

## PIRSA PUBLIC INTEREST DISCLOSURE PROCEDURE HR R 016

PIRSA is committed to high levels of professionalism and ethical behaviour in delivering its services; and values transparency and accountability in its administrative and management practices. This Procedure supports a culture that:

- gives employees 'voice' in matters of ethics
- fosters an environment where people feel safe in discussing genuine and legitimate concerns about governance and ethical behaviour within PIRSA
- encourages the challenge of inappropriate behaviour at all levels within PIRSA

### DOCUMENT CONTROL

<b>PPGS Owner Workgroup:</b>	People and Culture	<b>PPGS Owner:</b>	Director, People & Culture	<b>PPGS Risk Rating &amp; Review Cycle:</b>	High 3 years
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## REVISION RECORD

Date	Version	Revision description
08/07/2019	0.1	First draft of new procedure developed in accordance with the new <i>Public Interest Disclosure Act 2018</i> .
09/07/2019	1.0	New Procedure approved by the Chief Executive.
03/08/2022	1.1	Updated procedure to reflect 2021 changes to <i>Public Interest Disclosure Act 2018</i>

## RISK ASSESSEMENT

Date	Risk Rating	Risk Assessment Evaluation
05/09/2022	High	This Procedure outlines the principles for the PIRSA Public Interest Disclosure Procedure.

## 1. PURPOSE

The purpose of this Procedure is to ensure Primary Industries and Regions (PIRSA) public officers who make a disclosure of public interest information and persons who make a disclosure of public interest information relating to PIRSA or a PIRSA public officer can rely on the protections provided for such disclosures in the [Public Interest Disclosure Act 2018](#) (PID Act).

This Procedure sets out the processes for managing disclosure of public interest information in accordance with the requirements of the PID Act.

The Independent Commission Against Corruption (ICAC) has published [Public Interest Disclosure Guidelines](#) (PID Guidelines) to provide guidance on the requirements of the PID Act and the process for reporting public interest information. This Procedure has been prepared to supplement the PID Guidelines.

## 2. SCOPE

This Procedure covers the process for PIRSA employees and external parties to make disclosures of public interest information relating to PIRSA, its employees and public officers.

It also covers the process for assessing, referring, investigating and reporting on disclosures made to PIRSA or PIRSA employees.

## 3. PROCEDURE DETAILS

### 3.1 Legislation

The objects of the [PID Act](#) include encouraging and facilitating disclosure, in the public interest, of *public interest information*, including information about substantial risks to public health and safety, the environment and *public administration information* (corruption, misconduct and maladministration in public administration) by:

- ensuring proper procedures are in place for such disclosures
- providing protection for those who make such disclosures.

The PID Act provides immunity from liability for *appropriate disclosures* of public interest information and describes who can make, and the process for making, *appropriate disclosures* in relation to each type of *public interest information*.

An appropriate disclosure of *environmental or health information* may be made by any person. An appropriate disclosure of *public administration information* can be made by a *public officer*.

**N.B.** while only *appropriate disclosures* attract immunity under the PID Act, the Act does not prevent other disclosures of public interest information or disclosures of *public administration information* by persons who are not *public officers*.

## 3.2 Public Interest Information

There are two types of public interest information covered by the PID Act

### 3.2.1 Environmental and health information

This is information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or to a significant section of the public. This procedure covers the reporting of *environmental and health information* that provides a risk to PIRSA or its public officers, or which relates to the activities of PIRSA or its public officers.

### 3.2.2 Public administration information

This is information that raises a potential issue of *corruption, misconduct or maladministration in public administration*. This procedure covers the reporting of *public administration information* by PIRSA *public officers* and persons external to PIRSA and the reporting of *public administration information* relating to the activities of PIRSA or its *public officers*.

### 3.3 *Appropriate Disclosures*

Section 5 of the [PID Act](#) sets out what is an *appropriate disclosure* of public interest information. This is summarised below, however a PIRSA *responsible officer* can provide advice on whether a proposed disclosure is an *appropriate disclosure*.

#### 3.3.1 **Appropriate disclosure of environmental or health information**

A person who makes a disclosure of environmental or health information makes an *appropriate disclosure* if

- The disclosure is made to a *relevant authority*
- The person believes on reasonable grounds that the information is true or is not in a position to form a belief on reasonable grounds as to the truth of the information but believes on reasonable grounds that it may be true and that it is of sufficient significance to justify disclosure so that its truth may be investigated.

See [Section 5 – Definitions of this Procedure](#) for detail on what is a *relevant authority*.

#### 3.3.2 **Appropriate disclosure of public administration information**

A *public officer* who makes a disclosure of *public administration information* makes an appropriate disclosure if

- The disclosure is made to a *relevant authority*
- The public officer reasonably suspects that the information raises a potential issue of *corruption, misconduct or maladministration in public administration*.

See [Section 5 – Definitions](#) of this Procedure for detail on what is a *relevant authority* and what is *corruption, misconduct or maladministration in public administration*.

