disclosure involve corruption in public administration, the officer must comply with his/her reporting obligations under the ICAC Act. There is also an expectation as set out in the Directions and Guidelines issued by the Ombudsman under the Ombudsman Act that public officers and public authorities will report misconduct and maladministration to the Ombudsman.
- 3.6. Where the Responsible Officer (or, where relevant, other officer being the recipient of the disclosure) determines the disclosure warrants referral to an external body or another relevant authority, the 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.
- 3.7. Where the Responsible Officer (or, where relevant, other officer being the recipient of the disclosure) determines the disclosure warrants further investigation, the officer will refer the matter for investigation in accordance with the Council's usual procedure for handling disclosures of that kind.

A Responsible Officer Public Interest Disclosure Assessment form is provided as **Appendix 3**.

CONFIDENTIALITY

Council's Responsible Officers and Principal Officer will keep the identity of the informant confidential, unless the informant consents, the officer is authorised or required by law including any guidelines under the PID Act to disclose the identity of the informant or disclosure is necessary to ensure the matter/s to which the information relates is properly investigated:

In the case any of the above applies, the informant will be advised as far as practicable of the disclosure of their name and to whom their identity has been disclosed.

1. If the identity of the Informant is known to or reasonably ascertainable, the Responsible Officer (or where relevant other officer being the recipient of the disclosure) will notify the informant of the outcome of his/her assessment in writing (if practicable) as soon as is reasonably practicable after the assessment has been undertaken, and in any event **within 90 days of receipt** of the disclosure. In doing so, the officer must advise the informant of:
 - 1.1.1. any action that has been, or will be, taken in relation to the disclosure; or
 - 1.1.2. if no action is being taken in relation to the disclosure, the reason/s why.
2. As soon as reasonably practicable following the assessment and notification to the informant, the officer must use the dedicated online notification form at icac.sa.gov.au to notify OPI of the Disclosure (**Initial Notification**), and in doing so must ensure that the details required by the Guidelines under the PID Act are included in the Initial Notification.
3. The 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.

HOW WILL WE KEEP THE INFORMANT'S DISCLOSURE CONFIDENTIAL?

The Rural City of Murray Bridge acknowledges the informant's right to confidentiality and protection when making an appropriate disclosure.

We will protect your identity by keeping

- The informant's identity confidential unless;
- The informant consents to identity being disclosed or;
- Disclosure is required or authorised by law; or
- Disclosure is necessary to ensure the matters to which the information to which the informant's disclosure relates is properly investigated

Ensuring all appropriate disclosure and associated records are securely received and stored in accordance with the *Public Interest Disclosure Act 2018* – refer **Appendix 4**

IF THE INFORMANT BELIEVES THE DISCLOSURE IS NOT BEING APPROPRIATELY DEALT WITH

If the informant believes their Appropriate Disclosure has not been handled in accordance with the Public Interest Disclosure Act 2018 or their identity has not been kept confidential the informant is invited to contact Council's Principal Officer or report their concerns to OPI **or the Ombudsman**.

APPENDIX 1

PUBLIC INTEREST DISCLOSURE ACT 2012 (EXTRACT)

4—Interpretation

In this Act, unless the contrary intention appears—

appropriate disclosure—

- (a) in relation to environmental and health information—see section 5(3); and
- (b) in relation to public administration information—see section 5(4); and
- (c) in any case—see section 6;

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

corruption in public administration has the same meaning as in the *Independent Commissioner Against Corruption Act 2012*;

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 (whether occurring before or after the commencement of this Act);

informant means a person who makes an appropriate disclosure of public interest information;

journalist means a person engaged in the profession or occupation of journalism in connection with the publication of information in a news medium;

judicial officer has the same meaning as in the *Judicial Conduct Commissioner Act 2015*;

liability includes a liability to disciplinary action;

maladministration in public administration has the same meaning as in the *Independent Commissioner Against Corruption Act 2012*;

misconduct in public administration has the same meaning as in the *Independent Commissioner Against Corruption Act 2012*;

news medium means a medium for the dissemination to the public or a section of the public of news and observations on news;

