

1. Statement of Intent

- 1.1 This Procedure has been prepared to meet the requirements of sections 12(4) and (5) of the [Public Interest Disclosure Act 2018](#) (the Act).
- 1.2 As the designated Principal Officer for the purposes of the Act, the Chief Executive of the SA Water Corporation ('SA Water') is committed to encouraging and facilitating disclosure, in the public interest, of information about substantial risks to public health, safety, or the environment, or about corruption, misconduct and maladministration in public administration.
- 1.3 This Procedure is designed to enable disclosure, by ensuring that mechanisms are in place for:
 - (a) Making disclosures;
 - (b) Dealing with disclosures; and
 - (c) Providing appropriate protections for those who make disclosures.
- 1.4 Everyone at SA Water is committed to the protection of Informants who make public interest disclosures in accordance with the objectives of the Act, and to the genuine and efficient consideration and action in relation to information provided to SA Water via a public interest disclosure. In particular:
 - (a) Accountability and transparency in our administrative and management practices
 - (b) The appointment of Responsible Officers for the purposes of the Act with their contact details made available to everyone in the business
 - (c) Documented procedures that are made available on our website for:
 - I. a person who wants to make an appropriate disclosure of public interest information; and
 - II. officers and employees of the agency receiving and dealing with such a disclosure
 - (d) Adequate protections for Informants who make appropriate public interest disclosures to a relevant authority
 - (e) Adequate and timely receipt, assessment and notification of appropriate disclosures of public interest information to SA Water
 - (f) Adequate and efficient consideration and action in relation to information provided in a public interest disclosure
 - (g) Facilitating the investigation of appropriate disclosures that promotes fair and objective treatment for all persons involved
 - (h) Rectifying any substantiated wrongdoing to the extent that is reasonably practicable
 - (i) Referring, as necessary, appropriate disclosures to another relevant authority
 - (j) 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 [Independent Commissioner Against Corruption Act 2012](#) (ICAC Act).
- 1.5 Any questions about this Procedure can be directed to the Responsible Officers (details at Appendix 3 – How Informants can contact SA Water).
- 1.6 If an Informant believes their disclosure is not being dealt with appropriately or in accordance with this Procedure, they are encouraged to contact a Responsible Officer.

- 1.7 All employees must comply with the Act. Where employees are considering a disclosure of public interest information under the Act, they must also consider if they have obligations under the ICAC Act (and ICAC Directions and Guidelines).
- 1.8 Advice can be provided by an SA Water Responsible Officer and further information can be found on the ICAC or OPI website.

2. Purpose

- 2.1 The [Public Interest Disclosure Act 2018](#) (the Act) encourages and facilitates disclosures of certain information in the public interest by ensuring that proper procedures are in place for making and dealing with such disclosures and providing protection for persons making such them.
- 2.2 This document sets out the procedures and processes in place for making, receiving and dealing with appropriate disclosures of public interest information, to ensure SA Water:
 - (a) Fulfils its responsibilities under the Act and the ICAC Act
 - (b) Provides guidance on how individuals can ensure they comply with the Act and the ICAC Act (and ICAC Directions and Guidelines)
 - (c) Facilitates disclosures of public Interest information
 - (d) Provides a process by which disclosures may be made so that they are properly investigated
 - (e) Provides guidance on the criteria to be considered by the person who receives a disclosure (recipient) when undertaking a risk assessment
 - (f) Provides appropriate protection for those who make disclosures in accordance with the Act:
 - I. all public officers who make an appropriate disclosure of public administration information
 - II. any person who makes an appropriate disclosure of environmental and health information
 - (g) Provides appropriate support to Informants, recipients, Responsible Officers and, as appropriate, public officers who are affected by appropriate disclosures
 - (h) Updates Informants as to action taken in respect of a disclosure
 - (i) Provides guidance on who in SA Water can be contacted if an Informant believes that his or her disclosure is not being dealt with appropriately.

3. Scope

- 3.1 This Procedure applies to appropriate disclosures of public interest information, which are made in accordance with the 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 ICAC Act and is designed to operate in conjunction with other existing policies, procedures and practices within SA Water.

