

# Public Interest Disclosure Procedure

Version 2

CEO approved (10 April 2024)

Sets out the procedure for making and dealing with disclosures of public interest information in relation to Funds SA



## Version history

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## 1. Objective

The objective of these Procedure is to assist in the protection of integrity in Funds SA, by seeking to ensure compliance with the *Public Interest Disclosure Act 2018 (PID Act)* and informing Funds SA employees as to the impact and operation of this Act.

The PID Act establishes a scheme that encourages and facilitates the appropriate disclosure of public interest information (which comprises both public administration information and environmental and health information) to certain persons or authorities (a public interest disclosure).

It provides protections for public officers who make an appropriate disclosure of public administration information and sets out processes for dealing with such disclosures. It also provides protections for all persons who make an appropriate disclosure of environmental and health information.

## 2. Overview

In accordance with the requirements of the PID Act, this Funds SA Public Interest Disclosure Procedure sets out the process:

- for any person who wants to make an appropriate disclosure of public interest information concerning a Funds SA employee or Funds SA, and
- for any employee of Funds SA in dealing with any such appropriate disclosure.

The Independent Commission Against Corruption (the **ICAC**) has published Public Interest Disclosure guidelines under section 14 of the PID Act (**ICAC PID Guidelines**) to provide additional requirements. The ICAC PID Guidelines also provide general information about the PID Act. This Procedure has been prepared to comply, and be consistent, with the ICAC PID Guidelines.

The Office of Public Integrity (**OPI**) has also prepared directions and guidelines which require all public officers, public authorities and inquiry agencies, with some exceptions, to report to the Office any matter they reasonably suspect involves corruption in public administration.

The Ombudsman SA encourages all public officers and public authorities to report to the Ombudsman any matter they reasonably suspect involves misconduct or maladministration in public administration, again with some exceptions.

It is important that improper conduct which falls short of raising a potential issue of corruption, misconduct or maladministration in public administration is still raised and addressed through appropriate channels as per public officers' responsibilities under the Code of Ethics for South Australian Public Sector.

## 3. Obligations on public sector agencies

In accordance with section 12 (5) of the PID Act and ICAC PID Guideline four, this Procedure sets out the following:

- The manner in which Funds SA receives disclosures of public interest information, including (refer to Appendix B):

- the way in which a disclosure can be securely received;
- what steps Funds SA has put in place to ensure the public interest information is securely received and stored; and
- who is responsible for ensuring compliance with these steps.
- The criteria that will be applied in the assessment of a public interest disclosure.
- The manner in which details of the assessment will be securely stored and the person in Funds SA who will be advised of the assessment.
- The manner in which an informant will be kept informed as to action taken in respect of a disclosure.
- The person in Funds SA who can be contacted if an informant believes that his or her disclosure is not being dealt with appropriately.
- Obligations on Funds SA and its officers and employees to take action to protect informants.
- Risk management steps for assessing and minimising detrimental action against people because of public interest disclosures and detriment to people against whom allegations are made in a disclosure.

This Procedure sets out how you can ensure you are complying with the PID Act and the associated directions and guidelines.

#### 4. Funds SA Statement of Principles

The Chief Executive Officer of Funds SA is committed to:

- Accountability and transparency across Funds SA.
- Protecting informants who disclose public interest information appropriately.
- Having sound procedures for receiving public interest information.
- Genuine and efficient consideration and investigation of any public interest disclosure matters relating to Funds SA.
- Keeping persons who disclose information informed about the action taken or the outcome of any investigation.
- Addressing matters of corruption, maladministration and misconduct in public administration.
- Ensuring all Funds SA employees are informed about their rights and the correct process for disclosing and receiving public interest information.

#### 5. Scope

All employees will comply with the PID Act. Where employees are considering a disclosure of public interest information under the PID Act, they should also consider if they have obligations under the Directions and Guidelines issued by the Office for Public Integrity (OPI).

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

## 6. Definitions

**Informant** – A person who makes an appropriate disclosure of public interest information is referred to in this Procedure and throughout the PID Act as an informant.

**Public officer** – The term public officer is defined in Schedule 1 of the ICAC Act. The most common categories of public officer can be found in the appendices to the ICAC PID Guidelines. Public sector employees are public officers.

