

# Public Interest Disclosure Procedure

## 1. Statement of Intent

- 1.1 The objective of this procedure is to assist in protecting integrity at SA Water through compliance with the [Public Interest Disclosure Act 2018](#) (the **PID Act**) and to inform everyone at SA Water of the impact and operation of the PID Act.
- 1.2 As the designated *Principal Officer* for the purposes of the PID Act, the Chief Executive of SA Water Corporation ('SA Water') is committed to:
  - (a) Accountability and transparency within the whole of SA Water.
  - (b) Addressing matters of corruption, maladministration and *misconduct in public administration*.
  - (c) Ensuring everyone at SA Water is informed about:
    - (i) their rights and the correct process for disclosing and receiving *public interest information*;
    - (ii) the protection of *informants*, while keeping *informants* notified about the action taken or the outcome of any investigation;
    - (iii) the genuine and efficient consideration and action in relation to information provided in a disclosure of *public interest information*.

## 2. Purpose

- 2.1 This document sets out the following procedures pursuant to section 12(5) of the PID Act and Independent Commission Against Corruption (ICAC) [Guideline 4](#):
  - (a) the manner in which SA Water receives disclosures of *public interest information*, including who is responsible for ensuring compliance with these steps.
  - (b) the steps to be considered by the person who receives any *public interest information*;
  - (c) how details of the assessment will be stored securely and who will be advised of the assessment within SA Water;
  - (d) information on appropriate protection for *informants*;
  - (e) the manner in which an *informant* is updated as to action taken in respect of a disclosure;
  - (f) persons who can be contacted if an *informant* believes that his or her disclosure is not being dealt with appropriately;
  - (g) steps to minimise detrimental action against a person because of a disclosure of *public interest information*, as well as detrimental action to people against whom allegations are made; and
  - (h) how everyone at SA Water can ensure compliance with the PID Act and the ICAC Guidelines.

## 3. Scope

- 3.1 This procedure applies to *appropriate disclosures* of *public interest information*, which are made as per the PID Act, by *public officers* including officers and employees of SA Water, and by members of the public.
- 3.2 This procedure is intended to complement the reporting framework under the [Independent Commission Against Corruption Act 2012](#) and is designed to operate in conjunction with other existing policies, procedures and practices within SA Water.

## 4. Appropriate Disclosure of Public interest information

- 4.1 There are two types of *public interest information*:
- (a) *Environmental and health information*; or
  - (b) *Public administration information*
- 4.2 For a disclosure to be considered an *appropriate disclosure*, must be made to a *relevant authority* as shown in the list in [Appendix 2](#).
- 4.3 Under section 5 of the PID Act an *appropriate disclosure* is made as follows:
- (c) *Environmental and health information* –by any person to a *relevant authority*, if the person believes on reasonable grounds, that the information is true or may be true and is sufficiently significant to justify disclosure to instigate an investigation.
  - (d) *Public administration information* – by a *public officer* to a *relevant authority* if the *public officer* reasonably suspects that the information raises a potential issue of corruption, misconduct or *maladministration in public administration*.
- 4.4 Under the PID Act, all persons receive protections for disclosing *environmental and health information* but only *public officers* receive protections for disclosing *Public administration information*.
- 4.5 A disclosure may be made by telephone or in writing (either by post, email or web form) as set out in [Appendix 3](#).

## 5. Confidentiality

- 5.1 The identity of person who makes an *appropriate disclosure of public interest information* must be kept confidential under section 8 of the PID Act and it is a criminal offence to divulge such information.
- 5.2 The PID Act and [ICAC Guideline 3](#) set out exceptions to maintaining the identity of the *Informant* confidential. A recipient of an *appropriate disclosure* may divulge the identity of an *Informant* where:
- (a) The recipient believes on reasonable grounds that it is necessary to divulge the identity of the *Informant* in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the *Informant* is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person
  - (b) The recipient has been issued with a notice from the Office for Public Integrity (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.
  - (c) Doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation) or
  - (d) The *Informant* consents to his/her identity being disclosed.
- 5.3 The PID Act does not expressly require any other information relating to a disclosure to be maintained as confidential, but in considering whether to disclose any other information, consideration should be given to the prohibition against *victimisation* in the PID Act.
- 5.4 If an *informant* wishes to remain anonymous, the allegations must be sufficiently supported by details and evidence to enable a proper investigation.