4. Disclosure of Public Interest Information

- 4.1 A disclosure may be made in person, by telephone or in writing (either by post or email) as set out in Appendix 3 - How Informants can contact SA Water.
- 4.2 A disclosure may be made in accordance with Appendix 4 - How to make an appropriate Disclosure of public interest information.
- 4.3 Section 5 of the Act sets out what is an appropriate disclosure of public interest information. There are two types of disclosures of public interest information:

- (a) **Environmental and health 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) **Public administration information** –that raises a potential issue of corruption, misconduct or maladministration in public administration (whether occurring before or after the commencement of the Act).

4.4 The Act provides for the protection of Informants where public interest disclosures are made:

- (a) by a member of the public or a Public Officer about **environmental and health information** which the Informant reasonably believes to be true or which the Informant believes may be true and is of sufficient significance to warrant disclosure
- (b) by a Public Officer with a reasonable suspicion about **public administration information**.

5. Confidentiality

5.1 A person who makes an appropriate disclosure of public interest information is protected and their identity must be kept confidential in accordance with section 8 of the PID Act.

5.2 It is a criminal offence to divulge the identity of an Informant, except in the limited exceptions listed below in sections 5.3, and the offence carries a maximum penalty of a \$20,000 fine or imprisonment for 2 years.

5.3 The 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 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.

5.4 The 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 Act.

5.5 If an Informant wishes to remain anonymous, the Informant should ensure that the allegation is sufficiently supported by details and evidence to enable the disclosure to be properly investigated.

6. Receipt of a disclosure

6.1 Appendix 5 sets out how recipients of disclosures should act in assessing and notifying an appropriate disclosure of public interest information.

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, and
 - 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, to investigate
 - 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) in relation to dealing with such disclosures.

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 in relation to any Investigation 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 SA Water is committed to protecting people who make any appropriate disclosure of public interest information.
- (a) Only **public officers** are eligible for the protections provided by the Act when they make an appropriate disclosure of **public administration information**
 - (b) However, **anyone** is eligible for the protections provided by the Act if they make an *appropriate disclosure* of **environmental and health information**
- 8.2 Although the 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

- 8.3 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.
- 8.4 A person who personally commits an act of victimisation against an Informant is guilty of an offence and may be prosecuted. A person who makes an appropriate disclosure of public interest information is protected against victimisation in accordance with section 9 of the Act. It is a criminal offence to commit an act of victimisation or cause detriment against an Informant and the offence carries a maximum penalty of a \$20,000 fine or imprisonment for 2 years.
- 8.5 SA Water will take action as appropriate in the circumstances of the relevant disclosure/s to protect Informants from victimisation, and/or from being hindered or obstructed in making a disclosure. Such action may include acting in accordance with risk minimisation steps set out in the following:
- (a) Set out in [SA Water Fair Treatment, Anti-Discrimination and Harassment Procedure](#)
 - (b) Set out in [SA Water Ethical Standards Procedure](#)
 - (c) Set out in this Procedure and/or referring the matter to the SA Police
 - (d) Disciplinary action for any failure to act otherwise than in accordance with this Procedure (including with respect to divulging the identity of an Informant) in relation to a disclosure.

Immunity

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

Preventing or hindering Disclosure

- 8.7 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 Act. The offence carries a maximum penalty of a \$20,000 fine or imprisonment for 2 years.

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 of SA Water for the purposes of the Act who meet the prescribed qualifications and undertake any training as specified by the Public Interest Disclosure 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 Act and the Public Interest Disclosure 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 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 administration of the Act
- (d) Complete any training courses / maintain qualifications as required by the Independent Commissioner Against Corruption and/or the Public Interest Disclosure Regulations
- (e) May carry out any other functions relating to the Act.