**Principal officer** – A public sector agency for the purpose of this Procedure means the Chief Executive Officer of Funds SA.

**Relevant authority** – The PID Act designates certain persons or organisations who can receive an appropriate disclosure of public interest information, depending on who or what the information relates to.

**Responsible Officer** – Under section 12(1) of the PID Act, as principal officer of Funds SA the Chief Executive Officer has appointed the Executive Manager, Governance, Risk and Compliance (EMGRC) as the responsible officer for Funds SA.

In accordance with section 13 of the PID Act, the responsible officer must:

- receive appropriate disclosures of public interest information relating to Funds SA and ensure compliance with the PID Act in relation to such disclosures, and
- make appropriate recommendations to the Funds SA Chief Executive Officer in relation to dealing with such disclosures, and
- provide advice to officers and employees of Funds SA in relation to the administration of the PID Act.

Anyone wanting to disclose public interest information related to Funds SA can therefore seek the advice of the Funds SA responsible officer. In addition, information is also available on the following websites:

- ICAC ([www.icac.sa.gov.au](http://www.icac.sa.gov.au))
- Office for Public Integrity (OPI) ([www.publicintegrity.sa.gov.au](http://www.publicintegrity.sa.gov.au))
- Ombudsman SA ([www.ombudsman.sa.gov.au](http://www.ombudsman.sa.gov.au)).

Information about the responsible officers for Funds SA can be found on the Public Interest Disclosures page of the Funds SA website: [www.funds.sa.gov.au](http://www.funds.sa.gov.au).

All other terms used but not defined in these procedures have the respective meanings given to them in the PID Act.

## 7. Making an appropriate disclosure of public interest information

Section 5 of the PID Act sets out what is an appropriate disclosure of public interest information.

In order to make an appropriate disclosure of public interest information you need to determine whether the information you have is public interest information and what type of public interest information it is. All persons can receive protections under the PID Act for disclosing environmental and health information but only public officers receive protections for disclosing public administration information. These terms are explained in more detail below.

You then need to determine who you should disclose the information to (i.e. who the relevant authority is).

Advice can be provided to you by the Funds SA responsible officer. Further information about the PID Act can also be found on the ICAC, OPI or Ombudsman SA websites.

## 8. Receiving an appropriate disclosure of public interest information

In order to determine whether an informant has made an appropriate disclosure of public interest information to you, you need to assess the information given to you, determine whether it is public interest information and consider whether you are a relevant authority for that type of information. (refer to Appendix A)

Advice can be provided to you by the Funds SA responsible officer. Further information about the PID Act can also be found on the ICAC, OPI or Ombudsman SA websites.

## 9. What is Public Interest Information

Public Interest Information consists of two categories of information:

### 9.1 Public administration information

- Public administration information means information that raises a potential issue of corruption, misconduct or maladministration in public administration. The definitions of corruption has the same as those found in the ICAC Act. Misconduct and maladministration in public administration have the same meaning as in the Ombudsman Act.
- While anyone can make a disclosure of public administration information, only public officers who make such a disclosure are eligible for the protections provided by the PID Act.
- It is important to note that the definition of misconduct in section 4(1) of the Ombudsman Act is limited to a contravention of a relevant Code by a public officer that is intentional and serious.
- To gain the protections provided by the PID Act a public officer must make a disclosure of public administration information to a relevant authority (refer Appendix 1) in circumstances where the public officer reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration.

## 9.2 Environmental and health information

- Environmental and health information means information that raises a potential issue of a substantial risk to the environment or to the health and safety of the public generally or a significant section of the public.
- Anyone can make a disclosure of environmental and health information. However, to gain the protections provided under the PID Act, a person who makes a disclosure of environmental and health information:
  - must believe on reasonable grounds that the information is true; or
  - not being in a position to form such a belief, 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.
- A disclosure of environmental and health information that is accompanied by either of these beliefs is referred to as an appropriate disclosure of environmental and health information for the purposes of the PID Act

Further information about Public Interest Information can be found on the ICAC, OPI or Ombudsman SA websites.

## 10. False or Misleading Disclosures

A public officer should consult the responsible officer if they suspect a disclosure to be false or misleading. It is an offence against the PID Act, with a maximum penalty of \$20 000 or imprisonment for 2 years, to make a disclosure of public interest information knowing that it is false or misleading in a material particular (whether by reason of the inclusion or omission of a particular). Such a disclosure of public interest information is not protected by the PID Act.