## 6. Receipt of a disclosure

- 6.1 Appendix 5 sets out how recipients should assess *appropriate disclosure of public interest information* and notify *informants*.
- 6.2 The recipient of an *appropriate disclosure of public interest information* will:
- (a) Discuss with the *informant* how they wish to be contacted, if their identity is known. This should be mutually agreed and it is good practice for this to be documented.
  - (b) Take notes of the conversation with the *informant* where a disclosure is made by telephone.
  - (c) Ask the *Informant* whether they consent to the details of their identity being provided to other persons as required (e.g. *Responsible Officer, Investigator, legal advisor*) and advise the *Informant* that a failure to provide consent could lead to the disclosure not being properly investigated.
  - (d) Inform a *Responsible Officer* of the disclosure (without divulging the identity of the *informant* unless consent has been obtained from the *informant*) so that the *Responsible Officer* can maintain a centralised repository of all disclosures
  - (e) Seek advice from a *Responsible Officer* as and when required
  - (f) Immediately undertake a *preliminary assessment*
  - (g) As soon as practicable:
    - i. notify the OPI of the disclosure,
    - ii. confirm receipt of it with the *informant*; and
    - iii. subject to the outcome of the *preliminary assessment*, take appropriate action such as:
      - appointing an *investigator*, as required
      - notifying the *informant* of the outcome of any action, including any investigation
      - notifying the OPI of the outcome of any action taken
      - reporting the outcome of any action taken to the Minister (only where the Minister was the recipient of the disclosure)
      - make recommendations, as required, to the Chief Executive (*Principal Officer*).

## 7. Secure Handling and Storage of Information

- 7.1 *Public interest information* should be securely received and stored, and accurate records of an *appropriate disclosure* should be securely and confidentially maintained.
- 7.2 The recipient will:
- (a) Ensure all information relating to an *appropriate disclosure* is maintained as confidential and as such, will be responsible for the secure storage of this information
  - (b) Maintain a confidential file of information (including notes of all discussions, phone calls, interviews and hardcopy and electronic documents) that relate to a disclosure and/or associated investigation/reporting process
  - (c) Record in a register all such information which is to remain confidential and be securely stored
  - (d) Inform any *investigator* who is appointed that the security and confidentiality obligations also apply to them.
- 7.3 The *Responsible Officer* will:
- (a) Provide all necessary information to the newly appointed *Responsible Officer* in the event that a person's appointment as a *Responsible Officer* is terminated

- (b) 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, in the event that a person's appointment as a *Responsible Officer* is terminated.

## 8. Protection for the Informant

- 8.1 Immunity for *appropriate disclosure* of *public interest information* is provided under section 5 of the PID Act.
- 8.2 SA Water is committed to protecting people who make any *appropriate disclosure* of *public interest information*.
- 8.3 Although the PID Act does not provide any protection to people who knowingly make disclosures that are false or misleading in a material particular, an *informant* who makes an *appropriate disclosure* will ordinarily be protected by:
  - (a) immunity from criminal or civil *liability*
  - (b) a prohibition on disclosure of his/her identity, other than in limited specific circumstances
  - (c) a prohibition against *victimisation* and
  - (d) a prohibition against hindering, obstructing or preventing an *informant* from making an *appropriate disclosure*.