9.3 All **employees or officers** of SA Water are responsible for complying with this Procedure.

10. Legislation and References

- [Code of Ethics Policy for Public Sector Employees](#)
- [Independent Commissioner Against Corruption \(ICAC\) Act 2012](#)
- [ICAC Public Interest Disclosure Guidelines](#)
- [Public Sector Act 2009](#)
- [Public Interest Disclosure Act 2018](#)
- [Public Interest Disclosure Regulations 2019](#)
- [Public Interest Disclosure Guidelines](#)
- [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 and notifying an appropriate disclosure of public interest information
- Appendix 6 – Notification process flowchart

12. Performance Indicator(s)

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

13. Document Control

Responsibilities

Procedure Owner	General Manager Governance, Planning & Regulation
Responsible Manager	Senior Manager Legal, Insurance and Property
Approved by	Acting Chief Executive

Approver

Approver Name	Approver Role	Date
Anne Westley	General Manager Governance, Planning and Regulation	30 September 2019
Mark Gobbie	Acting Chief Executive	1 October 2019

Version History

Version	Effective Date	Author / Reviewer	Comments	Next Review
1.0	26/09/2019	Tom Jaworski / Evelyn Alevizos	Final v1.0	30/09/2020

Appendix 1 – Definitions

Term	Description
Appropriate Disclosure	<p>A person makes an appropriate disclosure of environmental and health information if:</p> <ul style="list-style-type: none"> a) the person: <ul style="list-style-type: none"> 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. <p>A person makes an appropriate disclosure of public administration information if:</p> <ul style="list-style-type: none"> a) the person: <ul style="list-style-type: none"> 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.
Detriment	<p>Includes:</p> <ul style="list-style-type: none"> a) injury, harm (including psychological harm), damage (including damage to reputation) or loss; b) intimidation or harassment; c) discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or d) threats of reprisal (which may be express or implied, and/or conditional or unconditional).
Environmental and health information	<p>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.</p>
Fraud	<p>Includes an intentional dishonest act or omission done with the purpose of deceiving.</p>
ICAC	<p>Independent Commissioner Against Corruption</p>
Informant	<p>A person who makes an appropriate disclosure of public interest information</p>
Investigator	<p>Person(s) internal or external to SA Water appointed to undertake investigation of disclosure</p>
Journalist	<p>person engaged in the profession or occupation of journalism in connection with the publication of information in a news medium</p>
Maladministration in public administration	<p>a) means:</p> <ul style="list-style-type: none"> (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 <p>b) includes conduct resulting from impropriety, incompetence or negligence; and</p>

Term	Description
	c) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
Misconduct in public administration	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.
OPI	Office for Public Integrity established under the Independent Commissioner Against Corruption Act 2012
Principal Officer	For the purposes of the Act means the Chief Executive of SA Water
Public administration information	Information that raises a potential issue of corruption, misconduct or maladministration in public administration.
Public interest information	(a) environmental and health information; or (b) public administration information
Public officer	Defined in schedule 1 of the ICAC Act. The most common categories of public officer can be found in the Appendices to the ICAC Guidelines .
Public sector employee	Chief Executive of an administrative unit or an employee in an administrative unit or other employee of a public sector agency
Relevant authority	Defined in Section 5(5) of the Act. The person or entity that receives an appropriate disclosure of public interest information in accordance with the PID Act
Responsible Officer	The Chief Executive of SA Water must appoint Responsible Officers. In accordance with Section 13 of the 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
Victimisation	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...
<p>public officer*</p> <p>*as defined and set out in Schedule 1 of the Independent Commissioner Against Corruption Act 2012 - relevantly, this includes members, officers and employees of local government bodies</p>	<p>either:</p> <ul style="list-style-type: none"> the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the public officer; or the person who is in fact responsible for the management or supervision of the public officer; or the relevant Responsible Officer (as designated by the Council in accordance with section 12 of the Act)
public sector employee	<p>either:</p> <ul style="list-style-type: none"> the Commissioner for Public Sector Employment; or the Responsible Officer for the relevant public sector agency
an agency to which the Ombudsman Act 1972 applies	the Ombudsman
a location within the area of a particular council established under the Local Government Act 1999	a member, officer or employee of that Council
a risk to the environment	the Environment Protection Authority
an irregular and unauthorised use of public money or substantial mismanagement of public resources	the Auditor-General
the commission, or suspected commission, of any offence	a member of the police force
a judicial officer	the Judicial Conduct Commissioner
a Member of Parliament	the Presiding Officer of the House of Parliament to which the member belongs
a person or a matter of a prescribed class ¹	an authority declared by the regulations to be a relevant authority in relation to such information
<p>public interest information - being:</p> <ul style="list-style-type: none"> environmental and health information (information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public); or public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration) 	<ul style="list-style-type: none"> the OPI; a Minister of the Crown; or any other prescribed person or person of a prescribed class