## 11. Protecting Informants

There are two types of public interest information:

1. Environmental and health information
2. Public administration information.

Only public officers are eligible for the protections provided by the PID Act when they make an appropriate disclosure of public administration information.

However, anyone is eligible for the protections provided by the PID Act if they make an appropriate disclosure of environmental and health information, provided:

- they believe on reasonable grounds that the information is true; or
- not being in a position to form such a belief, 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.

### 11.1 Confidentiality

- 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.



An offence against this section carries a maximum penalty of \$20,000 or imprisonment for 2 years.

- ICAC PID Guideline three sets out some exceptions to maintaining confidentiality including in cases where it may be necessary to reveal the identity of an informant to prevent or minimise an imminent risk of serious physical injury or death to any person. Under the PID Act it is a criminal offence to divulge the identity of an informant except in the limited circumstances where that is permitted.
- If you receive an appropriate disclosure of public interest information, when seeking any advice, for example from the OPI or from the Funds SA responsible officer, you must not disclose the identity of the informant unless the informant has consented.
- You can only disclose the identity of the informant in accordance with ICAC PID Guideline three or if you have:
  - assessed the disclosure; **and**
  - based on that assessment, you are referring the appropriate disclosure of public interest information to the OPI, Ombudsman SA, or to the Funds SA responsible officer for investigation; **and**
  - based on that assessment, you have concluded that the matter cannot be fully investigated in the absence of the identity of the informant being disclosed

### 11.2 Immunity

- A person who makes an appropriate disclosure of public interest information has the immunity provided for in section 5(1) of the PID Act.

### 11.3 Victimization

- It is a criminal offence to victimise a person who makes an appropriate disclosure of public interest information.
- The PID Act provides that a person who personally commits an act of victimisation under the PID Act is guilty of an offence. The offence carries a maximum penalty of a \$20,000 fine or imprisonment for 2 years.
- The PID Act also contains provisions dealing with victimisation of a person who suffers a detriment on the ground, or substantially on the ground, that the person has made (or intends to make) an appropriate disclosure of public interest information. This is also addressed in section 9 of the PID Act.

### 11.4 Preventing or hindering disclosures

- It is an offence against the PID Act for a person to prevent another person from making an appropriate disclosure of public interest information or to hinder or obstruct another person in making such a disclosure. The offence carries a maximum penalty of \$20,000 or imprisonment for 2 years.

### 11.5 How Funds SA will protect informants

- In order to ensure that informants are protected, Funds SA will:
  - Provide support and information on the PID Act protections to the informant.

- 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.
- Furthermore, public officers are able to refer to the Funds SA Human Resources Procedure for any concerns or complaints that need to be addressed.
- Remember you can seek the advice of the Funds SA responsible officer to ensure you are complying with the ICAC PID Guidelines, as well as with the PID Act.

## 12. Role and responsibilities

### 12.1 Chief Executive Officer (CEO)

The CEO, as **Principal Officer**, has a responsibility to (amongst other things):

- ensure these procedures are promulgated;
- keep private an informant's identity (except where disclosure is permitted under the PID Act);
- create an environment to protect informants from victimisation; and
- make available a suitably trained Funds SA employee to carry out the duties of Responsible Officer under section 13 of the PID Act.

### 12.2 Executive Manager, Governance, Risk & Compliance (EMGRC)

The EMGRC, as **Responsible Officer**, has a responsibility to (amongst other things):

- ensure these procedures are updated and made available for all employees;
- keep private an informant's identity (except where disclosure is permitted under the PID Act);
- create an environment to protect informants from victimisation;
- receive appropriate disclosures of public interest information relating to Funds SA;
- make appropriate recommendations to the Principal Officer of Funds SA in relation to dealing with public interest disclosures;
- provide advice to officers and employees of Funds SA in relation to the administration of the PID Act;
- encourage informants to raise any concerns they have about potential detrimental outcomes that may be caused from the disclosure; and
- ensure that the person making the disclosure is kept informed of progress in the investigation, taking into account the sensitivity and confidentiality of the matter.