#### 3.3.3 **Appropriate disclosure to journalist or member of Parliament**

The [PID Act](#) also provides protection for disclosures of *public interest information* to journalists or members of Parliament in limited circumstances, including where the

person has already disclosed the information to a relevant authority in accordance with the Act's requirements and the person has not received a response within the time frames set out in section 6 of the PID Act. Reporting to a journalist or member of Parliament is not covered by this Procedure.

### **3.4 Relevant authorities for receipt of disclosures of public interest information**

To gain protection under the [PID Act](#), disclosure must be made to a *relevant authority*. What is a *relevant authority* will vary depending on the nature of the information. [Section 5 – Definitions](#) of this Procedure provides links to the full list of *relevant authorities*.

#### **3.4.1 Where the information relates to PIRSA**

A *relevant authority* will include

- The Commissioner for Public Sector Employment
- A PIRSA *responsible officer*
- The Office for Public Integrity
- The Ombudsman
- Where the information relates to a risk to the environment, the Environment Protection Authority
- Where the information relates to irregular or unauthorised use of public money or substantial mismanagement of public resources, the Auditor-General
- Where the information relates to the commission or suspected commission of an offence, a member of SAPOL.

#### **3.4.2 Where the information relates to a PIRSA public officer**

A *relevant authority* will include

- A PIRSA *responsible officer*



- A person responsible for the management or supervision of that *public officer*
- The Office for Public Integrity
- The Ombudsman
- Where the information relates to irregular or unauthorised use of public money or substantial mismanagement of public resources, the Auditor-General
- Where the information relates to the commission or suspected commission of an offence, a member of SAPOL

and, if the information relates to a public sector employee, a *relevant authority* also includes the Commissioner for Public Sector Employment.

### 3.4.3 Responsible Officers

PIRSA is required under section 12 of the [PID Act](#) to have one or more designated [responsible officers](#) who can

- Receive appropriate disclosures of public interest information relating to PIRSA
- Ensure compliance with the PID Act in relation to such disclosures
- Make appropriate recommendations to the Chief Executive in relation to dealing with such disclosures
- Provide advice to *informants* and *recipients of public interest information* in relation to the requirements of the PID Act.

[Responsible Officers](#) must have completed any training courses approved by the ICAC Commissioner.

## 3.5 Procedure on receipt of an appropriate disclosure of public interest information

Section 7 of the [PID Act](#) provides that a person to whom an *appropriate disclosure of public interest information* is made (a *recipient*) must

- Assess the information as soon as practicable after disclosure
- Take action in accordance with Guideline 1 of the [Public Interest Disclosure Guidelines issued by ICAC](#) unless
  - The information disclosed does not justify taking any action
  - The information 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 relation to the matter
  - Guideline 1 is not applicable, in which case the *recipient* must take such action as is appropriate in the circumstances
- Take reasonable steps to notify the *informant* (unless the disclosure is anonymous) that an assessment of the information has been made and to advise the *informant*
  - What action is being taken in relation to the information, or
  - Where no action is being taken, the reasons why no action is being taken.
- Notify the Office for Public Integrity in accordance with Guideline 1 of the [Public Interest Disclosure Guidelines issued by ICAC](#) using the electronic notification form on the [Office for Public Integrity website](#).
- Following assessment of the information the *recipient* (or if the information is referred to another person, the person to whom the information is referred – also a *recipient*) must take appropriate action in relation to the investigation including undertaking an investigation if required and
  - take reasonable steps to notify the *informant* (unless the disclosure is anonymous) of the outcome of the action taken
  - inform the Office for Public Integrity of the outcome in accordance with Guideline 2 of the [Public Interest Disclosure Guidelines issued by ICAC](#).

### 3.6 Duty of Confidentiality

Section 8 of the [PID Act](#) and Guideline 3 of the [Public Interest Disclosure Guidelines issued by ICAC](#) impose a duty on a *recipient* of an *appropriate disclosure* not to divulge the identity of an *informant* without that person's consent. For the purposes of section, 8 a *recipient* is

- A person to whom an *appropriate disclosure* of *public interest information* is made
- A person to whom an *appropriate disclosure* is referred
- A person who knows an *appropriate disclosure* has been made.

The identity of an *informant* may be disclosed by a *recipient*

- So far as is necessary to enable the matter to which the information relates to be properly investigated
- Where disclosure is necessary to prevent or minimise imminent risk of serious physical injury or death to any person
- Where disclosure is to an authority or person which the *recipient* believes is the most appropriate authority or person to prevent or minimise imminent risk of serious physical injury or death to any person.

The duty of confidentiality under the PID Act overrides any other legislation or common law rule that would require disclosure. Disclosure of the identity of an *informant* in breach of this duty is a criminal offence.

If you receive an *appropriate disclosure* of *public interest information*, when seeking any advice, for example from the Office for Public Integrity or from a PIRSA *responsible officer*, you must not disclose the identity of the *informant* unless the informant has consented.

If, following assessment of the disclosure, you refer the matter to another relevant authority for investigation (see [Part 3.4 Relevant authorities for receipt of disclosures](#)

[of public interest information](#)) and, based on your assessment, you have concluded that the matter cannot be fully investigated without the identity of the informant being disclosed, you may disclose the identity in accordance with Guideline 3 of the PID Guidelines.