Appendix 3 – How Informants can contact SA Water

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

Email: PID@sawater.com.au

(Emails sent to this email address will only be accessed by the Responsible Officers)

Post: Confidential
Responsible Officer, Public Interest Disclosure
SA Water Corporation
GPO Box 1751
Adelaide SA 5001

(All mail addressed in this way will be delivered direct to the Responsible Officers unopened)

Telephone: SA Water Responsible Officers can be contacted by telephone:

Position	Telephone
Anne Westley, General Manager, Governance, Planning & Regulation	+61 8 7424 1454
Andrew Morecroft, Senior Manager Legal, Insurance and Property	+61 8 7424 1858
Evelyn Alevizos, Senior Manager Audit	+61 8 7424 2668

In Person: An SA Water Responsible Officer is a relevant authority under the PID Act 2018 to receive disclosures of environmental and health information or public administration information regarding SA Water Corporation and/or SA Water employees.

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 PID Act protections 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

To make an appropriate disclosure you need to determine whether:

- (a) If it is public interest information;
- (b) What type of public interest information; and
- (c) Who are the relevant authorities?

Environmental and health information	Public administration information
<p>Anyone is eligible for protections provided by the Act if they make an appropriate disclosure of environmental and health information, provided the person:</p> <ul style="list-style-type: none"> (a) Believes on reasonable grounds that the information is true; or (b) 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 enough significance to justify its Disclosure so that its truth may be investigated. 	<p>While anyone can make a Disclosure of public administration information, only public officers are eligible for the protections provided by the Act when they make an appropriate disclosure of public administration information, if the public officer reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration.</p>

2. Making a disclosure

If you want to make an appropriate disclosure of public interest information related to SA Water or a SA Water public officer, there are several options, including:

- (a) **Contact a SA Water Responsible Officer**
A SA Water Responsible Officer is a relevant authority to receive disclosures of public interest information regarding SA Water and SA Water employees.
- (b) **Contact the person's manager or supervisor**
If the disclosure of public interest information relates to an SA Water public officer, the person responsible for the management or supervision of that SA Water public officer is also a relevant authority and you can disclose to them.
- (c) **Contact the [OPI](#)**
The OPI is a relevant authority to receive disclosures of public interest information regarding SA Water, SA Water public officers and SA Water public sector employees.
- (d) **Contact the [Commissioner for Public Sector Employment](#)**
The Commissioner for Public Sector Employment is a relevant authority to receive disclosures of public interest information regarding SA Water and SA Water public sector employees.

The person receiving the appropriate disclosure is required to comply with the Act. 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.

You should determine where to direct a disclosure by considering the following:

- (a) Disclosure relating to a person appointed as a Responsible Officer should be made to other persons appointed as a Responsible Officer or failing this, to a Relevant Authority external to SA Water (such as the OPI)

- (b) Disclosure relating to public administration information about a Public Officer who is an officer or employee of SA Water may be made to a Responsible Officer, or to the person responsible for the management or supervision (supervisor) of the Public Officer the subject of the disclosure
- (c) Reasonable suspicion of corruption or serious or systemic maladministration or misconduct in public administration must also be reported to the OPI in accordance with the ICAC Act (and ICAC Directions and Guidelines)

People who can make a disclosure of environmental and health information

Anyone can make a disclosure and is eligible for protections provided by the Act if they make an appropriate disclosure of environmental and health information to a relevant authority, provided the person:

- (a) Believes on reasonable grounds that the information is true; or
- (b) 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.

People who can make a Disclosure of public administration information

While anyone can make a disclosure of public administration information, only *public officers* are eligible for the protections provided by the Act when they make an appropriate disclosure of *public administration information* if the public officer reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration.

Office of Public Integrity (OPI)

Under the [ICAC Act 2012](#) if a public officer reasonably suspects a potential issue of corruption, misconduct or maladministration in public administration, they must report to the OPI. This report will also be an appropriate disclosure of public administration information because the OPI is itself a relevant authority. Accordingly, such a report will ordinarily provide the public officer with the protections under the Act. The OPI will deal with your report in accordance with the ICAC Act but also will also act consistently with the requirements of the Act.

