

Public Interest Disclosure Procedure			
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Responsibility	Corporate Services Manager		
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Version	1		

Principal Officer - Statement of Intent

This Procedure has been prepared in accordance with the requirements of sections 12(4) and 12(5) of the Public Interest Disclosure Act 2018 (PID Act).

As Chief Executive Officer of Northern Adelaide Waste Management Authority (NAWMA) and designated Principal Officer for the purposes of the PID Act, I expect that the implementation and operation of the PID Act will encourage and facilitate:

- further transparency and accountability in administrative and management practices; and
- the Disclosure, in the public interest, of information about substantial risks to public health or safety, or to the environment, and about corruption, misconduct and maladministration in public administration.

This Procedure, and NAWMA's Public Interest Disclosure Policy, are designed to enable that to occur, by ensuring that proper procedures are in place for the making of such Disclosures and for dealing with such Disclosures, and by providing appropriate protections for those who make such Disclosures.

It is paramount that all staff and Board Members remain deeply committed to the protection of informants who make public interest disclosures in accordance with the objectives of the PID Act, and to the genuine and efficient consideration and action in relation to information provided to NAWMA via a public interest disclosure, as contemplated and demonstrated by this Procedure.



Any questions about this Procedure or NAWMA's Public Interest Disclosure Policy should be directed in the first instance to a Responsible Officer, whose details are provided within this Procedure.

Chief Executive Officer
Northern Adelaide Waste Management Authority

1. Purpose

1.1 Northern Adelaide Waste Management Authority is committed to:

- upholding the principles of transparency and accountability in its administrative and management practices;
- the protection of informants who make Public Interest Disclosures; and
- the genuine and efficient consideration and action in relation to information provided in a Public Interest Disclosure

and therefore, encourages the making of appropriate disclosures that reveal public interest information.

1.2 The purpose of this Procedure is to set out the applicable procedures and processes that NAWMA has in place for making and dealing with appropriate Disclosures of Public Interest Information to ensure that NAWMA:

- properly fulfils its responsibilities under the PID Act and the ICAC Act;
- appropriately encourages and facilitates Disclosures of Public Interest Information, including disclosures of both Environmental Health information and Public Administration Information
- provides a process by which Disclosures may be made so that they are properly investigated;
- provides appropriate protection for those who make Disclosures in accordance with the PID Act; and
- recognises the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate Disclosure

2. Scope

This Procedure applies to appropriate Disclosures of Public Interest that are made in accordance with the PID Act including (but not limited to) by Board Members, Officers, and Employees of NAWMA and by members of the public.

This Procedure is intended to complement the reporting framework under the ICAC Act. It is designed to complement the existing communication channels within NAWMA and operate in conjunction with other existing policies.

3. Responsibilities

Role of the Principal Officer

3.1 The Principal Officer is responsible for:

- ensuring that one or more appropriately qualified officers or employees of NAWMA are designated as Responsible Officers for the purposes of the PID Act and that those persons undertake any training as required by the Public Interest Disclosure Regulations; and
- ensuring the name and contact details of each Responsible Officer are made available to members of the public, officers, and employees of NAWMA; and
- the preparation and maintenance of this Procedure in accordance with the requirements of the PID Act and the Directions and Guidelines.

Role of the Responsible Officer

3.2 The person/s designated as a Responsible Officer for NAWMA must:

- receive appropriate Disclosures and ensure compliance with the PID Act and this Procedure in relation to any such Disclosures;
- make appropriate recommendations to the Chief Executive Officer of NAWMA in relation to dealing with Disclosures, including any suggested changes to this Procedure or the Public Interest Disclosure Policy; and
- provide advice to officers and employees of NAWMA in relation to the administration of the PID Act and PID Regulations; and
- complete any training courses required and approved by the Commission for the purposes of the PID Regulations; and
- carry out any other functions relating to the PID Act.

Role of a Board Member, Employee or Officer

3.3 A Board Member, employee or officer of NAWMA is responsible for:

- ensuring they comply with this Procedure and the Public Interest Disclosure Policy when dealing with any Disclosure; and
- immediately referring any Disclosure of Public Interest Information made to them by a public officer (where that information relates to the area of NAWMA) to a Responsible Officer of NAWMA.

Receipt of a Disclosure

- Upon receipt of a Disclosure (whether from an Informant directly, or on referral from a Board Member, employee or Officer of NAWMA), the Responsible Officer will deal with the Disclosure in accordance with the processes described in this Procedure, and within the authority granted by the Public Interest Disclosure Policy and the PID Act.
- If an Informant believes that their Disclosure is not being dealt with appropriately or in accordance with this Procedure or the Public Interest Disclosure Policy, they should contact the Responsible Officer in the first instance.



4. Responsible Officers

The Responsible Officer may be contacted in person, by telephone or in writing. The relevant contact details are:

- Northern Adelaide Waste Management Responsible Officers
 - o Corporate Services Manager
 - o Business Excellence Manager
- Phone: 8259 2100 – request to be transferred to a Responsible Officer
- In writing Address as:
Private and Confidential – Public Interest Disclosure
Northern Adelaide Waste Management Authority
Attention: Responsible Officer
71-75 Woomera Avenue
Edinburgh SA 5111

Email: pid@nawma.sa.gov.au

5. Confidentiality

The identity of an Informant will be maintained as confidential in accordance with the PID Act.