### 3.7 *Victimisation*

Section 9 of the [PID Act](#) provides that a person who causes detriment to another (a victim) because the victim or another person has, or intends to make, an appropriate disclosure of public interest information, commits an act of victimisation.

A person who intentionally commits an act of victimisation is guilty of an offence under section 9(5) of the [PID Act](#).

A person who commits an act of victimisation may also be subject to civil proceedings brought by the victim for damages or other remedies. Alternatively, the victim may lodge a complaint under the *Equal Opportunity Act 1984*.

### 3.8 *Preventing or hindering disclosure of public interest information*

Preventing, hindering or obstructing a person from making an *appropriate disclosure* of *public interest information* is an offence under section 11 of the [PID Act](#).

### 3.9 *Protecting informants*

#### 3.9.1 What protections are given under the PID Act

As detailed in [Part 3.6 of this Procedure](#), section 8 of the [PID Act](#) imposes a duty of confidentiality on *recipients* of an *appropriate disclosure* not to divulge the identity of an *informant* without that person's consent.

There are limited circumstances in which the identity of an *informant* may need to be disclosed and these are set out in Guideline 3 of the [Public Interest Disclosure Guidelines issued by ICAC](#).

### 3.9.2 How will PIRSA protect informants

PIRSA is committed to protecting people who make an *appropriate disclosure* of *public interest information*. To ensure that the *informants* are protected, PIRSA will:

- Adopt and apply internal procedures that require compliance with section 8(1) of the PID Act in relation to confidentiality.
- Store information about appropriate disclosures securely.
- Proactively recognise and address any potential detrimental outcomes that may be caused from the disclosure.
- Public officers can refer to the PIRSA Grievance Resolution Procedure for any concerns or complaints that need to be addressed with respect to their protection.

Remember you can seek the advice of a PIRSA *responsible officer* to ensure you are complying with the [Public Interest Disclosure Guidelines issued by ICAC](#), as well as with the PID Act.

Do public interest disclosure protections apply where a public officer is required to report a matter under the ICAC Act?

Following the 2021 amendments to the [Independent Commission Against Corruption Act 2012](#) (ICAC Act), *public officers* are no longer obliged to report suspected *misconduct or maladministration in public administration* to ICAC. The obligation to report suspected *corruption in public administration* to ICAC remains, however the Act requires reports to be directed to the Office for Public Integrity.

The Office for Public Integrity has published [Directions and Guidelines for public officers, public authorities and inquiry agencies](#) concerning reporting to OPI of any matter reasonably suspected of being *corruption in public administration*.

Notwithstanding the changes to the ICAC Act, the Office for Public Integrity will still receive reports of conduct which are *public administration information*, other than *corruption in public administration*. In most cases these will be referred on to the Ombudsman.

Whilst the [Directions and Guidelines](#) do not specifically address whether a *public officer* reporting a matter to OPI is entitled to rely on the protections under the [PID Act](#), OPI is a *relevant authority* for the purposes of the PID Act and consequently any *appropriate disclosure of public interest information* to OPI will be subject to the PID Act.

The Ombudsman has also published [Directions and Guidelines](#) relating to the reporting of *misconduct and maladministration in public administration*. These Directions and Guidelines provide that any report received by the Ombudsman which meets the definition of an *appropriate disclosure of public interest information* in the PID Act will be treated in accordance with the requirements of the Act. The Ombudsman is also a *relevant authority* for the purposes of the PID Act.

Both OPI's and the Ombudsman's Directions and Guidelines require a *public officer* making a report based on information provided by another person to consider whether section 8 of the [PID Act](#) applies to the information.

## 4. ROLES AND RESPONSIBILITIES

Role	Responsibilities
Chief Executive	<ul style="list-style-type: none"> <li>• Approving the procedure.</li> <li>• Ensure that one or more officers or employees are designated as <a href="#">responsible officers</a> of PIRSA for the purpose of the <i>Public Interest Disclosure Act 2018</i>.</li> <li>• Ensure that PIRSA <a href="#">responsible officers</a> have completed any training courses approved by the ICAC Commissioner for the purposes of the <i>Public Interest Disclosure Regulations 2019</i>.</li> <li>• Ensure that the name and contact details of each responsible officer of PIRSA are made available to officers and employees of PIRSA.</li> <li>• Ensure that a document setting out procedures for: (a) a person who wants to make an appropriate disclosure of public interest information to PIRSA; and (b) officers and employees of PIRSA</li> </ul>