Disclosure to Minister of the Crown

If you make an appropriate disclosure of public interest information to a Minister of the Crown, the requirements set out above from section 7 do not apply. The following provisions apply instead:

- the Minister must, as soon as practicable, refer the disclosure to a relevant authority; and
- the relevant authority:
 - must deal with the information in accordance with section 7 (as if the disclosure had been made to the relevant authority in the first place); and
 - must ensure that the Minister is notified of the action taken under section 7 in relation to the information and the outcome of such action.

Disclosure to journalist or member of Parliament

If you have:

- made an appropriate disclosure in accordance with section 5 of the PID Act; and
- believe on reasonable grounds that the information is true; and
- made your identity known to the person to whom you disclosed the appropriate disclosure.

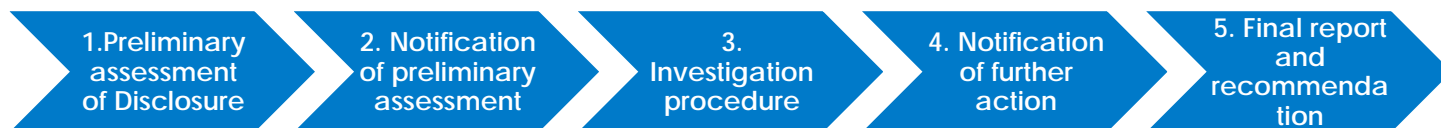
You should be notified:

- Within 30 days, notification of the assessment being made and action to be taken; and
- Within 90 days (or such other longer period specified in writing), notification of the outcome of the action.

If these timeframes are not met or you have not been notified as required you are entitled to disclose the public interest information to a journalist or member of Parliament (other than a Minister of the Crown) and still receive the protections under the Act.

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. If your appropriate disclosure was made to an SA Responsible Officer, contact other relevant authorities such as the [OPI](#) or [Commissioner for Public Sector Employment](#).

Appendix 5 - Assessing and notifying an appropriate disclosure of public interest information



1. Preliminary assessment of disclosure

The relevant authorities to receive an appropriate disclosure of public interest information

To be considered an appropriate disclosure of public interest information, it must be made to a relevant authority. Section 5(5) of the Act and the [ICAC Guidelines](#) document who the relevant authorities are that a disclosure of public interest information is made (also set out in Appendix 2).

Section 7 of the Act states that the recipient must take action (and also outlines the action that must be taken) in relation to the information as soon as practical upon receipt of an appropriate disclosure of public interest information.

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.

Where the disclosure relates to public administration information about a Public Officer who is an officer or employee of SA Water and it is made to the person(s) responsible for the management or supervision (the Supervisor) of the Public Officer, the Supervisor will conduct the Preliminary Assessment. The Supervisor should inform the Responsible Officer of the disclosure and seek advice from the Responsible Officer as and when required.

Section 7 of the Act requires the recipient, or a person to whom such a disclosure is referred, to assess the information as soon as practicable after the disclosure is made. This includes, but is not limited to, conducting a risk assessment to assess whether any imminent risk of serious physical injury or death to any person exists and assess the likelihood of the Informant suffering a detriment as a result of having made the disclosure.

The recipient of the disclosure must assess the information as soon as practical after it is made to determine if the Informant has made an appropriate disclosure of public interest information and whether SA Water is the relevant authority. The assessment needs to consider the following criteria:

- (a) If it is public interest information
- (b) What type of public interest information, and
- (c) If the recipient is a relevant authority.

Following receipt of a disclosure, the recipient will undertake a preliminary assessment to determine:

- (a) If there is an imminent risk of serious physical injury or death to any person or the public generally. If so, the recipient should immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (e.g. South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority, SA Health).
- (b) If it relates to corruption in public administration, or serious or systemic misconduct or maladministration in public administration
- (c) If the information disclosed justifies further action, including a decision as to whether it:
 - i. is frivolous, vexatious or trivial (in which case, no further action will be taken);
 - 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 (in which case, no further action will be taken);
 - iii. 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);

- iv. requires referral to another Relevant Authority external to SA Water;
- v. should be referred to an Investigator for a formal investigation and report to SA Water
- (d) The likelihood the Informant may suffer a detriment as a result of having made it
- (e) The likelihood the person against whom allegations are made may suffer a detriment as a result.