In accordance with section 8 of the PID Act, it is a criminal offence for the identity of an Informant to be disclosed in the absence of their consent unless:

- the recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the Informant is then divulged to a person or authority that the recipient believes on reasonable grounds is the most appropriate authority or person to be able to take action to prevent or minimise the imminent risk of serious physical injury or death to any person;
- the recipient has been issued with a notice from the Office of Public Integrity (OPI) advising that the identity of the Informant is required by the OPI, in which case the recipient must disclose the identity of the Informant to the OPI; or
- doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation).; or
- the Informant consents to his/her identity being disclosed

The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) to be maintained as confidential, but in considering whether to further disclose other information provided as part of an appropriate Disclosure, the recipient of the Disclosure should be mindful of the prohibition against Victimisation in the PID Act.

An Informant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.

6. Disclosure Types

The Public Interest Disclosure Procedure provides for appropriate disclosure types in accordance with the Public Interest Disclosure Act 2018.

Disclosure Types:

ENVIRONMENTAL AND HEALTH INFORMATION

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 (whether occurring before or after the commencement of the PID Act). Where the information relates to a location within the area of a particular Council

Who can receive a disclosure: a member, officer or employee of the specific Council to which the information relates

Any member of the community can make a disclosure of environmental and health information, however, to gain the protections provided under the PID Act, they:

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

PUBLIC ADMINISTRATION INFORMATION

Information that raises reasonable suspicion about corruption, misconduct or maladministration in public administration (whether occurring before or after the commencement of the PID Act) by a public officer who is a Board Member, officer or employee of NAWMA.

Who can receive a disclosure: The person responsible for the supervision of the employee that the information relates to and then referred to the Responsible Officer, or directly to the Responsible Officer.

7. Disclosure Process

7.1. The PID Act provides for protection of Informants where Public Interest Disclosures are made:

- 7.1.1. Disclosures should generally, and wherever possible, be directed in the first instance to the Responsible Officer who has the responsibility for receiving appropriate Disclosures relating to NAWMA.
- 7.1.2. However, nothing in this Procedure prevents a person from making a Disclosure to another Relevant Authority, including a Relevant Authority external to NAWMA. This is a choice to be made by the Informant at their



7.2. The following are relevant considerations for an Informant in determining where to direct a Disclosure:

- 7.2.1. Disclosures relating to a Board Member, officer or employee of NAWMA should be made to a Responsible Officer;
- 7.2.2. Any Disclosure relating to the Chief Executive Officer, including a person acting in that position, should be made to the Presiding Member of the Board
- 7.2.3. Any Disclosure relating to a person appointed as a Responsible Officer should be made to another person appointed as a Responsible Officer or to a Relevant Authority external to NAWMA (such as the OPI);
- 7.2.4. Any Disclosure relating to Public Administration Information (being information relating to corruption, maladministration or misconduct in public administration) about a public officer who is a Board Member, officer or employee of NAWMA may be made to a Responsible Officer or otherwise to a Relevant Authority external to the NAWMA (such as the OPI).
- 7.2.5. Any Disclosure relating to Environmental and Health Information where the information relates to a location within the area of a particular council should be made to a member, officer or employee of that Council, or otherwise to a Relevant Authority external to the NAWMA (such as the Environment Protection Agency).

7.3. A Disclosure may be made in person, by telephone or in writing (either by post or email). Where a disclosure is made by telephone, the recipient must take notes of the conversation and, where possible, ask the Informant to then provide the details in writing and/or come in to verify and sign the notes taken.

7.4. The PID Act creates an obligation to maintain the confidentiality of all people who make an appropriate disclosure. NAWMA is committed to ensuring that the details of informants are maintained securely within the N drive of the organisation under password protection accessible only by NAWMA's Responsible Officers.

The use of NAWMA's N drive under password protection will minimise the risk of detrimental action being taken against informants due to a public interest disclosure they have made and will also minimise the risk of a detrimental impact against those upon whom allegations have been made.

The following steps will be taken to ensure that a Disclosure is received securely:

- 7.4.1. The Responsible Officer will create a file and generate a specific file number in relation to the Disclosure received as soon as possible after receipt of the Disclosure.
- 7.4.2. The written/electronic Disclosure will be scanned and registered into NAWMA's N drive by the Responsible Officer.
- 7.4.3. The hard copy of any written Disclosures will be stored in a secure location within the Corporate Services office.
- 7.4.4. All ensuing documentation, details, notes etc will be registered in the N drive to the specific file allocated.