OPI means the Office for Public Integrity established under the *Independent Commissioner Against Corruption Act 2012*;

principal officer of a public sector agency or of a council means—

- (a) in the case of a public sector agency—
 - (i) if the agency consists of an unincorporated board or committee—the presiding officer; or
 - (ii) in any other case—
 - (A) the chief executive officer of the agency; or
 - (B) if there is no chief executive officer of the agency—a person designated as principal officer of the agency for the purposes of this definition by the responsible Minister for the public sector agency; and

(b) in the case of a council—the chief executive officer of the council;

public administration has the same meaning as in the *Independent Commissioner Against Corruption Act 2012*;

public administration information means information that raises a potential issue of corruption, misconduct or maladministration in public administration (whether occurring before or after the commencement of this Act);

public interest information means—

- (a) environmental and health information; or
- (b) public administration information;

public officer has the same meaning as in the *Independent Commissioner Against Corruption Act 2012*;

public sector agency has the same meaning as in the *Public Sector Act 2009*;

public sector employee has the same meaning as in the *Public Sector Act 2009*;

relevant authority—see section 5(5);

responsible Minister in relation to a public sector agency means the Minister responsible for administration of the agency or the legislative instrument under which it is established and, if there is no such Minister, a Minister designated by the regulations as the responsible Minister or, in the absence of such a designation, the Minister responsible for the administration of this Act;

responsible officer means a person designated as a responsible officer under section 12.

ICAC ACT 2012 (EXTRACT)

4—Interpretation

(1) In this Act, unless the contrary intention appears—

Australian Parliament means—

- (a) the Parliament of this State or any other State of the Commonwealth; or
- (b) the Parliament of the Commonwealth; or
- (c) a Legislative Assembly of a Territory of the Commonwealth;

Commission means the Independent Commission Against Corruption

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

complaint about public administration includes—

- (a) a complaint alleging corruption, misconduct or maladministration in public administration; and
- (b) any complaint about a public authority or public officer;

contract work means work performed by a person as a contractor or as an employee of a contractor or otherwise directly or indirectly on behalf of a contractor;

contravention includes failure to comply;

corruption in public administration—see section 5;

Director of OPI – means the person holding or acting in the office of the Director of OPI under Part 3

disciplinary action includes any process for termination of employment or dismissal from office;

document includes a written record that reproduces in an understandable form information stored by computer, microfilm or other process;

examiner—see section 14;

inquiry agency means—

- (a) The Commission
- (b) the Ombudsman; © The Judicial Conduct Commissioner

investigator—see section 14;

judicial body means a court, tribunal, body or person invested by law with judicial or quasi-judicial powers;

Judicial Conduct Commissioner – means the person for the time being holding or acting in the office of the Judicial Conduct Commissioner under the *Judicial Conduct Commissioner Act 2015*

judicial officer means a person who alone or with others constitutes a judicial body;

law enforcement agency means—

- (a) the Australian Crime Commission; or

- (b) the Australian Federal Police; or
- (c) the Australian Commission for Law Enforcement Integrity; or
- (d) South Australia Police; or
- (f) the police force of another State or a Territory of the Commonwealth; or
- (g) in relation to New South Wales—the Crime Commission, the Independent Commission Against Corruption, the Inspector of the Independent Commission Against Corruption, the Police Integrity Commission or the Inspector of the Police Integrity Commission; or
- (h) in relation to Queensland—the Crime and Corruption Commission; or
- (i) in relation to Tasmania—the Integrity Commission; or
- (j) in relation to Victoria—the Office of Police Integrity, the Independent Broad-based Anti-corruption Commission or the Independent Broad-based Anti-corruption Commission Committee; or
- (k) in relation to Western Australia—the Corruption and Crime Commission or the Parliamentary Inspector of the Corruption and Crime Commission; or
- (l) a Royal Commission of the Commonwealth, the State or another State or a Territory of the Commonwealth; or
- (m) a person or body declared by regulation to be a law enforcement agency;

local government body means a council or a subsidiary of a council established under the *Local Government Act 1999*;

maladministration in public administration—see section 5;

Minister responsible for a public authority—see Schedule 1;

Minister responsible for an inquiry agency means the Minister responsible for administration of the Act under which the agency is constituted or, if some other Minister is declared by regulation to be responsible for the agency, that Minister;

misconduct in public administration—see section 5;