The recipient must report the outcome of his/her determination following the Preliminary Assessment to the Chief Executive (unless the disclosure relates to the Chief Executive). The report should not disclose particulars that are likely to identify the Informant unless the Informant consents to his/her identity being disclosed.

Where the recipient:

- (a) Determines that there is an imminent risk of serious physical injury or death to any person or to the public generally, the Responsible Officer (or Supervisor) 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)
- (b) Forms a reasonable suspicion that the disclosure relates to corruption or serious or systemic misconduct or maladministration in public administration and must comply with their reporting obligations under the ICAC Act in accordance with the ICAC Directions and Guidelines.
- (c) Determines the disclosure needs to be referred to an external body or another Relevant Authority, the recipient will undertake the referral, including ensuring that such information as is necessary to enable action to be taken is communicated to the relevant authority to take that action.
- (d) Determines further investigation is required, the recipient will consider referring the disclosure to an Investigator.
- (e) Requires any other action, the recipient will include in his/her determination details of that other recommended action.

If the recipient is unsure he/she can 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.

If the preliminary assessment determines that the recipient is a relevant authority who has received an appropriate disclosure of public interest information, the recipient must comply with the Act, Public Interest Disclosure Regulations 2019, ICAC Act 2012 and ICAC Directions and Guidelines.

2. Notification of preliminary assessment

Notify the Informant

Section 6(b)(iii) and 7(1)(b) of the Act states the recipient must take reasonable steps to notify the Informant, if the Informant's identity is known.

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 Preliminary Assessment has been made, and in any event **within 30 days of receipt** of the disclosure as follows:

Within 30 days

a) Assess if no action required

Section 7 of the Act states that 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
- The information disclosed 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.

The recipient must take reasonable steps to notify the Informant of:

- Assessment of the information has been made; and
- No action is being taken; and
- Reason(s) why no action is being taken.

b) Assess if further action required

If any action is being taken in relation to the information, then the recipient must take reasonable steps to notify the Informant (if their identity is known of the outcome of that action (section 7(3)(a)).

The recipient must take reasonable steps to notify the Informant of:

- Assessment of the information has been made; and
- The action being taken.

If the action being taken is referring 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 recipient does not meet the 30-day deadline and the Informant believes on reasonable grounds the information is true and has made their identity known, the Informant may disclose to a journalist or a member of Parliament other than a Minister of the Crown.

- (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 Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or Member of Parliament in accordance with the Act.

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.

Notify the OPI

As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the recipient must:

- (a) Use the dedicated [online notification form](#) to notify OPI of the Disclosure (Initial Notification) and must include the details required by Guideline 1.4 of the Public Interest Disclosure Guidelines.
- (b) 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.

Notification to the OPI

ICAC Guideline One states that the recipient must notify the OPI as soon as reasonably practical after the receipt of the appropriate disclosure by making an electronic notification via the dedicated notification form on the [ICAC website](#).

If the recipient have received an appropriate disclosure of public interest information, or if the recipient has received a referral of such a disclosure from someone else, he/she must notify the OPI as soon as reasonably practicable via the [online notification form](#) and must include the following:

- (a) the date the disclosure was received;
- (b) the recipient's name and contact details;
- (c) a summary of the content of the disclosure;
- (d) the assessment made of the disclosure;
- (e) the action taken by the recipient including:

- 1) whether the disclosure was referred to another relevant authority, public authority, public officer or another person; and
- 2) if the disclosure was referred to another relevant authority, public authority or public officer or other person:
 - i. the date of the referral;
 - ii. the identity of that relevant authority, public authority or public officer or another person to whom the disclosure was referred;
 - iii. the manner of referral; and
 - iv. the action to be taken by that relevant authority, public authority or public officer or another person (if known).

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 Responsible Officer must take whatever action he/she considers appropriate having regard to the Investigator's report.