### 12.3 Employees

Employees should:

- disclose appropriate public interest information to the EMGRC, CEO or relevant authority;
- assist with any investigation if required;
- comply with the PID Act and these Procedures if an appropriate disclosure of public interest information is made to the employee;
- keep private an informant's identity if it becomes known (except where disclosure is permitted under the PID Act); and
- not victimise an informant or potential informant.

## 13. Review

The EMGRC will review these procedures at least triennially or at any time as required by changes in the PID Act.

Next review due: March 2026

## 14. Related References

- Public Interest Disclosure Act 2018
- Independent Commissioner Against Corruption Act 2012
- Public Sector Act 2009
- Code of Ethics for the South Australian Public Sector
- ICAC PID Guidelines 2022
- Ombudsman Act 1972

## 15. Approval

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John Piteo  
**Chief Executive Officer**

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Date

## Appendix A: How to make an appropriate disclosure of public interest information

### Step 1

#### Before making a disclosure

To make an appropriate disclosure of public interest information you need to determine whether the information you have is public interest information and you need determine who you should disclose the information to (i.e. who the relevant authorities are).

Whether you receive protection under the PID Act will depend in part on who are and the subject matter of the disclosure:

- Anyone can receive the protection of the PID Act if an appropriate disclosure is made of environmental and health information in accordance with the PID Act.
- Only public officers are eligible for the protections under the PID Act if making an appropriate disclosure of public administration information.

### Step 2

#### Making a disclosure

If you want to make an appropriate disclosure of public interest information related to Funds SA or a Funds SA public officer, you have a number of options including:

1. You can contact the OPI and speak to them

The OPI is a relevant authority to receive disclosures of public administration information or environmental and health information regarding Funds SA, Funds SA public officers and Funds SA public sector employees.

2. You can contact the Funds SA Responsible Officers

The Funds SA Responsible Officer can provide you with advice and assistance. The Funds SA responsible officer is a relevant authority to receive disclosures of public administration information or environmental and health information regarding Funds SA and Funds SA public sector employees.

You can follow the steps at Appendix C.

3. Contact the person's manager or supervisor

If your disclosure of public administration information or environmental and health information relates to a Funds SA public officer, the person responsible for the management or supervision of that Funds SA public officer is also a relevant authority and you can disclose to them.

4. Contact the Office of the Commissioner for Public Sector Employment

The Commissioner for Public Sector Employment is a relevant authority to receive disclosures of public administration information or environmental and health information regarding Funds SA and Funds SA public sector employees.

The person receiving the appropriate disclosure of public interest information is required to comply with a number of requirements set out under the PID Act and this procedure.

When making the disclosure of information, if you are revealing your identity, you have rights set out below about being kept informed. Please speak to the relevant authority 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.

### Step 3

#### Assessment of disclosure

Once you make an appropriate disclosure of public interest information in accordance with section 5 of the PID Act, the person to whom you made the appropriate disclosure must take certain steps as set out in section 7 of the PID Act.

This includes (amongst other things) taking reasonable steps to notify you (as the informant provided your identity is known) that an assessment of the information has been made and to advise you (as the informant) of either:

- the action being taken in relation to the information (section 7(1)(b)(i)), or
- if, no action is being taken in relation to the information, of the reasons why no action is being taken in relation to the information (section 7(1)(b)(ii)).

The action being taken in relation to the information can include referring it to another person. If the action being taken is referring it to another person, then your identity may be disclosed as part of that referral, provided divulging your identity is necessary for the purpose of investigating the disclosure.

If any action is being taken in relation to the information, then the person you disclosed the information to (or the person it has been referred to) must take reasonable steps to notify you (as the informant, if your identity is known) of the outcome of that action (section 7(3)(a)).

However, 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.

### Step 4

#### Action to be taken

Section 7 of the PID Act requires the person to whom an appropriate disclosure of public interest information is made to take certain actions and notify OPI and/or the Ombudsman SA in

accordance with the ICAC PID Guidelines. This is set out below in more detail within 'Appendix B: Receipt, assessment and notification of appropriate disclosures of public interest information'.

Section 7(2) provides that no action need be taken 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 requirements set out above from section 7 do not apply where an appropriate disclosure of public interest information is made to a journalist or a member of Parliament (see below).