8. Receipt of a Disclosure

- 8.1. A table outlining the Relevant Authorities is at **Appendix A** to this Procedure and a table and flowchart outlining the Procedure is at **Appendix B**
- 8.2. If a Board Member, employee or officer receives a Disclosure of Public Interest Information and determines that they require assistance with the appropriate assessment and management of the Disclosure, the recipient of that Disclosure should:
 - 8.2.1. Ask the Informant whether they consent to the details of their identity being provided to the Responsible Officer, and in doing so advise the Informant that a failure to provide that consent may mean that the Disclosure cannot be properly investigated; and
 - 8.2.2. Refer the Disclosure to a Responsible Officer and comply with the wishes of the Informant regarding whether details of their identity may be divulged.
- 8.3. Upon the receipt of a Disclosure (whether directly, or by referral from a Board Member, employee or officer), the Responsible Officer will:
 - 8.3.1. Undertake a Preliminary Assessment in accordance with Part 9 of this Procedure; and
 - 8.3.2. As soon as practicable thereafter:
 - Notify the OPI of the Disclosure; and
 - Confirm receipt of the Disclosure with the informant; and
- 8.4. subject to the outcome of the Preliminary Assessment, take appropriate action, including where required:



- Appointing an Independent assessor to further investigate the Disclosure; and
- Notifying the Informant of the outcome of any action, including any investigation in accordance with Part 10 of this Procedure; and
- Notifying the OPI of the outcome of any action taken in accordance with Part 12 of this Procedure; and/or
- Reporting the outcome of any action taken to the Minister in accordance with Part 12 of this Procedure; and
- Preparing and issuing a final report to the Principal Officer in accordance with Part 13 of this Procedure (unless the Disclosure relates to the Principal Officer).

9. Preliminary Assessment of Disclosure

9.1. Where the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will acknowledge receipt of the Disclosure within five (5) business days, and include a copy of the PID Policy and Procedure for the informants information.

9.2. Upon receipt of a Disclosure, the Responsible Officer will undertake a Preliminary Assessment to determine:

9.2.1. Whether the Disclosure relates to information within the scope of the PID Act, namely whether it pertains to Public Administration Information;

9.2.2. If the content of the Disclosure suggests there is an imminent risk of serious physical injury or death to any person or the public generally;

9.2.3. If the matter/s involve corruption in public administration, or serious or systemic misconduct or maladministration in public administration; or

9.2.4. If the information disclosed justifies further action, including a decision as to whether the Disclosure:

- Is frivolous, vexatious or trivial (in which case, no further action will be taken in relation to the Disclosure);
- Involves a matter which has already been investigated or acted upon by a Relevant Authority and there is no reason to re-examine the matter or there is other good reason why no action should be taken in respect of the matter (in which case, no further action will be taken in relation to the Disclosure);
- Requires referral to another Relevant Authority external to NAWMA; or
- Warrants referral to an Independent Assessor for a formal investigation and report to the Board.

9.3. The Responsible Officer must report the outcome of the Preliminary Assessment determination to the Chief Executive Officer (unless the Disclosure relates to the Chief



Executive Officer in which case it should be reported to the Presiding Member of the Board and Chief Executive Officers of the Constituent Council's). Any report prepared in accordance with this Part will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in Section 5 of this Procedure apply.

- 9.4. Where the Responsible Officer determines that the content of the Disclosure suggests there is an imminent risk of serious physical injury or death to any person or to the public generally, the Responsible Officer must immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency (for example, South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority). In doing so, the Responsible Officer must also have regard to Section 5 of this Procedure.
- 9.5. Where the Responsible Officer forms a reasonable suspicion that the matter/s involve corruption in public administration, or serious or systemic misconduct or maladministration in public administration, the Responsible Officer must comply with the reporting obligations under the ICAC Act in accordance with the Directions and Guidelines.
- 9.6. Where the Responsible Officer determines the Disclosure warrants referral to an external body or another Relevant Authority, the Responsible Officer will undertake the referral, including ensuring that such information as is necessary to enable action to be taken is communicated to the most appropriate person or relevant authority to take that action.
- 9.7. Where the Responsible Officer determines the Disclosure requires any other action to ensure the matter subject of the Disclosure is properly addressed, the Responsible Officer will include in their determination details of any other recommended action.

10. Notification of Preliminary Assessment

- 10.1. If the Responsible Officer assesses the content of the disclosure as requiring no further action, the Responsible Officer must notify the Informant (if their identity is known) within 30 days of receipt of the Disclosure that:
 - 10.1.1. An assessment of the Disclosure has been made; and
 - 10.1.2. No action is being taken in relation to the Disclosure; and
 - 10.1.3. The reason/s why no action is being taken in relation to the information.



10.2. If the Responsible Officer assesses the content of the disclosure as requiring further action, the Responsible Officer must ensure that within 30 days of receipt of the Disclosure:

- 10.2.1. Such action as is appropriate in the circumstances is taken to ensure the matter(s), the subject of the Disclosure, are properly addressed; or
- 10.2.2. If such action consists of referring the Disclosure, whether to a Responsible Officer, or to the Chief Executive Officer or another Relevant Authority, 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

10.3. If the action taken does not consist of referring the Disclosure, the Responsible Officer must, within ninety (90) days of receiving the Disclosure, take reasonable steps to notify the Informant (if their identity is known) of the outcome of the action taken by NAWMA. This is detailed further in Part 12 of this Procedure.

10.4. If the Responsible Officer fails to notify the Informant in accordance with Section 8, the Informant may be entitled to protection in relation to any subsequent Disclosure of that information to a journalist or Member of Parliament in accordance with the PID Act.

10.5. If the Informant is dissatisfied with the Responsible Officer's determination, it is open for them to report the Disclosure to another Relevant Authority external to NAWMA.