Role	Responsibilities
	<p>dealing with such a disclosure, is prepared and maintained in accordance with the ICAC Public Interest Disclosure Guidelines prepared under section 14 of the <i>Public Interest Disclosure Act 2018</i>.</p> <ul style="list-style-type: none"> <li>Ensure that PIRSA has appropriate internal controls, processes and procedures to give effect to the confidentiality requirements in section 8 of the <i>Public Interest Disclosure Act 2018</i>.</li> </ul>
<a href="#">Responsible Officers</a>	<ul style="list-style-type: none"> <li>To receive appropriate disclosures of public interest information in relation to PIRSA and to ensure compliance with the <i>Public Interest Disclosure Act 2018</i> in relation to such disclosures.</li> <li>To make recommendations to PIRSA's Chief Executive in relation to dealing with such disclosures.</li> <li>To advise advice to PIRSA officers and employees in relation to the administration of the <i>Public Interest Disclosure Act 2018</i>.</li> </ul>
General Manager People and Culture	<ul style="list-style-type: none"> <li>Ongoing management of the procedure.</li> <li>Ensuring employees are made aware of this procedure.</li> <li>Providing procedure advice and assistance, including interpreting procedure requirements.</li> </ul>
PPGS approvers, owners, contacts and employees	<ul style="list-style-type: none"> <li>Refer to the list of standard PPGS roles and responsibilities included in 'Appendix B' of the <a href="#">PIRSA PPGS Development and Management Policy GO P 001</a>.</li> </ul>

## 5. DEFINITIONS

Term	Meaning
Corruption in public administration	This is defined in section 5(1) of the <a href="#">Independent Commission Against Corruption Act 2012</a> . The definition is also set out in the <a href="#">PIRSA Fraud and Corruption Policy</a>

Term	Meaning
Environmental or 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 to a significant section of the public
Informant	A person who makes an <i>appropriate disclosure of public interest information</i>
Maladministration in public administration	This is defined in section 4(2) of the <a href="#">Ombudsman Act 1972</a> . The definition is also set out in the <a href="#">PIRSA Fraud and Corruption Policy</a>
Misconduct in public administration	This is defined in section 4(1) of the <a href="#">Ombudsman Act 1972</a> as an <i>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</i>
Public administration information	This is information that raises a potential issue of <i>corruption, misconduct or maladministration in public administration</i>
Public interest information	<i>Public Interest information</i> includes both <i>environmental and health information</i> and <i>public administration information</i>
Public officer	The term <i>public officer</i> is defined in Schedule 1 of the ICAC Act. The most common categories of <i>public officer</i> are listed in Appendix A to the <a href="#">Public Interest Disclosure Guidelines issued by ICAC</a> and a more detailed list is at the back of the <a href="#">Office for Public Integrity Directions and Guidelines</a> . The definition includes a chief executive of an administrative unit of the Public Service, a Public Service employee and includes contractors engaged by a public authority or the Crown. For the purposes of this Procedure, the term <i>public officer</i> includes PIRSA's Chief Executive, other executive officers, public sector employees, contract and temporary staff and contracted service providers



Term	Meaning
Recipient	<p>A <i>recipient</i> of an <i>appropriate disclosure</i> of public interest information includes</p> <ul style="list-style-type: none"> <li>• A person to whom an <i>appropriate disclosure</i> of public interest information is made</li> <li>• A person to whom an <i>appropriate disclosure</i> is referred</li> <li>• A person who knows an <i>appropriate disclosure</i> has been made</li> </ul> <p><b>N.B.</b> a disclosure of information is only an <i>appropriate disclosure</i> if it is made to a <i>relevant authority</i> in accordance with section 5(5) of the <a href="#">PID Act</a></p>
Relevant authority	<p><i>Relevant authorities</i> are described in section 5(5) of the <a href="#">PID Act</a> and also set out in Appendix B to the <a href="#">Public Interest Disclosure Guidelines issued by ICAC</a>. What is a <i>relevant authority</i> for a particular disclosure will depend on what the disclosure relates to</p>
Responsible Officer	<p>Designated by the principal officer of a public sector agency pursuant to section 12(1) of the <a href="#">PID Act</a> to carry out the functions assigned to the responsible officer under the Act (refer Section 4 Roles and Responsibilities).</p> <p>Information about PIRSA's <a href="#">responsible officers</a> can be found <a href="#">here</a>:</p>

## 6. RELATED DOCUMENTS

### 6.1 Legislation

- [Public Interest Disclosure Act 2018](#)
- [Independent Commissioner Against Corruption Act 2012](#)
- [Equal Opportunity Act 1984](#)
- [Freedom of Information Act 1991](#)
- [Public Sector Act 2009](#)

- [Public Sector \(Honesty and Accountability\) Act 1995](#)
- [State Records Act 1997](#)
- [Public Finance and Audit Act 1987](#)

## 6.2 SA Government

- [Code of Ethics for the South Australian Public Sector](#)
- [Public Interest Disclosure Guidelines issued by the Independent Commission Against Corruption under the Public Interest Disclosure Act 2018](#)
- [SA Office for Public Integrity Directions and Guidelines for Public Officers, Public Authorities and Inquiry Agencies](#)
- [Ombudsman SA Directions and Guidelines for Public Officers, Public Authorities and Inquiry Agencies](#)
- [Office of the Commissioner for Public Sector Employment Directions and Guidelines](#)

## 6.3 PIRSA

- [PIRSA Fraud and Corruption Control Procedure HR P 022](#)
- [PIRSA Fraud Control Plan](#)

**Note:** the following PIRSA intranet document and page links are only accessible by SA Public Sector employees on the PIRSA or StateNet SA Government networks:

- [PIRSA Document and Records Management Procedure IM P 002](#)
- [PIRSA Document and Records Management Access Controls and Security Guideline IM G 007](#)
- [PIRSA Freedom from Discrimination, Harassment and Bullying Procedure HR P 006](#)
- [PIRSA Grievance Resolution Procedure HR R 014](#)
- [PIRSA Health and Wellbeing Program \(EAP\)](#)

## APPENDIX 1: MAKING AN APPROPRIATE DISCLOSURE OF PUBLIC INTEREST INFORMATION

### Step 1 - Before making a disclosure

To ensure that if you make a disclosure you will receive protection under the [Public Interest Disclosure Act 2018](#), you must first ensure that

- The information being disclosed is *public interest information* (see [Part 3.2 of this Procedure](#))
- The disclosure will be an *appropriate disclosure* (see [Part 3.3 of this Procedure](#))
- You believe on reasonable grounds that the information is true or, if you are not in a position to form a belief on reasonable grounds as to the truth of the information, you must believe on reasonable grounds that it may be true and that it is of sufficient significance to justify disclosure so that its truth may be investigated.

Whether you are entitled to protection under the *Public Interest Disclosure Act 2018* will depend in part on who you are and the subject matter of the disclosure. Anyone can make an *appropriate disclosure of environmental and health information* in accordance with the Act. However only *public officers* are eligible for the protection under the *Public Interest Disclosure Act 2018* if disclosing *public administration information* (see [Section 5 Definitions](#) of this Procedure for what constitutes *public administration information*).

You will be a *public officer* of PIRSA if you are the Chief Executive, a public sector employee, a contract or temporary staff member or a contracted service provider.

A *public officer* of another agency or public authority will also be entitled to protection under the Act when making an *appropriate disclosure of public administration information* relating to PIRSA or a PIRSA employee.

## Step 2 - Making a disclosure

To gain protection under the [Public Interest Disclosure Act 2018](#), your disclosure must be made to a *relevant authority*. What is a *relevant authority* will depend on the subject and nature of the information (see [Part 3.4 of this Procedure](#))

You can seek advice from a PIRSA *responsible officer* or the [Office for Public Integrity](#) if you are unsure which is the most appropriate *relevant authority* to report your information to.

Most *relevant authorities* will pass the information on to another *relevant authority* if they do not consider they are the most appropriate authority to investigate the disclosure. When doing this they will notify you, where they are able to do so, of the action taken.

### Protecting you as an informant

When making the disclosure of information, if you reveal your identity, you have rights (set out below) to be kept informed. Please speak to the *recipient* about how you wish to be contacted by them. It is important that keeping you informed is done in a way that maintains strict confidentiality. Decide together how they will keep you informed.

It is better to be kept informed in writing, although this is not a requirement.

When the *recipient* of your information refers it to another *relevant authority*, your identity will not be disclosed without your consent, unless it is necessary to disclose your identity for one of the purposes outlined in [Part 3.6 of this Procedure](#).

## Step 3 - Assessment of disclosure

Once you make an *appropriate disclosure of public interest information* the *recipient* of that information must assess it and decide what action should be taken.

Outcomes of the assessment may include

- Where the information suggests that there is an imminent risk of serious physical injury or death to a specific person or the public generally, the *recipient* must immediately communicate the information to an appropriate

agency e.g. SAPOL, SafeWork SA, SA Ambulance, Environment and Protection Authority.

- Where the *recipient* forms a reasonable suspicion that the information discloses *corruption in public administration*, the recipient must report the matter to the Office for Public Integrity in line with OPI's [Directions and Guidelines for public officers, public authorities and inquiry agencies](#)
- Where the *recipient* assesses the content as requiring further action, to take such action to ensure the subject matter of the disclosure is properly addressed
- Where the *recipient* assesses the content as requiring further action by another *relevant authority*, the *recipient* must ensure that the information is communicated to the appropriate person or authority to take that action.
- Where the recipient assesses the information as requiring no action, no action will be taken. This may be because the information is assessed as not justifying taking any action or because the matter has already been investigated or for any other reason.

Where your identity is known to the *recipient*, following the assessment, the *recipient* must take reasonable steps to notify you of

- the action being taken in relation to the information; or
- if, no action is being taken in relation to the information, the reasons why no action is being taken.

The *recipient* is also required to notify the Office for Public Integrity as soon as practicable regarding your disclosure. Section 4 of the Guideline 1 of the [Public Interest Disclosure Guidelines issued by ICAC](#) set out the recommended matters to be reported to OPI. These include, where your identity has been communicated by the *recipient* to another party, the reasons for such communication.

## Step 4 - Action to be taken

If any action is taken in relation to your information, then the *recipient* of your information (or the person it has been referred to) must take reasonable steps to notify you (if your identity is known) of the outcome of that action.

They must also report the outcome to the Office for Public integrity in accordance with the [Public Interest Disclosure Guidelines issued by ICAC](#) .