### **Victimisation**

- 8.4 SA Water is committed to minimising any risk that an *informant* might be victimised as a consequence of making, or intending to make, a public interest disclosure.
- 8.5 It is a criminal offence to commit an act of *victimisation* or cause detriment against an *Informant*.
- 8.6 SA Water will take action as appropriate in the circumstances of the relevant disclosure/s to protect *informant* from *victimisation*, and/or from being hindered or obstructed in making a disclosure. Such action may include risk minimisation steps including:
  - (a) [SA Water Fair Treatment, Anti-Discrimination and Harassment Procedure](#).
  - (b) [SA Water Ethical Standards Procedure](#).
  - (a) Disciplinary action for breach of this Procedure and/or referring the matter to the SA Police as appropriate.

### **Immunity**

- 8.7 A person who makes an *appropriate disclosure* of *public interest information* has the immunity provided for in section 5(1) of the PID Act and is not subject to any liability as a result of that disclosure.

### **Preventing or hindering Disclosure**

- 8.8 A person must not prevent another person from making an *appropriate disclosure* of *public interest information* or to hinder or obstruct another person in making such a disclosure under section 11 of the PID Act.

## 9. Responsibilities

- 9.1 The **Chief Executive (Principal Officer)** is responsible for:
  - (a) Ensuring that one or more officers or employees of SA Water are designated as *Responsible Officers* who meet the prescribed qualifications, and undertake any training as specified by the PID Regulations.
  - (b) Ensuring that the name and contact details of each *Responsible Officer* of SA Water are made available to officers and employees of SA Water.

- (c) Preparing and maintaining this procedure in accordance with the requirements of the PID Act and the ICAC Guidelines.

9.2 A person designated as a **Responsible Officer** for SA Water is responsible for the following:

- (a) Receive *appropriate disclosures* relating to SA Water, and ensure compliance with the PID Act, and this procedure, in relation to any such disclosures.
- (b) Make appropriate recommendations to the *Principal Officer* of SA Water in relation to dealing with disclosures, including any suggested changes to this procedure.
- (c) Provide advice to officers and employees of SA Water in relation to the PID Act.
- (d) Complete any training courses / maintain qualifications as required by ICAC and/or the PID Regulations.
- (e) Any other functions relating to the PID Act.

9.3 All **employees or officers** of SA Water are responsible for complying with the PID Act. If any person at SA Water is considering a disclosure under the PID Act, they should also consider if they have obligations under the Directions and Guidelines issued by ICAC and the OPI.

9.4 The Ombudsman also expects *public officers* and public authorities will report to the Ombudsman any matter that they reasonably suspect involves *misconduct in public administration*.

## 10. Legislation and References

- [Code of Ethics Policy for Public sector employees](#)
- [Independent Commission Against Corruption Act 2012 \("ICAC Act"\)](#)
- [ICAC Public Interest Disclosure Guidelines \("ICAC Guidelines"\)](#)
- [Public Sector Act 2009](#)
- [Public Interest Disclosure Act 2018](#)
- [Public Interest Disclosure Regulations 2019 \("PID Regulations"\)](#)
- [SA Water Fair Treatment, Anti-Discrimination and Harassment Procedure](#)
- [SA Water Ethical Standards Procedure](#)

## 11. Appendices

- Appendix 1 – Definitions
- Appendix 2 – Table of Relevant Authorities
- Appendix 3 – How *informants* can contact SA Water
- Appendix 4 – How to make an *appropriate disclosure* of public interest information
- Appendix 5 – Assessing an *appropriate disclosure* of public interest information and notifying an *informant*
- Appendix 6 – Notification process flowchart

## 12. Performance Indicator(s)

12.1 The success of this procedure can be measured by: Compliance with the PID Act.

## 13. Document Control

### Responsibilities

<b>Procedure Owner</b>	Head of Policy and Corporate Services
<b>Responsible Manager</b>	Senior Manager Legal, Compliance & Insurance
<b>Approved by</b>	Chief Executive

### Approver

Approver Name	Approver Role	Signature	Date
David Ryan	Chief Executive	Signed copy filed by BMS Support.	10/04/2024