10.6. As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the Responsible Officer must use the dedicated online notification form at icac.sa.gov.au to notify OPI of the Disclosure (Initial Notification), and in doing so must ensure that the details required by Guideline 1.4 of the Public Interest Disclosure Guidelines are included in the Initial Notification as detailed below:

- 10.6.1. the date the Disclosure was received;
- 10.6.2. the name and contact details of the Relevant Authority within NAWMA who initially received the Disclosure;
- 10.6.3. a summary of the content of the Disclosure;
- 10.6.4. the assessment made of the Disclosure;
- 10.6.5. the action taken by the recipient of the Disclosure including:
 - Whether the Disclosure was referred to another Relevant Authority (including to a Responsible Officer or the Chief Executive Officer of NAWMA), public authority, public officer or other person; and

- If the Disclosure was referred to another Relevant Authority, public authority, public officer or other person:
- The date of the referral;
- the identity of the Relevant Authority, public authority, public officer or other person to whom the disclosure was referred;
- the manner of referral; and
- the action to be taken by that Relevant Authority, public authority, public officer or another person (if known);

10.6.6. if no action was taken by the recipient of the Disclosure, the reason why no action was taken; and

10.6.7. whether the identity of the Informant is known only to the recipient of the Disclosure or if the identity of the Informant has been communicated to a Relevant Authority, public authority, public officer or other person (and if so, the reasons why such communication was made).

10.7. The Responsible Officer will retain the unique reference number issued by the OPI upon making the Initial Notification and will ensure that reference number is provided to any other person or authority to whom the Disclosure is referred.

11. Investigation Procedure – Independent Assessor

11.1. Where the Responsible Officer determines, following a Preliminary Assessment, that a Disclosure warrants referral to an Independent Assessor for a formal investigation and report to the Chief Executive Officer, the Responsible Officer will appoint an Independent Assessor in accordance with this Part.

11.2. The Independent Assessor will be appointed on a case-by-case basis depending on the nature of the Disclosure. NAWMA may prepare a list of pre-approved persons who may be appointed as an Independent Assessor in any given circumstances, in which case the Responsible Officer must have regard to this list in appointing the Independent Assessor.

11.2.1. An Independent Assessor will not be appointed to investigate a Disclosure of Public Administration Information (being information that raises a potential issue of corruption, **in the absence of a direction to do so from the OPI or the ICAC**, or if the information raises a potential issue of maladministration or misconduct in public administration, in the absence of a direction to do so from the OPI or the Ombudsman. Such Disclosures must be referred to the OPI for further investigation in accordance with the ICAC or Ombudsman Act.

11.3. The objectives of the investigation process are:

- 11.3.1. In appropriate circumstances, to investigate the substance of the Disclosure and to determine whether there is evidence in support of the matters raised or, alternatively, to refute the report made;
 - 11.3.2. To collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
 - 11.3.3. To consider the information collected and to draw conclusions objectively and impartially;
 - 11.3.4. To observe procedural fairness in the treatment of any person who is subject of the Disclosure; and
 - 11.3.5. To make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.
- 11.4. The Independent Assessor will observe the principles of natural justice throughout the investigation process. The investigation will be conducted in an efficient manner and will involve a thorough and balanced assessment of the available evidence and any other factors deemed relevant to making a fair and reasonable judgement about the matter.
- 11.5. Upon receipt of a Disclosure referral, the Independent Assessor will bring the fact of the Disclosure to the attention of the person who is the subject of it in writing within five (5) business days and provide them with an opportunity to respond to the Disclosure within 30 days (either in writing or in person). The full details of any allegations contained in the Disclosure need not be brought to the person's attention if the Independent Assessor considers that doing so will compromise the investigation.
- 11.6. During any interview with the Independent Assessor, the person who is the subject of a Disclosure may be accompanied by any person providing support to them (including a lawyer) as they consider fit. Any costs incurred in relation to obtaining the assistance of a support person are the personal expenses of the person subject of the Disclosure. The support person is bound by a duty of confidentiality in relation to any matter discussed during such interview.
- 11.7. The investigation will be undertaken in confidence. So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Independent Assessor will keep the identity of the Informant confidential unless the circumstances in Section 8 of this Procedure apply.
- 11.8. The Independent Assessor will keep the Responsible Officer informed of the expected timeframes for completion of the investigation and the provision of their investigation



11.9. Upon finalising an investigation, the Independent Assessor must prepare an investigation report to the Responsible Officer that will contain the following details:

- 11.9.1. the allegation(s);
- 11.9.2. an account of all relevant information received including any rejected evidence, and the reasons why the rejection occurred;
- 11.9.3. the conclusions reached and the basis for them; and
- 11.9.4. any recommendations arising from the conclusions, including any remedial action which should be taken by NAWMA.

The report is to be accompanied by:

- 11.9.5. the transcript or other records of any verbal evidence taken, including video/audio recordings; and
 - 11.9.6. all documents, statements or other exhibits received by the Independent Assessor and accepted as evidence during the course of the investigation.
- 11.10. Any report prepared in accordance with this Part will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in Section 8 of this Procedure apply.
- 11.11. The Responsible Officer must take whatever action is, in their discretion, considered appropriate in the circumstances having regard to the matters identified in the Independent Assessor's report.