Office means the Office for Public Integrity;

personal details of a person means—

- (a) the person's full name; and
- (b) the person's date of birth; and
- (c) the address of where the person is living; and
- (d) the address of where the person usually lives; and
- (e) the person's business address;

prescribed offence means corruption in public administration or an offence against this Act;

public administration—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 authority—see Schedule 1;

public officer—see Schedule 1;

public sector agency has the same meaning as in the *Public Sector Act 2009*;

public sector employee has the same meaning as in the *Public Sector Act 2009*;

publish means publish by—

- (a) newspaper, radio or television; or

- (b) internet or other electronic means of creating and sharing content with the public or participating in social networking with the public; or
- (c) any similar means of communication to the public;

seconded—a police officer or special constable is seconded to assist the Commissioner for the purposes of this Act if the police officer or special constable is employed in accordance with an arrangement whereby the police officer or special constable is granted leave without pay in relation to his or her appointment under the *Police Act 1998* for the purpose of being engaged as an employee under section 12 of this Act;

statement of information—see section 28;

vehicle means a vehicle, vessel or aircraft and includes a caravan, trailer and anything attached to a vehicle.

5—Corruption, misconduct and maladministration

- (1) Corruption in public administration means conduct that constitutes—
 - (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; or
 - (ba) 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.
- (3) In this Act—
 - maladministration in public administration has the same meaning as in the *Ombudsman Act 1972*; and
 - misconduct in public administration has the same meaning as in the *Ombudsman Act 1972*.

Ombudsman Act 1972

4—Misconduct and maladministration

- (1) Misconduct in public administration 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.
- (2) Maladministration in public administration—
 - (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.
- (3) Without limiting or extending the conduct that may comprise misconduct or maladministration in public administration, this Act applies to conduct that—
 - (a) occurred before the commencement of this section; or
 - (b) occurs outside this State; or
 - (c) comprises a failure to act; or
 - (d) is conduct of a person who was a public officer at the time of its occurrence but who has since ceased to be a public officer; or
 - (e) is conduct of a person who was not a public officer at the time of its occurrence but who has since become a public officer.
- (4) A reference in subsection (1) to a code of conduct does not include any statement of principles applicable in relation to the conduct of members of Parliament.

DUTIES AS OUTLINED IN PUBLIC INTEREST DISCLOSURE ACT

12—Duties of principal officers

- (1) The principal officer of a public sector agency or council must ensure that 1 or more officers or employees of the agency or council are designated as responsible officers of the agency or council for the purposes of this Act.
- (2) The regulations may prescribe qualifications for persons designated as responsible officers for the purposes of this Act.
- (3) The principal officer of a public sector agency or council must ensure that the name and contact details of each responsible officer of the agency or council are made available to officers and employees of the agency or council.
- (4) The principal officer of a public sector agency must ensure that a document setting out procedures—
 - (a) for a person who wants to make an appropriate disclosure of public interest information to the agency; and
 - (b) for officers and employees of the agency dealing with such a disclosure,is prepared and maintained in accordance with any applicable guidelines prepared under section 14.
- (5) The document required under subsection (4) must—
 - (a) without limiting that subsection, include—
 - (i) clear obligations on the public sector agency and its officers and employees to take action to protect informants; and
 - (ii) risk management steps for assessing and minimising—
 - (A) detrimental action against people because of public interest disclosures; and
 - (B) detriment to people against whom allegations are made in a disclosure; and
 - (b) be made available free of charge on the Internet, and at premises determined by the responsible Minister, for inspection by members of the public.
- (6) This section does not apply to—
 - (a) a public sector agency consisting only of a single person; or
 - (b) a public sector agency that has been granted an exemption, in writing, by the Commissioner.

13—Duties of responsible officers

A person designated as a responsible officer of a public sector agency or council for the purposes of this Act must—

- (a) receive appropriate disclosures of public interest information relating to the agency or council and ensure compliance with this Act in relation to such disclosures; and
- (b) make appropriate recommendations to the principal officer of the agency or council in relation to dealing with such disclosures; and

- (c) provide advice to officers and employees of the agency or council in relation to the administration of this Act,

and may carry out any other functions relating to this Act.

Schedule 1—Public officers, public authorities and responsible Ministers

For the purposes of this Act, the table below lists public officers, the public authorities responsible for the officers and the Ministers responsible for the public authorities.