### Concerns about the action taken

If you are concerned that the *recipient* of your disclosure is not dealing appropriately with your information

- If your *appropriate disclosure of public interest information* was made to a *relevant authority* within PIRSA other than a *responsible officer*, you may contact a PIRSA *responsible officer* and discuss the matter with them.
- If your *appropriate disclosure* was made to a PIRSA *responsible officer*, or you have discussed the matter with a *responsible officer* and are still not satisfied with the outcome, you may contact another of the *relevant authorities* listed in [Part 3.4 of this Procedure](#).
- If your appropriate disclosure was made to another *relevant authority*, you may contact the Office for Public Integrity.

### Where you are not notified of action taken

Where you have made an *appropriate disclosure of public interest information* and made your identity known to the *recipient*, and you either

- Have not received notification of the outcome of the assessment of that information by the *recipient* within 30 days of providing the information, or
- Have not received notification of the outcome of any action taken by the *recipient* (or another *relevant authority* to which the *recipient* referred your information) within 90 days of providing the information (or longer period notified in writing to you before the expiry of the 90 day period),

you may, if you believe the information to be true, make an *appropriate disclosure* of the public interest information to a journalist or to a member of Parliament who is not

a Minister of the Crown in accordance with section 6 of the [Public Interest Disclosure Act 2018](#). An *appropriate disclosure* made in accordance with section 6 will attract the protections of the Act.

### **Concerns about adverse consequences of making an appropriate disclosure**

If you are concerned or suspect that you are or may be adversely affected as a consequence of having made or being about to make an *appropriate disclosure* of *public interest information*, you are encouraged to report your concern or suspicion to

- A PIRSA [responsible officer](#)
- If your concerns relate to the way in which a PIRSA *responsible officer* is handling your matter, a different PIRSA *responsible officer*
- Alternatively, you might prefer to contact the [Office for Public Integrity](#).

### **Duty of confidentiality**

PIRSA [responsible officers](#) and other *recipients* of public interest disclosure are required under the [Public Interest Disclosure Act 2018](#) to ensure *appropriate disclosures* are kept strictly confidential.

This includes restricting access to any printed materials, which will be kept in a locked cupboard or drawer that only the PIRSA *recipient* can access. Any conversations with an *informant* must be held in private. Emails sent to and from PIRSA *recipients must be* kept secure and are not to be accessed by other staff members.

PIRSA 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*.

PIRSA [responsible officers](#) can provide support and information to *informants* about the protections provided under the *Public Interest Disclosure Act 2018*.

## APPENDIX 2: RECEIVING AND DEALING WITH AN APPROPRIATE DISCLOSURE OF PUBLIC INTEREST INFORMATION

### *Receipt, assessment and notification of appropriate disclosures of public interest information*

In order to determine whether someone has made an *appropriate disclosure of public interest information* to you, you need to assess the information given to you and consider

- Whether the information is *public interest information* and, if so
- Whether you are a *relevant authority* for the particular information.

### Public Interest Information

*Public interest information* may be *environmental and health information* or *public administration information*. These are defined in [Part 3.2 of this Procedure](#).

This procedure is only required to be followed in relation to *public administration information* where the person disclosing the information is a *public officer*. See [Part 5 of this Procedure](#) for who is a *public officer*.

### Relevant authorities

Whether you are a *relevant authority* will depend on the subject of the *public interest information* being disclosed. Within PIRSA, you will be a *relevant authority* where the disclosure relates to a PIRSA *public officer* and you are a *responsible officer* or you are responsible for the management or supervision of that *public officer*. If the information relates to a public sector employee, you will be a *relevant authority* if you are a *responsible officer*.

In some cases the information will need to be referred to an external *relevant authority*. See [Part 3.4 of this Procedure](#) for more detail on *relevant authorities*.

If you are unsure whether the information disclosed is *public interest information*, or whether you are a *relevant authority* for that information you should seek advice from a PIRSA *responsible officer* or the [Office for Public Integrity \(OPI\)](#).



Once you have determined that you are a *relevant authority* who has received an *appropriate disclosure of public interest information* you must take steps to comply with the [PID Act](#) and the [Public Interest Disclosure Guidelines issued by ICAC](#). To ensure you are complying with the PID Act it is recommended that you seek the advice and assistance from a PIRSA *responsible officer*.

**When seeking advice you must not disclose the identity of the *informant*, nor disclose any information that could reveal the identity of the *informant*, unless the *informant* has consented to that disclosure.**

If you are not a *relevant authority* for the purposes of the [PID Act](#), or the information disclosed to you is not considered *public interest information* for the purposes of the Act, you should immediately advise the *informant* that is the case and seek advice from a PIRSA *responsible officer* as to what the next steps should be.

### **Informant confidentiality**

When receiving an *appropriate disclosure of public interest information* from the *informant*, you should ask the *informant* how they wish to be contacted by you. The *informant* may wish to remain anonymous and, if so, should understand that they will not be advised of the outcome of their disclosure.

If the *informant* discloses their identity to you, you should ensure you obtain contact details so that you can inform them of outcomes relating to their disclosure. The *informant's* identify and contact details must be managed in a way that ensures strict confidentiality as required by section 8 of the [PID Act](#). Communications with the *informant* must be made in a manner that maintains their confidentiality. Decide with the *informant* how you will keep them informed.