12. Notification of Further Action

12.1. So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of the determination in writing as soon as is reasonably practicable after the determination has and, in any event, within either:

- 12.1.1. 90 days of receipt of the Disclosure; or
- 12.1.2. such longer period as may be specified by written notice given by the Responsible Officer within that 90 day period.

12.2. In doing so the Responsible Officer must advise the Informant of:

- 12.2.1. any action that has been, or will be taken in relation to the Disclosure; or
- 12.2.2. if no action is being taken in relation to the Disclosure, the reason/s why.

12.3. If the Responsible Officer fails to notify the Informant in accordance with the procedure, the Informant may be entitled to protection in relation to any subsequent

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disclosure of that information to a journalist or member of Parliament in accordance with the PID Act.

- 12.4. If the Informant is dissatisfied with the Responsible Officer's determination or the action taken it is open to them to report the Disclosure to another Relevant Authority external to NAWMA.
- 12.5. As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the Responsible Officer must use the dedicated online notification form at icac.sa.gov.au to notify OPI of the action taken in relation to the Disclosure (Further Notification) and, in doing so, must ensure that the details required by Guideline 2 of the Public Interest Disclosure Guidelines are included in the Further Notification.
- 12.6. If the Disclosure came to NAWMA by way of a referral from a Minister, the Responsible Officer must ensure that the Minister, Chief Executive Officer of NAWMA, the Presiding Member of the Board of NAWMA, the Board and the Chief Executive Officers of the Constituent Councils are also notified of the action taken in relation to the Disclosure, and the outcome of any such action. The Minister, Chief Executive Officer Of NAWMA, the Presiding Member of the Board of NAWMA, the Board and the Chief Executive Officers of the Constituent Council's should be notified in accordance with this Section following the Preliminary Assessment if the Responsible Officer determines that no action is to be taken.

13. Final Report and Recommendation

- 13.1. Upon finalising any action required in relation to a Disclosure, the Responsible Officer must prepare a report that will contain the following details:
 - 13.1.1. The subject of the Disclosure;
 - 13.1.2. An account of the steps taken by the Responsible Officer in accordance with this Procedure, including, where appropriate, enclosing a copy of any Independent Assessor's report;
 - 13.1.3. Conclusions reached as a result of the steps taken in response to the Disclosure and the basis for them; and
 - 13.1.4. Any recommendations arising from the conclusions, including any remedial action which should be taken by NAWMA.
- 13.2. Any report prepared in accordance with this Part will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in Section 8 of this Procedure apply.



- 13.3. The Responsible Officer's Report must be provided to the Chief Executive Officer to action as he/she/they consider appropriate.

14. Information to the Board and Constituent Councils

- 14.1. As a matter of discretion, the Chief Executive Officer may inform the Presiding Member of the Board, the Board and the Chief Executive Officers of the Constituent Council's, on a confidential basis, of the fact that an investigation of a Disclosure took place, (unless the Disclosure relates to the Chief Executive Officer in which case the Presiding Member of the Board may inform the Board and the Chief Executive Officers of the Constituent Council's and the outcome of the investigation).
- 14.2. The Chief Executive Officer (or Presiding Member of the Board if the Disclosure relates to the Chief Executive Officer) shall take into account, in determining whether to inform the Board and Constituent Councils, the level of detail to be provided to Board and Constituent Councils including:
- 14.2.1. If known, the identity of the Informant, and whether the Informant has consented to their identity being divulged;
 - 14.2.2. If applicable, the identity of any person the subject of the Disclosure;
 - 14.2.3. The impact (if any) of the investigation upon NAWMA's achievement of its objectives under its Charter and/or policies; and
 - 14.2.4. The impact of any action taken to finalise the matter upon NAWMA's operations and/or budget.
- 14.3. In the event the Disclosure and/or subsequent investigation process is confined to issues that impact only upon NAWMA staff and human resources processes, the Chief Executive Officer will not inform the Board or Chief Executive Officers of the Constituent Council's of the fact of the Disclosure and/or investigation.

15. Secure Handling and Storage of Information

- 15.1. The Responsible Officer must ensure accurate records of an appropriate Disclosure are securely and confidentially maintained including notes of all discussions, phone calls, and interviews.
- 15.2. The Responsible Officer will ensure all information relating to an appropriate Disclosure is maintained as confidential and as such, will be responsible for the secure storage of this information with restricted access ensured. No details will be placed on personnel files.
- 15.3. The Responsible Officer will maintain a confidential file of information (including written documents, disks, tapes, film or other objects that contain information) that relates to a



Disclosure and/or is a product of the associated investigation/reporting process. All such information will be recorded in a register which is to remain confidential and be securely stored.

15.4. In the event that a person's appointment as a Responsible Officer is terminated, the person must provide this information to the newly-appointed, or another Responsible Officer and having done so will continue to be bound by a duty of confidentiality in respect to all matters associated with the Disclosure.

15.5. Security and confidentiality obligations outlined in this Part also apply to any Independent Assessor appointed pursuant to this Procedure in relation to any Investigation.