### Version History

Version	Effective Date	Author / Reviewer	Comments
1.0	02/10/2019	Tom Jaworski / Evelyn Alevizos	First release to replace the Whistleblower Procedure.
1.1	19/04/2022	Principal Solicitor	Review after amendments to legislation in 2021.
2.0	02/02/2024	Senior Manager, Legal Compliance Insurance	Update to provide more concise information, template updated.
	10/04/2024	BMS Support	QA checked, Issued.
2.1	11/09/2024	Corporate Compliance Specialist	Minor updates made to correct broken links and to update the listing of Responsible Officers.
2.2	25/02/2025	Corporate Compliance Specialist	Minor updates made to correct spelling errors and to update the listing of Responsible Officers.
2.3	31/03/2025	Corporate Compliance Specialist	Minor update made to include details of new anonymous reporting mechanism (web form).

## Appendix 1 – Definitions

Term	Description
<b>Appropriate disclosure</b>	<p>A person makes an appropriate disclosure of environmental and health information if:</p> <p>a) the person:</p> <p>i. believes on reasonable grounds that the information is true; or</p> <p>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</p> <p>b) the disclosure is made to a Relevant authority.</p> <p>A person makes an appropriate disclosure of Public administration information if:</p> <p>a) the person:</p> <p>i. is a public officer; and</p> <p>ii. reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and</p> <p>b) the disclosure is made to a Relevant authority.</p>
<b>Detriment</b>	<p>Includes:</p> <p>a) injury, harm (including psychological harm), damage (including damage to reputation) or loss;</p> <p>b) intimidation or harassment;</p> <p>c) discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or</p> <p>d) threats of reprisal (which may be express or implied, and/or conditional or unconditional).</p>
<b>Environmental and health information</b>	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.
<b>ICAC</b>	Independent Commission Against Corruption
<b>Informant</b>	A person who makes an appropriate disclosure of public interest information
<b>Investigator</b>	Person(s) internal or external to SA Water appointed to undertake investigation of disclosure
<b>Journalist</b>	person engaged in the profession or occupation of journalism in connection with the publication of information in a news medium
<b>Maladministration in public administration</b>	<p>a) means:</p> <p>(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</p> <p>(ii) conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and</p> <p>b) includes conduct resulting from impropriety, incompetence or negligence; and</p> <p>c) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.</p>



Term	Description
<b>Misconduct in public administration</b>	means: a) contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or b) other misconduct of a public officer while acting in his or her capacity as a public officer.
<b>OPI</b>	Office for Public Integrity established under the ICAC Act 2012
<b>Preliminary Assessment</b>	An initial assessment of any action being taken in relation to a disclosure.
<b>Principal Officer</b>	For the purposes of the PID Act means the Chief Executive of SA Water
<b>Public administration information</b>	Information that raises a potential issue of corruption, misconduct or maladministration in public administration.
<b>Public interest information</b>	(a) environmental and health information; or (b) Public administration information
<b>Public officer</b>	Defined in schedule 1 of the ICAC Act. The most common categories of public officer can be found in the Appendices to the <a href="#">ICAC Guidelines</a> .
<b>Public sector employee</b>	Chief Executive of an administrative unit or an employee in an administrative unit or other employee of a public sector agency
<b>Relevant authority</b>	Defined in Section 5(5) of the PID Act. The person or entity that receives an appropriate disclosure of public interest information in accordance with the PID Act
<b>Responsible Officer</b>	The Chief Executive of SA Water must appoint Responsible Officers. In section 13 of the PID Act, a Responsible Officer 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
<b>Victimisation</b>	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.