#### Concerns about the action taken

If you are concerned or believe (as an informant) that your appropriate disclosure is not being dealt with by Funds SA appropriately:

- If your appropriate disclosure of public interest information was made to a relevant authority in Funds SA other than a responsible officer, please contact the Funds SA responsible officer (see contact details at Appendix 3). Responsible officers have obligations under the PID Act and will be able to assist you.
- If your appropriate disclosure was made to the Funds SA responsible officer, contact other relevant authorities such as OPI, Ombudsman SA, or the Office of the Commissioner for Public Sector Employment.

If you are concerned or suspect (as an informant) that you may have been or will be the subject of detriment on the grounds of having made, or being about to make, an appropriate disclosure of public interest information, you are encouraged to report that suspicion.

- Please raise your concerns or suspicions with the Funds SA responsible officer. Responsible officers have obligations under the PID Act and will be able to assist you.
- If your concerns relate to the way in which the Funds SA responsible officer, is handling your matter, you might want to raise your concerns with the Principal Officer, the CEO.
- Alternatively, you might prefer to contact other relevant authorities such as OPI, Ombudsman SA, or the Office of the Commissioner for Public Sector Employment.

#### Disclosure to a journalist or member of Parliament

If you have:

- made an appropriate disclosure of public interest information in accordance with section 5; and
  - believe on reasonable grounds that the information is true; and
  - if you have made your identity known to the person to whom that appropriate disclosure was made (that is, they can contact you);
- you have certain rights.

You should receive notification of the action being taken (or the reasons for no actions being taken) within 30 days after making that disclosure.

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You should also receive notification of the outcome of the action within 90 days after making that disclosure. However, the person whom you notified can give you a written notice saying that this period of time will be longer.

These notifications can be either verbal or in writing. Under these Procedures the relevant authority is directed to provide the notification in writing but under the PID Act, this is not a requirement.

If the above applies, and if after 30 days or 90 days (or such other longer period specified in writing) you have not been notified as required, you are entitled to receive the protections under the PID Act if you 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) (see section 6 of the PID Act).

Under the PID Act journalist means a person engaged in the profession or occupation of journalism in connection with the publication of information in a news medium.

Other information

As set out in these Procedures, Funds SA has an obligation to protect informants.

The Funds SA responsible officer is directed to ensure matters are kept strictly confidential, for example, all printed materials are kept in a locked cupboard or drawer that only the Funds SA responsible officer can access and any conversations with an informant are to be held in private. In addition, the emails sent to and from the Funds SA responsible officer are kept secure and are not accessed by other staff members.

Funds SA 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.

The Funds SA responsible officer will provide support and information about the PID Act protections to informants and encourage informants to raise any concerns they have about potential detrimental outcomes that may be caused from the disclosure.

## Appendix B: Receiving and dealing with an appropriate disclosure 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 you are a relevant authority for the particular information.

Advice can be provided to you by the Funds SA responsible officer and also by the Office for Public Integrity (OPI) and Ombudsman SA.

- 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 consents.

There are two types of public interest information. The first is environmental and health information. The second is public administration information. Whether you are a relevant authority will depend on the subject matter of the information being received.

- Once you have determined that you are a relevant authority who has received an appropriate disclosure of public interest information you must take certain steps to comply with the PID Act and the ICAC PID Guidelines.

To ensure you are complying with the PID Act it is recommended that you seek the advice and assistance of the Funds SA 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 consents.

When receiving the disclosure of information please speak to the informant about how they wish to be contacted by you. It is important that if the informant has provided their identity that they be kept informed as set out below, but that it is done in a way that maintains strict confidentiality. Decide together how you will keep them informed.

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

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

A person to whom an appropriate disclosure of public interest information is made, must assess the information as soon as practicable after the disclosure is made (see section 7(1) of the PID Act).

If you are person to whom an appropriate disclosure of public interest information is made, then you should consider seeking the advice of the Funds SA responsible officer immediately. Your legal obligations will be numerous and complicated, and the Funds SA responsible officer will be able to assist you.

#### Step 1

#### Assessment

Section 7 of the PID Act requires a person to whom an appropriate disclosure is made to assess the information as soon as practicable after the disclosure is made.