15.6. In addition to the above, in giving effect to this responsibility, a Responsible Officer may employ security measures including, but not limited to:

- 15.6.1. Keeping all printed material in secure files that are clearly marked as "CONFIDENTIAL", and which warn of the criminal penalties that apply to any unauthorised access, use or divulging of information concerning a public interest disclosure;
- 15.6.2. Keeping all printed material in a locked cabinet/facility that is only accessible to the relevant authority at NAWMA and who is responsible for the management of the assessment and/or action of the disclosure;
- 15.6.3. Assigning specific password protections to all electronic material, which are provided only to the relevant authority at NAWMA who is responsible for the management of the assessment and/or action of the disclosure;
- 15.6.4. Ensuring all electronic material is only accessible by the relevant authority at NAWMA who is responsible for the management of the assessment and/or action of the disclosure; and
- 15.6.5. Conducting all telephone calls and meetings in relation to a public interest disclosure privately and in the strictest of confidence.

16. Protection for the Informant

16.1. An Informant who makes an appropriate Disclosure will be afforded the following protections under the PID Act:

- 16.1.1. Immunity from criminal or civil liability;
- 16.1.2. A prohibition on disclosure of his/her identity, other than in limited specific circumstances, as set out under the PID Act and Guidelines;
- 16.1.3. A prohibition against Victimisation; and
- 16.1.4. A prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure.



- 16.2. A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted
- 16.3. In accordance with section 12 of the PID Act, the Chief Executive Officer must also ensure there are risk management steps for assessing and minimising detriment to people against whom allegations are made in a Disclosure. NAWMA commits to providing the same protections to persons who are the subject of a Disclosure, as it does to Informants, which will include, but not necessarily be limited to:
 - 16.3.1. Keeping the identity of the Informant, and the subject of the Disclosure confidential;
 - 16.3.2. Flexibility as to where and when meetings are held, if and when necessary; and
 - 16.3.3. The opportunity to make reasonable requests in relation to how and when the Relevant Authority of NAWMA, responsible for the management of the Disclosure, makes contact with them, to minimise the potential for the person (being either the informant, or subject of the disclosure) to be subject to detriment.
- 16.4. NAWMA also commits to supporting all relevant authorities at NAWMA who receive any appropriate Disclosures of Public Interest Information.
- 16.5. NAWMA will take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from victimisation, and/or from being hindered or obstructed in making a Disclosure. Such action may include acting in accordance with the following risk minimisation steps:
 - 16.5.1. Referring the matter to the SAPOL
 - 16.5.2. Disciplinary action by NAWMA or the Chief Executive Officer (as appropriate) for any failure to act otherwise than in accordance with this Procedure or the Public Interest Disclosure Policy (including with respect to divulging the identity of an Informant) in relation to a Disclosure.

17. Public Interest Disclosure Register

- 17.1. For each disclosure shall include the following:
 - 17.1.1. The date a Public Interest Disclosure was received
 - 17.1.2. Name of the Public Officer who received the Public Interest Disclosure
 - 17.1.3. Name of Responsible Officer undertaking the assessment
 - 17.1.4. The date of the acknowledgement correspondence sent to the informant
 - 17.1.5. A summary of the allegation/information received
 - 17.1.6. Involvement of an external agency
 - 17.1.7. The action taken to minimise any risk
 - 17.1.8. Details of the Preliminary Assessment
 - 17.1.9. Date of the report provided to the CEO of the outcome of the Preliminary Assessment



17.1.10. Date when the Responsible Officer notified that a preliminary assessment of information had been made.

17.1.11. Date of any action taken and details

17.1.12. Date of who was notified from the action taken (eg informant, OPI, Minister)

The Responsible Officer/s will ensure that the Public Interest Disclosure Register is stored securely with restricted access and remain confidential.

18. Review of Procedure

- 18.1. This Procedure will be reviewed every four years, or as required as a consequence of amendments to the Act, Regulations, Guidelines or the statutory public integrity framework generally.

Procedure Responsibility

NAWMA's Chief Executive Officer is responsible for ensuring the proper operation of this Procedure.

Availability/Accessibility

This Procedure and NAWMA's Fees and Charges Register are available to be downloaded free of charge from NAWMA's website: www.nawma.sa.gov.au

This Procedure may be inspected at NAWMA's principal office during ordinary business hours. Hard copies, for a fee in accordance with NAWMA's schedule of Fees and Charges can be provided upon request.

Definitions

For the purposes of this Procedure the following definitions apply.