Public officers	Public authority	Minister
Governor	Attorney-General	Premier
a person appointed to an office by the Governor	Governor Attorney-General	Premier
a Member of the Legislative Council	Legislative Council	
an officer of the Legislative Council		
a person under the separate control of the President of the Legislative Council		
a Member of the House of Assembly	House of Assembly	
an officer of the House of Assembly		
a person under the separate control of the Speaker of the House of Assembly		
a member of the joint parliamentary service	Joint Parliamentary Service Committee	
the principal officer of a judicial body	Attorney-General	Premier
a judicial officer that constitutes a judicial body		
a judicial officer (other than a judicial officer who is the principal officer of a judicial body or who constitutes a judicial body)	the principal officer of the judicial body of which the judicial officer is a member Attorney-General	Premier
a member of the staff of the State Courts Administration Council	State Courts Administration Council	Attorney-General
a person who constitutes a statutory authority or who is a statutory office holder	the Minister responsible for the administration of the Act under which the statutory authority is constituted or the statutory office holder is appointed	Premier

Public officers	Public authority	Minister
a person who is a member of the governing body of a statutory authority	the statutory authority or statutory office holder	the Minister responsible for the administration of the Act constituting the statutory authority or statutory office holder
an officer or employee of a statutory authority or statutory office holder or a Public Service employee assigned to assist the statutory authority or statutory office holder		
a member of a local government body	the local government body	the Minister responsible for the administration of the <i>Local Government Act 1999</i>
an officer or employee of a local government body		
the Local Government Association of South Australia	the Minister responsible for the administration of the <i>Local Government Act 1999</i>	Premier
a person who is a member of the governing body of the Local Government Association of South Australia	the Local Government Association of South Australia	the Minister responsible for the administration of the <i>Local Government Act 1999</i>
an officer or employee of the Local Government Association of South Australia		
the chief executive of an administrative unit of the Public Service	the Minister responsible for the administrative unit	Premier
a Public Service employee (other than a chief executive)	the chief executive of the administrative unit of the Public Service in which the employee is employed	the Minister responsible for the administrative unit
a police officer	Commissioner of Police	the Minister responsible for the administration of the <i>Police Act 1998</i>
a protective security officer appointed under the <i>Protective Security Act 2007</i>	Commissioner of Police	the Minister responsible for the administration of the <i>Protective Security Act 2007</i>
an officer or employee appointed by the employing authority under the <i>Education Act 1972</i>	the employing authority under the <i>Education Act 1972</i>	the Minister responsible for the administration of the <i>Education Act 1972</i>
a person appointed by the Premier under the <i>Public Sector Act 2009</i>	Premier	Attorney-General

Public officers	Public authority	Minister
a person appointed by the Minister under the <i>Public Sector Act 2009</i>	the Minister responsible for the administration of the <i>Public Sector Act 2009</i>	Premier
any other public sector employee	the public sector agency that employs the employee	<p>if the public sector agency is the Premier, the Attorney-General</p> <p>if the public sector agency is a Minister other than the Premier, the Premier</p> <p>in any other case, the Minister responsible for the public sector agency or the Premier</p>
a person to whom a function or power of a public authority or a public officer is delegated in accordance with an Act	the public authority or the public authority responsible for the public officer (as the case requires)	<p>if the public authority is the Premier, the Attorney-General</p> <p>if the public authority is a Minister other than the Premier, the Premier</p> <p>in any other case, the Minister responsible for the public authority</p>
a person who is, in accordance with an Act, assisting a public officer in the enforcement of the Act	the public authority responsible for the public officer	the Minister responsible for the public authority
a person performing contract work for a public authority or the Crown	if the work is performed for a public authority, the public authority or, in any other case, the Premier	the Minister responsible for the public authority
a person declared by regulation to be a public officer	the person declared by regulation to be the public authority responsible for the public officer	the Minister declared by regulation to be responsible for the public authority and its public officers

Public Interest Appropriate Disclosure Assessment form - Appendix 3.