#### ► Assess for Imminent Risk



Immediately assess the disclosure to ascertain whether the 'imminent risk' provision of ICAC PID Guideline One: Receipt, assessment and notification of appropriate disclosures applies (see below).

If the content of the disclosure suggests that there is an imminent risk of serious physical injury or death to any person or the public generally, you (as the recipient of the disclosure) 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).

► Assess to decide whether, on its face, it is a disclosure of public interest information

- 1) Does the information disclosed raise a potential issue of:
  - a) Corruption in public administration
  - b) Misconduct in public administration
  - c) Maladministration in public administration?
- 2) Does the information disclosed raised 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?

If the disclosure assessed has the character of public interest information you have an obligation to report that matter to the OPI and/or the Ombudsman SA, applying the criteria in the ICAC Act, and in accordance with ICAC PID Guideline One:

- If the recipient of the disclosure forms a reasonable suspicion that the matter(s) the subject of the disclosure involve(s) corruption in public administration, or serious or systemic misconduct or maladministration in public administration, the recipient of the disclosure must comply with his or her reporting obligations under the ICAC Act.

► Assess for no further action

If the obligation to report under the ICAC Act does not arise, assess whether this is information in relation to which no action need be taken seeking the advice of the Funds SA responsible officer.

No action need be taken 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 (see section 7(2)).

► No Action Required: Notification of Informant

If no action is being taken, as the person to whom the appropriate disclosure of public interest information was made, you still need to comply with 7(1)(b) of the PID Act.

The Funds SA responsible officer can assist you but you must take reasonable steps to notify the informant (if the informant's identity is known):

- that an assessment of the information has been made;
- that no action is being taken in relation to the information; and

- the reasons why no action is being taken in relation to the information.

Make this notification within 30 days of receiving the appropriate disclosure of public interest information.

- If you take longer than 30 days and if the informant believes on reasonable grounds that the information is true, the informant is entitled to disclose the public interest information to a journalist or a member of Parliament other than a Minister of the Crown, and the disclosure will be considered to be an appropriate disclosure of public interest information.

#### ► Assess for further action required

If the information does not give rise to a potential issue of corruption, but warrants further action, you need to determine who best should take action in relation to it, having regard to the following criteria:

- 1) If investigation of the information may be warranted, who has the skills, resources and powers to investigate the matter?
- 2) If the information is substantiated following an investigation, what action would be appropriate? Who has the skills, resources and delegations to take appropriate action in relation to the matter arising from the information, if the information is substantiated?

Having identified the appropriate person or authority to take action in relation to the matter raised by the information, the information should be further assessed to determine what information should be communicated to that person or authority to enable the information to be properly addressed.

#### ► Action Required: Provide Information to OPI and/or the Ombudsman SA

- If action needs to be taken, unless good reasons exist for not doing so, please refer the appropriate disclosure of public interest information to the Funds SA responsible officer.
- Following your assessment, when referring the appropriate disclosure of public interest information to the Funds SA responsible officer, you can only disclose the identity of the informant if you have:
  - assessed the disclosure; and
  - based on that assessment, you are referring the appropriate disclosure of public interest information to the Funds SA responsible officer for investigation; and
  - based on that assessment, you conclude that the matter cannot be fully investigated in the absence of the identity of the informant being disclosed.
- If you do not have enough information to draw that conclusion, please omit the informant's identity from your referral. If the Funds SA responsible officer considers that they need the informant's identity to properly investigate, they will tell you.
- Even if you refer the appropriate disclosure of public interest information to the Funds SA responsible officer then you must still:
  - take action in relation to the information in accordance with the ICAC PID Guideline One set out below (as required by section 7(1)(a)); and
  - provide OPI and/or the Ombudsman SA with information relating to the disclosure in accordance with the ICAC PID Guideline One (as required by section 7(1)(c)).
- The Funds SA responsible officer can assist you.
- You must ensure that you are complying with ICAC PID Guideline One.

ICAC PID Guideline One applies in respect of the action to be taken by a person to whom an appropriate disclosure of public interest information has been made (the recipient of the disclosure) and in respect of the notification to the OPI and/or the Ombudsman SA of the receipt of the appropriate disclosure.