- 1) **Business days** means official working days, days between and including Monday through Friday (exclusive of public holidays).
- 2) **Commission** means the person holding or acting in the office of the Independent Commission Against Corruption.
- 3) **Corruption in public administration** is defined in section 5(1) of the ICAC Act and means:
 - (a) an offence against Part 7 Division 4 (Offences relating to public officers) of the Criminal Law Consolidation Act 1935, which includes the following offences:
 - i. bribery or corruption of public officers;
 - ii. threats or reprisals against public officers;
 - iii. abuse of public office;



- iv. demanding or requiring benefit on basis of public office;
 - v. offences relating to appointment to public office; or
 - (b) an offence against the Public Sector (Honesty and Accountability) Act 1995 or the Public Corporations Act 1993, or an attempt to commit such an offence; or
 - (c) an offence against the Lobbyists Act 2015, or an attempt to commit such an offence; or
 - (d) any of the following in relation to an offence referred to in a preceding paragraph:
 - i. aiding, abetting, counselling or procuring the commission of the offence;
 - ii. inducing, whether by threats or promises or otherwise, the commission of the offence;
 - iii. being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - iv. conspiring with others to effect the commission of the offence
- 4) **Detriment** includes:
 - (a) injury, harm (including psychological harm), damage (including damage to reputation) or loss;
 - (b) intimidation or harassment;
 - (c) discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or
 - (d) threats of reprisal (which may be express or implied, and/or conditional or unconditional).
- 5) **Directions and Guidelines** is a reference to the Directions and Guidelines issued pursuant to section 20 of the ICAC Act and/or section 14 of the PID Act, which are available on the Commission's website (www.icac.sa.gov.au).
- 6) **Disclosure** means an appropriate Disclosure of public interest information made by an Informant to a Relevant Authority.

A person makes an **appropriate Disclosure of environmental and health information** if:

- (a) the person:
 - i. believes on reasonable grounds that the information is true; or
 - ii. is not in a position to form a belief on reasonable grounds about the truth of the information, but believes on reasonable grounds that the information may be true and is of sufficient significance to justify its Disclosure so that its truth may be investigated; and
- (b) the Disclosure is made to a Relevant Authority.

A person makes an **appropriate Disclosure of public administration information** if:

- (a) the person:
 - i. is a public officer; and



- ii. reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and
 - (b) the Disclosure is made to a Relevant Authority.
- 7) **Employee** refers to all NAWMA's employees, whether they are working in a full- time, part-time or casual capacity.
- 8) **Environmental and health** information means information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public.
- 9) **Fraud** includes an intentional dishonest act or omission done with the purpose of deceiving.
- 10) **ICAC Act** is the Independent Commission Against Corruption Act 2012.
- 11) **Independent Assessor** means the person designated by the Responsible Officer as being responsible for investigating a Disclosure made to NAWMA in accordance with this Procedure.
- 12) **Informant** means a person who makes an appropriate Disclosure of public interest information to a Relevant Authority.
- 13) **Maladministration in public administration** is defined in section 4(2) of the Ombudsman Act 1972 and
- (a) Means:
 - i. conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
 - ii. conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and
 - (b) includes conduct resulting from impropriety, incompetence or negligence; and
 - (c) is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.
- 14) **Misconduct in public administration** is defined in section 4(1) of the Ombudsman Act 1972 and means:
- a) an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer

15) **NAWMA** means Northern Adelaide Waste Management Authority

16) **Office for Public Integrity (OPI)** is the office established under the ICAC Act that has the function to:

- (a) receive and assess complaints about public administration from members of the public;
- (b) receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, NAWMA and public officers;
- (c) refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commission or make recommendations as to whether and by whom complaints and reports should be investigated;
- (d) give directions or guidance to public authorities in circumstances approved by the Commission;
- (e) perform other functions assigned to the Office by the Commission.

17) **Public administration** is defined in section 4 of the ICAC Act and, without limiting the acts that may comprise public administration, an administrative act within the meaning of the Ombudsman Act 1972 will be taken to be carried out in the course of public administration.

18) **Public administration information** means information that raises a potential issue of corruption, misconduct or maladministration in public administration.

19) **Public interest information** means environmental and health information, or public administration information.

20) **PID Act** means the Public Interest Disclosure Act 2018.

21) **Principal Officer** for the purposes of the PID Act means the Chief Executive Officer of NAWMA.

22) **Public Officer** has the meaning given by section 4 and Schedule 1 of the ICAC Act, and includes

- a NAWMA Board member; and
- an employee or officer of NAWMA;

23) **Relevant Authority** means the person or entity that receives an appropriate Disclosure of public interest information in accordance with the PID Act, as set out in Appendix A to this Procedure.

24) **Responsible Officer** is a person who has completed any training courses approved by the Commission for the purposes of the Public Interest Disclosure Regulations 2019 and has

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been designated by NAWMA as responsible officer under section 12 of the PID Act.

- 25) **Victimisation** occurs when a person causes detriment to another on the ground, or substantially on the ground, that the other person (or a third person) has made or intends to make an appropriate disclosure of public interest information.

Related Documents

Local Government Act 1999
Public Interest Disclosure Act 2018
ICAC Act 2012
Ombudsman Act 1972

Document History

This Policy shall be reviewed at least every four (4) years or more frequently if legislation or NAWMA requires.