OPI Unique Reference			
Date Lodged			
Informant	Known	Anonymous	Referral
Informant details			
Lodged with	Responsible Officer	Principal Officer	Public Officer
Responsible Officer managing/assisting			

Timeline	Action	Outcome
Within 2 business days	Acknowledge receipt of disclosure	
	Report to appropriate authority if imminent risk or serious harm exists	
	Report to OPI	
Within 5 business days	Lodgement OPI	
	Referral to Responsible Officer to manage investigation	
	Assess against other Legislative requirements	
	Consider appointment of Independent assessor	
	Provide update to Informant <ul style="list-style-type: none"> Will name be required to be disclosed? 	
Within 30 business days If not extended	Advise informant of outcome	
	Advise OPI of outcome	
	Extension of time sought – only one extension can be sought (min 12 months)	

PUBLIC INTEREST DISCLOSURES

Disclosure Details		
Disclosure Type		
<i>Public Interest Area</i>	<i>Disclosure Relates to</i>	<i>Protections available for</i>
<ul style="list-style-type: none"> Environmental and Public Health Information 	a substantial risk to the environment or to public health and safety	All Persons
<ul style="list-style-type: none"> Public Interest 	Potential corruption, misconduct or maladministration in public administration	Public Officers
Meets criteria of	<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 the trust may be investigated, and 	
Confirm Council is the Relevant Authority	Yes / No	
	If No – Relevant Authority identified is	
Does Imminent Risk or Serious Harm Exist	Yes / No	
	If Yes – reported to	
Is the disclosure reportable to OPI (corruption, misconduct, maladministration)	Yes / No	
	If Yes – reported to OPI - icac.sa.gov.au	
Investigation	Refer to Responsible Officer to continue investigation in accordance with Council guidelines	
Assess against other Legislation <ul style="list-style-type: none"> Local Nuisance and Litter Control Act 2016 Safe Drinking Water Act 2011 SA Public Health Act 2011 Water Industry Act 2012 Other: 		
Is an Independent Assessor required	Discussion with Responsible Officers and Principal Officer	

Lodge disclosure with OPI	<p>The recipient of the disclosure must notify the OPI of the appropriate disclosure as soon as reasonably practicable after the receipt of the appropriate disclosure by making an electronic notification via the dedicated notification form on the ICAC website (icac.sa.gov.au) and must include in that notification</p>
	<ul style="list-style-type: none"> • the date the disclosure was received; • the name and contact details of the recipient of the disclosure; • a summary of the content of the disclosure; • the assessment made of the disclosure; • the action taken by the recipient of the disclosure including: <ul style="list-style-type: none"> ○ whether the disclosure was referred to another relevant authority, public authority, public officer or other person; and ○ if the disclosure was referred to another relevant authority, public authority, public officer or <ul style="list-style-type: none"> ▪ other person: ▪ the date of the referral; • the identity of the relevant authority, public authority, public officer or other person • to whom the disclosure was referred; • the manner of referral; and • the action to be taken by that relevant authority, public authority, public officer or other person (if known). • if no action was taken by the recipient of the disclosure, the reason why no action was taken; and • whether the identity of the informant is known only to the recipient of the disclosure or if the identity of the informant has been communicated to a relevant authority, public authority, public officer or other person (and if so, • the reasons why such communication was made).

Notification of Outcome to Informant	<ul style="list-style-type: none"> • what (if any) findings were made in respect of the disclosure; • the nature of the action taken (if any); • the outcome of any action taken (if applicable);
Notification of Outcome to OPI	<p>The recipient of the disclosure or, if the recipient of the disclosure has referred the disclosure to some other person or authority, then that other person or authority, must notify the OPI as soon as reasonably practicable via the online notification form (icac.sa.gov.au) the following:</p> <ul style="list-style-type: none"> • the unique reference number issued by the OPI upon notification of the original disclosure; • the name and contact details of the notifier; • the name and contact details of the person or authority responsible for taking the action; • what (if any) findings were made in respect of the disclosure; • the nature of the action taken (if any); • the outcome of any action taken (if applicable); • whether the identity of the informant was disclosed to a person other than the original recipient of the disclosure; and • whether the informant was notified of the action taken and, if so, how that notification was made.

Appendix 4

RECORDS MANAGEMENT

- PublicInfoDisclosure@murraybridge.sa.gov.au is a restricted email account with access by Council's Responsible Officers.
- All appropriate disclosures and associated documents will be stored securely within Council's electronic management system with restricted access to Council's Responsible Officers and Principal Officer.