## Appendix 2 – Table of Relevant Authorities

Where the information relates to...	the relevant authority is...
<b>Public administration information about a Public officer who is an officer or employee of SA Water</b>	<ul style="list-style-type: none"> <li>the person responsible for the management or supervision of the Public officer the subject of the disclosure; or</li> <li>the SA Water Responsible Officer</li> </ul>
<b>Corruption, misconduct or maladministration in public administration</b>	<ul style="list-style-type: none"> <li>OPI</li> </ul>
<b>Environmental and health information relating to a public officer at SA Water</b>	<ul style="list-style-type: none"> <li>SA Water Responsible Officer; or</li> <li>the person responsible for the supervision or management of the public officer the environmental and health information relates to; and</li> <li>OPI</li> </ul>
<b>Responsible Officer</b>	<ul style="list-style-type: none"> <li>other persons appointed as a Responsible Officer; or</li> <li>to a relevant authority external to SA Water (such as the OPI.)</li> </ul>
<b>Public sector employee</b>	<ul style="list-style-type: none"> <li>the Commissioner for Public Sector Employment; or</li> <li>the SA Water <i>Responsible Officer</i></li> </ul>
<b>An agency to which the <i>Ombudsman Act 1972</i> applies</b>	<ul style="list-style-type: none"> <li>the Ombudsman</li> </ul>
<b>A location within the area of a particular council established under the <i>Local Government Act 1999</i></b>	<ul style="list-style-type: none"> <li>a member, officer or employee of that Council</li> </ul>
<b>A risk to the environment</b>	<ul style="list-style-type: none"> <li>the Environment Protection Authority</li> </ul>
<b>An irregular and unauthorised use of public money or substantial mismanagement of public resources</b>	<ul style="list-style-type: none"> <li>the Auditor-General</li> </ul>
<b>The commission, or suspected commission, of any offence</b>	<ul style="list-style-type: none"> <li>a member of the police force</li> </ul>
<b>A judicial officer</b>	<ul style="list-style-type: none"> <li>the Judicial Conduct Commissioner</li> </ul>
<b>A Member of Parliament</b>	<ul style="list-style-type: none"> <li>the Presiding Officer of the House of Parliament to which the member belongs</li> </ul>

## Appendix 3 – How *Informants* can contact SA Water

The SA Water Responsible Officer is a relevant authority under the PID Act to receive disclosures of environmental and health information or public administration information regarding the SA Water Corporation and/or SA Water employees.

There are several ways you can contact SA Water to make an *appropriate disclosure of public interest information*, including:

Contact method	Details
<b>Telephone</b>	<p><b>Responsible Officer:</b> Emma Finnie, A/Senior Manager Legal, Compliance and Insurance [Tel: +61 8 7424 1879]</p> <p><b>Responsible Officer:</b> Jadyne Harvey, Head of Policy and Corporate Services [Tel: 0434 654 923]</p>
<b>Email</b>	<p><a href="mailto:PID@sawater.com.au">PID@sawater.com.au</a></p> <p><i>(Emails sent to this email address will only be accessed by a Responsible Officer)</i></p>
<b>Post</b>	<p>Confidential</p> <p>Responsible Officer, Public Interest Disclosure</p> <p>SA Water Corporation</p> <p>GPO Box 1751</p> <p>Adelaide SA 5001</p> <p><i>(All mail addressed in this way will be delivered direct to a Responsible Officer unopened)</i></p>
<b>Online form</b>	<p>Our <a href="#">online form</a> is easy to complete and will guide you through the process.</p> <p><i>(Only a Responsible Officer will have access to completed forms)</i></p>
<b>Anonymous submission</b>	<p>To submit a disclosure anonymously, please use our <a href="#">online form</a>. This ensures your identity remains anonymous while your report is processed securely.</p> <p><b>NOTE:</b> You can remain anonymous. However, it is helpful if you share your contact details with us so we can follow up if we need more information. If you remain anonymous and we have more questions about your report, we may not be able to complete our assessment, and you will not receive an outcome letter. Please take this into account and consider which reporting option is best suited to you prior to making a disclosure.</p>

When handling an appropriate public interest disclosure, SA Water Responsible Officers will:

- Have access to a secure mailbox through their email account. The mailbox will only be accessed by the Responsible Officers and will have appropriate security measures in place.
- Ensure all disclosures are dealt with in a confidential manner in accordance with the PID Act. For example, all printed materials are kept in a locked cupboard or drawer only accessible by SA Water Responsible Officers; any conversations with an *informant* are to be held in private; emails sent to and from SA Water Responsible Officers are kept secure and are not accessed by other employees.
- Ensure that the *informant* is kept informed, while maintaining confidentiality.
- Keep the identity of the person making the disclosure confidential, except where it is necessary to ensure that any disclosure is properly investigated, if it necessary to prevent or minimise an imminent risk of serious physical injury or death to any person or where the person making the disclosure provides the Responsible Officer with permission for their identity to be disclosed.
- Provide information about the protections under the PID Act to *Informants*.
- Encourage *informants* to raise any concerns they may have about any potential detriments that may result from the disclosure.