It is better they be kept informed in writing, although this is not a requirement.

### **Assessment**

A *recipient of public interest information* must assess the information as soon as practicable after the disclosure is made (see section 7(1) of the [PID Act](#)). Whilst the PID Act does not impose a time limit on the assessment of the information, the *informant* is entitled to make another disclosure of the *public interest information* to a journalist or member of Parliament under section 6 of the Act, when they have not

been notified of the outcome of the assessment within 30 days of making the disclosure (note this does not apply if the informant does not disclose their identity). It is important therefore that the assessment is undertaken promptly.

If you are the *recipient* of an *appropriate disclosure of public interest information*, you should consider seeking the advice of a PIRSA *responsible officer* on how to undertake the assessment. In doing so, you should not disclose the identity of the *informant*.

Assessment should be undertaken in accordance with Guideline 1 of the [Public Interest Disclosure Guidelines issued by ICAC](#).

### **Assess for Imminent Risk**

Immediately assess the information to ascertain whether there is an imminent risk of serious physical injury or death to any person or to the public generally. If you consider there is such a risk, you should immediately communicate such information as may be necessary to mitigate the risk to an appropriate agency e.g. SAPOL, SafeWork SA, SA Ambulance, Environment and Protection Authority.

### **Assess whether the information disclosed is public interest information**

*Public interest information* may be *environmental and health information* or *public administration information*. These are defined in [Part 3.2 of this Procedure](#).

### **Public administration information**

*Public administration information* comprises *corruption, misconduct or maladministration in public administration*. See [Part 5 of this Procedure](#) for definitions of *corruption, misconduct and maladministration in public administration*.

### **Corruption in Public Administration**

If you form a reasonable suspicion that the information discloses *corruption in public administration*, you must comply with the reporting obligations under the [Independent Commission Against Corruption Act 2012](#). This will involve reporting the matter to the Office for Public Integrity using the on-line reporting form available at [South Australian Government - Make a complaint \(forms.sa.gov.au\)](#). You should ensure you are familiar with the [Directions and Guidelines for public officers, public](#)

[authorities and inquiry agencies](#) issued by OPI and the instructions for completing the form before you commence.

## **Misconduct or Maladministration in Public Administration**

If you form a reasonable suspicion that the information discloses *misconduct or maladministration in public administration*, you are no longer legally obliged to report the matter to the Office for Public Integrity however reporting to OPI is strongly recommended.

If you do not report to OPI, you may report directly to the South Australian Ombudsman via the on-line reporting tool available at [Make a report | Ombudsman SA](#).

In some circumstances you may consider it is more appropriate that the information be referred to another *relevant authority*, such as the Commissioner for Public Sector Employment. A full list of *relevant authorities* is set out in Appendix B to the [Public Interest Disclosure Guidelines issued by ICAC](#).

The [Ombudsman SA guidelines](#) provide that Ombudsman SA has an expectation that *public officers* and public authorities (including PIRSA) will report suspected *misconduct or maladministration in public administration* unless the *public officer* or public authority knows that the matter has already been reported to Ombudsman SA or to OPI.

## **Reasonable suspicion**

Suspicion is a state of mind that requires more than conjecture or speculation but may be less than a knowledge or belief as to the existence of relevant facts. A suspicion must have a factual basis. Whether or not a suspicion is reasonable will depend on the surrounding circumstances.

## **Assessed as requiring further action**

If you assess the disclosure as requiring further action, unless the matter is reported to OPI as potential *corruption in public administration*, you must take appropriate action to ensure the matter which is the subject of the disclosure is properly addressed. This may include providing information about the matter to the most appropriate person or *relevant authority* to take such action.

**When referring information to another person or *relevant authority* for investigation, you must not disclose the identity of the *informant*, nor disclose any information that could reveal the identity of the *informant*, unless the *informant* has consented to that disclosure or you believe it is necessary to disclose the information to ensure that the matter can be properly investigated.**

**In this case you must follow Guideline 3 of the [Public Interest Disclosure Guidelines issued by ICAC](#).**

### **Notifying outcome of assessment**

Where the *informant* has provided their identity, they must be notified within 30 days of the *appropriate disclosure* being made (refer [Assessment](#) above) following assessment as to

- What action is being taken in relation to the information, or
- Where no action is being taken, the reasons why no action is being taken.

It is preferable for the notification to be made in writing using means of communication which you have agreed with the *informant* (see [Informant confidentiality](#) above).

You must also notify the Office for Public Integrity in accordance with Guideline 1 of the [Public Interest Disclosure Guidelines issued by ICAC](#) using the electronic notification form on the [Office for Public Integrity website](#).

When you report the matter to OPI you will be assigned a unique reference number. This reference number must be provided to any other party to whom you refer the *appropriate disclosure* for investigation as it will be required in order for them to report the investigation outcomes to OPI.

### ***Investigation of appropriate disclosures of public interest information and notification of outcome***

This section of the Guideline applies to the *recipient* of an *appropriate disclosure* made by an *informant* and to a *relevant authority* that has been referred information provided through an *appropriate disclosure* following assessment of the information.