If you are a person to **whom an appropriate disclosure of public interest information has been made:**

- 1) If the content of the disclosure suggests that there is an imminent risk of serious physical injury or death to any person or the public generally, you (as the recipient of the disclosure) 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).
- 2) If you (as the recipient of the disclosure) form a reasonable suspicion that the matter(s) the subject of the disclosure involve(s) corruption in public administration, or serious or systemic misconduct or maladministration in public administration, you must comply with your reporting obligations under the ICAC Act.
- 3) If you (as the recipient of the disclosure) assesses the content of the disclosure as requiring further action, you must, unless the matter is reported to the OPI and/or the Ombudsman SA as a potential issue of corruption in public administration, ensure that:
  - a) such action as may be appropriate in the circumstances is taken by you to ensure the matter the subject of the disclosure is properly addressed; or
  - b) such information as is necessary to enable action to be taken is communicated to the most appropriate person or relevant authority to take such action.
- 4) You (as the recipient of the disclosure) must notify the OPI and/or the Ombudsman SA of the appropriate disclosure as soon as reasonably practicable after the receipt of the appropriate disclosure by making an electronic notification via the dedicated notification form on the ICAC website and must include in that notification:
  - a) the date the disclosure was received;
  - b) your 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 you (as the recipient of the disclosure) including:
    - i) whether the disclosure was referred to another relevant authority, public authority, public officer or another person; and
    - ii) if the disclosure was referred to another relevant authority, public authority or public officer or other person,
      - (1) the date of the referral;
      - (2) the identity of that relevant authority, public authority or public officer or another person to whom the disclosure was referred;
      - (3) the manner of referral; and
      - (4) the action to be taken by that relevant authority, public authority or public officer or another person (if known).
  - f) if no action was taken by you (as the recipient of the disclosure) the reason why no action was taken; and
  - g) whether the identity of the informant is known only to you (as the recipient of the disclosure) or if the identity of the informant has been communicated to a relevant authority, public authority or public officer or another person (and if so, the reasons why such communication was made).

- 5) As the recipient of the disclosure you must retain the unique reference number issued by the OPI and/or the Ombudsman SA after the making of a notification and must ensure that that unique reference number is provided to any other person or authority to whom the disclosure is referred.

**Step 2**
**Action Required: Notification of Informant**

As a person to whom an appropriate disclosure of public interest information has been made, you also need comply with section 7(1)(b) of the PID Act.

The Funds SA responsible officer can assist you.

- You must take reasonable steps to notify the informant (if the informant's identity is known) that an assessment of the information has been made and to advise the informant of the action being taken in relation to the information.
- Make this notification within 30 days of receiving the appropriate disclosure of public interest information. Make this notification in writing. However before emailing an informant, please ensure they have agreed to an appropriate email address to be used.
  - If you take longer than 30 days, if the informant believes on reasonable grounds that the information is true, then they are entitled to disclose the public interest information to a journalist or a member of Parliament other than a Minister of the Crown, and the disclosure will be considered to be an appropriate disclosure of public interest information.
- As set out below, later on either you or a person to whom you have referred the disclosure to, will also need to notify the informant of the outcomes of the action. This needs to be done within 90 days of receiving the appropriate disclosure of public interest information (see below).
  - If you or the Funds SA responsible officer 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 then on the outcomes of the actions.
  - Do this when you notify the informant of the action being taken.

**Step 3**
**Outcomes of Action: Notification of Informant**

- It is recommended that you refer any appropriate disclosure of public interest information to the Funds SA responsible officer. You must take reasonable steps to notify the informant (if the informant's identity is known) of the outcome of that action (see section 7(3)(a) of the PID Act).
- If you do not refer the matter to the Funds SA responsible officer, you must take the appropriate action as decided through the assessment of the information. You must take reasonable steps to notify the informant (if the informant's identity is known) of the outcome of that action (see section 7(3)(a) of the PID Act).
- If you refer the appropriate disclosure of public interest information to the Funds SA responsible officer, or to another person, then the Funds SA responsible officer or the other

person must take reasonable steps to notify the informant (if the informant's identity is known) of the outcome of that action (see section 7(3)(a) of the PID Act).