## Appendix 4 - How to make an appropriate disclosure of public interest information

### 1. Before making a Disclosure

### 2. Making a Disclosure

#### 1. Before making an appropriate disclosure

To make an *appropriate disclosure* you need to determine:

- (a) If the information is
  - i. *environmental and health information*; or
  - ii. *Public administration information*;
- (b) the relevant authorities (see [Appendix 2](#)).

#### 2. Making a disclosure

An *appropriate disclosure* of public interest information must be made to the *relevant authority* as listed in [Appendix 2](#).

As an *informant* the PID Act provides protection from victimisation.

If you have concerns or believe that your *appropriate disclosure* is not being dealt with appropriately, or that you may have been or will be subject of detriment, please contact an SA Water Responsible Officer.

It is optional to reveal your identity. If you do reveal your identity, you have rights about being kept informed so please speak to the *relevant authority* about how you wish to be contacted to ensure strict confidentiality.

#### Disclosures relating to public administration information

- (a) As a *public officer* if you reasonably suspect a potential issue of corruption in public administration, you must report to the *OPI*, unless the conduct has already been reported to the *OPI*.
- (b) While *public officers* not mandated to report misconduct or maladministration in public administration, it is encouraged to report any concerns to the *OPI*.

#### Disclosure to Minister of the Crown

If you make an *appropriate disclosure* of public interest information to a Minister of the Crown, the Minister must, as soon as practicable, refer the disclosure to a *relevant authority* to deal with the information. The *relevant authority* shall ensure that the Minister is notified of the action taken in relation to the information and the outcome of such action.

#### Disclosure to journalist or member of Parliament

You can make an *appropriate disclosure* of public interest information if

- (a) you disclose the information to a journalist or a member of Parliament other than a Minister of the Crown; and
- (b) you
  - (i) made an *appropriate disclosure* of public interest information;
  - (ii) made your identity known to the person to whom you disclosed the *appropriate disclosure*; and
  - (iii) have not been notified:
    - o within 30 days, notification of the assessment being made and action to be taken; or
    - o within 90 days (or such other longer period specified in writing), notification of any outcomes; and
- (c) believe on reasonable grounds that the information is true.

## Appendix 5 – Process for assessing disclosure of *public interest information* and notifying *informants*



### 1. Receipt of an appropriate disclosure of public interest information

An *appropriate disclosure* of public interest information must be made to the *relevant authority* as listed in [Appendix 2](#).

Where the identity of the *informant* is known to the recipient, the recipient will acknowledge receipt of the disclosure and provide a copy of this Procedure to the *informant*.

The recipient may contact a *Responsible Officer* for assistance and/or can refer the *appropriate disclosure*, however, must not disclose the identity of the *informant*, nor disclose any information that could reveal the identity of the *informant*, unless the *informant* consents.

### 2. Notification of preliminary assessment

#### a) Assess if no action required

No action is required in relation to an *appropriate disclosure* of public interest information if the information disclosed:

- does not justify the taking of further action; or
- relates to a matter that 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.

#### b) Assess if further action required and notify the *informant*

If any action is being taken, then reasonable steps shall be taken to notify the *informant* (if their identity is known) of:

- outcome of the *preliminary assessment* ; and
- the further action being taken.

in writing as soon as is reasonably practicable, and in any event **within 30 days of receipt** of the disclosure

If the further action being taken is to refer the disclosure to another *relevant authority*, then the *informant's* identity may be disclosed as part of that referral, provided divulging the *informant's* identity is necessary for the purpose of investigating the disclosure.