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

- (a) Investigate the substance of the disclosure and to determine whether there is evidence in support of the disclosure
- (b) Collate information relating to the disclosure, taking steps to preserve documents, materials and equipment
- (c) Consider the information obtained and 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) Conduct a thorough assessment of the available evidence
- (g) Make a fair and reasonable judgement about the disclosure
- (h) Undertake the investigation in confidence. If the identity of the Informant is known to the recipient, the identity of the Informant will be kept confidential unless the circumstances in Paragraph 5.3 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 to the disclosure 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 any person providing support to him/her (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 an investigation report for the recipient 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
- (g) Ensure any report prepared does not disclose particulars that could lead to the identification of the Informant, unless the circumstances in Paragraph 5.3 of this Procedure apply.

4. Notification of further action

Section 7(3) states the recipient must take reasonable steps to notify the Informant (if the Informant's identity is known) of the outcome of that 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 Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or Member of Parliament in accordance with the Act.

If the Informant is dissatisfied with the recipient's determination or the action taken, the Informant can report the disclosure to another Relevant Authority external to SA Water.

As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the recipient must use the dedicated online notification form at icac.sa.gov.au to notify OPI of the action taken in relation to the disclosure (Further Notification) and must include the details required by Guideline 2 of the Public Interest Disclosure Guidelines.

If the disclosure came to SA Water by way of a referral from a Minister, the recipient must ensure that the Minister is also notified of the action taken in relation to the disclosure, and the outcome of any such action. The Minister should be notified in accordance with this clause following the Preliminary Assessment if the recipient determines that no action is to be taken.

ICAC Guideline 2 provides that the OPI must be notified of the outcome taken of an appropriate Disclosure of public interest information.

The recipient must notify the OPI as soon as reasonably practicable via the [online notification form](#) of the following:

- (a) the unique identification number issued by the OPI upon notification of the original Disclosure
- (b) the name and contact details of the Informant
- (c) the name and contact details of the person or authority responsible for taking the action
- (d) what (if any) findings were made in respect of the disclosure
- (e) the nature of the action taken (if any)
- (f) the outcome of any action taken (if applicable)
- (g) whether the identity of the Informant was disclosed to a person other than the original recipient of the disclosure, and
- (h) whether the Informant was notified of the action taken and, if so, when and how that notification was made.

If the Informant is not notified of the outcome within 90 days (or such other longer period specified in writing), the Informant is entitled to receive the protections under the Act if they make an appropriate disclosure of the public interest information to a journalist or member of Parliament (other than a Minister of the Crown, as Ministers of the Crown are already relevant authorities under the PID Act).

5. Final report and recommendation

The recipient is responsible for ensuring the 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:

- (a) Will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in Paragraph 5.3 of this Procedure apply
- (b) Should be provided to the Chief Executive to action as he/she considers appropriate. The Chief Executive may, in his/her discretion, inform the Board, on a confidential basis.

Appendix 6 – Notification Process Flowchart

Receipt of disclosure

- **Public administration information. Disclosure** by public officer to person responsible for supervision of relevant public officer or to Responsible Officer
- **Environmental and health information. Disclosure** by member of the public to SA Water officer or employee to be passed on to Responsible Officer
- **Acknowledge receipt** of disclosure to Informant

Preliminary assessment

- Assess disclosure as soon as practical to determine if: (a) imminent risk of serious harm exists; (b) Informant has made an appropriate disclosure of public interest information; (c) SA Water is the relevant authority; (d) whether other action is required and if so what

Notify Informant of preliminary assessment

- Must be **within 30 days of disclosure**, notify Informant that an assessment has been made and advise of action that has been, or will be taken (or the reasons why no action will be taken)

Notify OPI of disclosure

- **Must notify OPI as soon as reasonably practical** with information relating to the disclosure in accordance with PID Act Section 7(1)
- Use the **online notification form at icac.sa.gov.au** and include details specified in ICAC Guideline 1

Take action

- May include undertaking investigations or referring to another relevant authority

Notification of outcome of action

- **Informant.** Must be **within 90 days of disclosure** (or such other longer period specified in writing), notify Informant of details of outcome of action taken
- **OPI.** Must notify the OPI of the outcome of action in accordance with PID Act Section 7(3)
- **Minister.** Only applicable if the initial disclosure came from / via a Minister