- Please make this notification in writing however before emailing an informant, please ensure they have agreed to an appropriate email address to be used.
- This notification to the informant must be done within 90 days of receiving the appropriate disclosure of public interest information, or within such longer period if you have made a notification to the informant that you will take longer to report to them on the outcomes (see above).
  - If it takes longer than 90 days (or the alternative longer period of time notified above) to notify the informant of the outcomes of the action, and if the informant believes on reasonable grounds that the information is true, then they are entitled to disclose the public interest information to a journalist or a member of Parliament other than a Minister of the Crown, and the disclosure will be considered to be an appropriate disclosure of public interest information.

#### Outcomes of Action: Notification to the OPI and/or the Ombudsman SA

If you take action in relation to an appropriate disclosure of public interest information:

- you must provide OPI and/or the Ombudsman SA with information relating to the outcome of that action in accordance with ICAC PID Guideline Two: Notification of action taken set out below (see section 7(3)(b) of the PID Act)
- and if such action consists of referring the appropriate disclosure of public interest information to another person, then that other person to whom it is referred must provide OPI and/or the Ombudsman SA with information relating to the outcome of that action in accordance with ICAC PID Guideline Two (see section 7(3)(b) of the PID Act).

#### ICAC PID Guideline Two:

- provides that in addition to the requirement for OPI and/or the Ombudsman SA to be notified when an appropriate disclosure of public interest information is received (see ICAC PID Guideline One above), the OPI and/or the Ombudsman SA must also be notified of any action taken in relation to the disclosure.
- applies in relation to the notification to the OPI and/or the Ombudsman SA of the outcome of any action taken upon receipt of, or referral of, an appropriate disclosure of public interest information.
- If you have received an appropriate disclosure of public interest information, or if you have received a referral of such a disclosure from someone else, you must notify the OPI and/or the Ombudsman SA as soon as reasonably practicable via the online notification form with the following:
  - a) the unique identification number issued by the OPI and/or the Ombudsman SA 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.

### **Appropriate disclosure of public interest information made to Minister of the Crown**

If an appropriate disclosure of public interest information is made to a Minister of the Crown, the following provisions apply:

- 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 this section (as if the disclosure had been made to the relevant authority); and
  - must ensure that the Minister is notified of the action taken under this section in relation to the information and the outcome of such action (see section 7(5) of the PID Act).

### **Keeping the information safe**

Any person who has received an appropriate disclosure of public interest information and made an assessment of that information, must keep that information confidential and stored in a secure manner, whether this is electronically or in printed form.

The Funds SA Responsible Officer:

- will have access to a secure positional mailbox through their email account. The mailbox will only be accessed by the responsible officer and has appropriate ICT security measures in place.
- are directed to ensure matters are kept strictly confidential, for example, all printed materials are kept in a locked cupboard or drawer that only the Funds SA Responsible Officer can access and any conversations with an informant are to be held in private. In addition, the emails sent to and from the Funds SA Responsible Officer are kept secure and are not accessed by other staff members.

Funds SA 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.

The Funds SA responsible officer will provide support and information about the PID Act protections to informants and encourage informants to raise any concerns they have about potential detrimental outcomes that may be caused from the disclosure.

## Appendix C: How informants can contact Funds SA

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

- Funds SA website: [Public Interest Disclosure - Funds SA](#)
- Email: [complaints@funds.sa.gov.au](mailto:complaints@funds.sa.gov.au)
- Post: \*Mark the envelope private and confidential  
Funds SA Responsible Officer  
Public Interest Disclosure, Funds SA  
GPO Box 2639  
Adelaide SA 5001
- Telephone: 08 8218 6455
- Document exchange: DX117 Adelaide

You can contact the Funds SA 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.

Upon receiving the disclosure, the Funds SA responsible officer, will ensure:

- that the information is securely received and not divulged to other parties; and
- the Chief Executive Officer is responsible for ensuring compliance with these steps.

When making the disclosure of public interest information, if you are revealing your identity, you have rights about being kept informed. Please speak to the Funds SA responsible officer 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 'Appendix B: Receiving and dealing with an appropriate disclosure of public interest information').

### Accessibility and assistance

For individuals 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 Service (TIS): call 131 450
- National Relay Service (Speak and Listen): call 1300 555 727
- National Relay Service (TTY users): call 133 677
- Internet relay users can make an online call using National Relay Service

Individuals using these services can request to be put through to Funds SA responsible officer to provide a disclosure or to make an enquiry.