If the *informant* is dissatisfied with the recipient's determination, it is open to him/her to report the disclosure to a *Responsible Officer* or to another *relevant authority* external to SA Water.

#### c) Disclosures relating to public administration information

As soon as reasonably practicable following the *preliminary assessment* and notification to the *informant*, the recipient must:

- (a) Use the dedicated [complaints form](#) to notify OPI of the Disclosure (**Initial Notification**); and.
- (b) Retain the unique reference number issued by the OPI and provide it to any other person or authority to whom the disclosure is referred.

### 3. Investigation procedure

Where the recipient determines, following a *Preliminary assessment* that a disclosure should be referred to an *investigator* for a formal report to SA Water, the recipient will appoint an *investigator*.

The objectives of the investigation of the disclosure will be to:

- (a) Investigate the substance of the disclosure to determine whether there is evidence in support of the disclosure
- (b) Collate information, taking steps to preserve documents, materials and equipment
- (c) Consider the information obtained and use fair and reasonable judgement to draw conclusions objectively and impartially
- (d) Observe the principles of natural justice and procedural fairness throughout the investigation and in the treatment of any person who is subject of the disclosure
- (e) Make recommendations concerning remedial or other appropriate action
- (f) Undertake the investigation in confidence and keep the identity of the *informant* confidential unless the circumstances in Paragraph 5 of this Procedure apply.

The *Investigator* will:

- (a) Bring the disclosure to the attention of the person who is the subject of it, if applicable, in writing within 5 days, and provide them with an opportunity to respond within a reasonable timeframe (either in writing or in person)
- (b) Not disclose the full details of any allegations contained in the disclosure to the person who is the subject of the disclosure if it is considered that doing so will compromise the investigation
- (c) Inform the person who is the subject of a disclosure, if applicable, that during any interview(s) they may be accompanied by a support person (at the personal expenses of the person subject of the disclosure). The support person will be bound by a duty of confidentiality
- (d) Keep the recipient informed of the expected timeframes for the provision of the investigation report
- (e) Prepare a report that will include: (1) the allegation(s); (2) all relevant information received including any rejected evidence, and the reasons why the evidence was rejected; (3) the conclusions reached and the basis for those conclusions; and (4) any recommendations / remedial action which should be taken by SA Water
- (f) Ensure the report is accompanied by: (1) the record of any verbal evidence taken; and (2) all documents, statements or other materials accepted by the *investigator* as evidence.

### 4. Notification of further action

If the identity of the *informant* is known to the recipient, he/she will notify the *informant* of the outcome of his/her determination in writing as soon as is reasonably practicable after the further action has been taken and, in any event, **within either:**

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

The recipient must advise the *informant* of:

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

If the recipient fails to notify the *informant*, the recipient should note that the *appropriate disclosure* of public interest information may be made to a journalist or member of Parliament under certain circumstances as discussed in Appendix 4.

If the *informant* is dissatisfied with the recipient's determination or the PID Action taken, the *informant* can report the disclosure to another *Relevant authority* external to SA Water.

**Notify OPI**

OPI must be notified of the outcome of further action via the [online notification form](#) using the unique identification number issued by the OPI upon notification of the Initial Disclosure.

## 5. Final report

The recipient is responsible for ensuring the final report contains the following details:

- (a) The allegation(s) / subject of the disclosure(s)
- (b) An account of the steps taken by the recipient in accordance with this Procedure including, where appropriate, a copy of any *investigator's* report
- (c) All relevant information received including any rejected evidence, and the reasons why the evidence was rejected
- (d) The conclusions reached and the basis for those conclusions
- (e) Any recommendations / remedial action which should be taken by SA Water.

The *investigator's* report should be provided to the Chief Executive to action as appropriate. The Chief Executive may, in his/her discretion, inform the Board, on a confidential basis.

## Appendix 6 – Notification Process Flowchart