## Time frame for investigation and notification to informant

If the information is assessed as requiring further action and the matter is not referred to another *relevant authority* for investigation, you should aim to complete your investigation within 90 days of receipt of the *appropriate disclosure* from the *informant* and to notify the informant of the outcomes of the action.

If you form the view that it will take longer than 90 days from the *appropriate disclosure of public interest information* for an outcome, then you must notify the *informant* in writing of this alternative longer period of time in which you will report to them on the outcomes of the actions. Ideally this should be done when you notify the *informant* of the action to be taken.

If the informant is not notified of the outcome of the investigation within 90 days or such longer period as notified to them, they will be entitled, if they believe the information to be true, to disclose it to a journalist or member of parliament under section 6 of the [PID Act](#).

## Conduct of investigation

If you do not refer the *appropriate disclosure* to a PIRSA *responsible officer* or other *relevant authority*, you must take the appropriate action as determined following assessment of the information.

In doing so you must ensure that you do not disclose the identity of the *informant* except so far as is necessary to ensure that the matters to which the information reported can be properly investigated.

## Notifying outcome of investigation

You must take reasonable steps to notify the *informant* (if the *informant's* identity is known) of the outcome of that action (section 7(3)(a) [PID Act](#)). Notification should take place within the time frames set out above. It is preferable for the notification to be made in writing using means of communication which you have agreed with the *informant* (see [Informant confidentiality](#) above).

You must also notify the Office of Public Integrity of the outcomes in accordance with Guideline Two of the [Public Interest Disclosure Guidelines issued by ICAC](#).

You must notify the *informant* and OPI regardless of whether any action was taken following the investigation.

### **Keeping the information safe**

Any person who has received an *appropriate disclosure* of *public interest information*, must keep that information confidential.

PIRSA [responsible officers](#) have access to a secure positional mailbox through their email account. The mailbox can only be accessed by PIRSA [responsible officers](#) and has appropriate ICT security measures in place.

PIRSA [responsible officers](#) and any *recipients* of an *appropriate disclosure* of *public interest information* must ensure that all details relating to the *appropriate disclosure* are kept strictly confidential. This includes, but is not limited to ensuring

- all printed materials are kept in a locked cupboard or drawer that only the *recipient* or PIRSA *responsible officer* can access
- any conversations with an *informant* are held in private
- all communications relating to the disclosure are made in a confidential manner and, where communicating with the *informant* communications will be in a manner advised to the *recipient* by the *informant*
- emails are kept secure and are not accessed by other staff members.

PIRSA 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*.

**PIRSA [responsible officers](#) will provide support and information about the [PID Act](#) protections to potential informants, and will encourage *informants* to raise any concerns they have about potential detrimental outcomes that may be caused from the disclosure, and to address those concerns.**

## APPENDIX 3: HOW INFORMANTS CAN CONTACT PIRSA

There are a number of ways you can contact PIRSA to make *an appropriate disclosure of public interest information*, including:

- Email: [PIRSA\\_PID@sa.gov.au](mailto:PIRSA_PID@sa.gov.au)
- Telephone: (08) 8226 0995 (Head Office), or
- Post: *\*Mark the envelope private and confidential*

Public Interest Disclosure, Department of Primary Industries and Regions

c/- People and Culture

GPO Box 1671, Adelaide SA 5001

You can contact a *responsible officer* via the channels above to make an *appropriate disclosure* or you may request to meet them face to face in a neutral location.

PIRSA's Chief Executive is responsible for ensuring compliance with the following

- Where an *appropriate disclosure* is made, the PIRSA *responsible officer* or other *relevant authority* within PIRSA that is the *recipient* of that disclosure will ensure that the information is securely received and not divulged to other parties
- Only [responsible officers](#) will be able to access the PIRSA\_PID mailbox (with appropriate ICT security measures).

When making the disclosure of information, if you are revealing your identity, you have rights about being kept informed. Please speak to the *responsible officer* or other *relevant authority* about how you wish to be contacted by them.

The person receiving the *public interest information* must comply with the requirements set out under the PID Act and must also follow the procedures outlined in this document (see the section 'Receiving and dealing with an appropriate disclosure of public interest information').

### Accessibility and assistance

For customers who do not have English as their first language or customers who are hearing impaired or mute, the Australian Government provides the following services:

- Translating and Interpreting Services (TIS): call 131 450
- National Relay Service (speak and Listen): call 1300 555 727
- National Relay Service (TTY users): call 133 667
- Internet relay users can make an online call at: <https://relayservice.gov.au/>

Customers using these services can request to be put through to PIRSA via telephone on (08) 8226 0995 to provide a *disclosure* or to make an enquiry.

## APPENDIX 4: PIRSA RESPONSIBLE OFFICERS

- Mehdi Doroudi – Chief Executive
- Peter Appleford – Executive Director, SARDI & Major Programs
- Jo Collins – Executive Director, Industry, Strategy and Partnerships
- Michelle Griffiths – Executive Director, Corporate Services