Version	Date Adopted	Minute No.	Description of Change
1	01/04/2024	8 May 2024 – Agenda Item 8.3	New Procedure



Appendix A – Relevant Authorities

Where the information relates to...	the relevant authority is...
A public officer* *As defined and set out in Schedule 1 of the <i>Independent Commission Against Corruption Act 2012</i> - Relevantly, this includes members, officers and employees of local government bodies	Either: • The person who is designated by the Guidelines as being taken to be responsible for management or supervision of the public officer; or • The person who is in fact responsible for the management or supervision of the public officer; or • The relevant responsible officer (as designated by NAWMA in accordance with section 12 of the PID Act)
A public sector agency or public sector employee	Either: • The Commission for Public Sector Employment; or • The responsible officer for the relevant public sector agency
An agency to which the <i>Ombudsman Act 1972</i> applies	The Ombudsman
A location within the area of a particular council established under the <i>Local Government Act 1999</i>	A member, officer or employee of that Council
A risk to the environment	The Environment Protection Authority
An irregular and unauthorised use of public money or substantial	The Auditor-General
The commission, or suspected commission, of any offence	A member of the police force
A judicial officer	The Judicial Conduct Commission
A member of Parliament	The Presiding Officer of the House of Parliament to which the member belongs
A person or a matter of a prescribed class	An authority declared by the regulations to be a relevant authority in relation to such information
Public interest information - being: Environmental and health information (information that raises a potential issue of a substantial risk to	The OPI; A Minister of the Crown; or Any other prescribed person or person of a



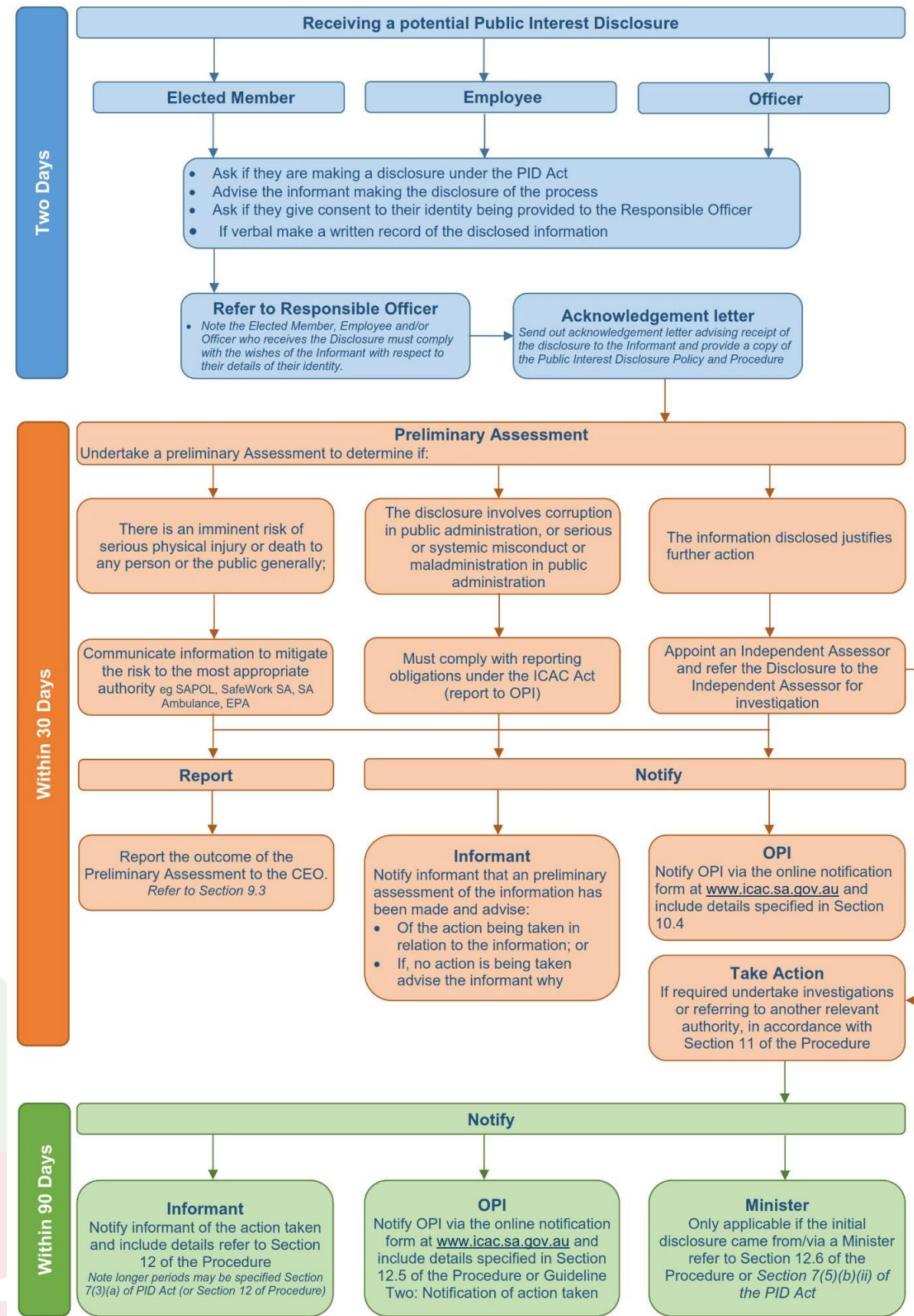
the environment or to the health or safety of the public generally or a significant section of the public); or

Public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration)

prescribed class



Appendix B – Procedure



Task ID	Framework	Task	Actioning Officer
1	Receipt of Disclosure:	Public Interest Disclosures may be received: • In person at any Northern Adelaide Waste Management Authority Principal Office • By NAWMA's Customer Service Officers on 8259 2105 • By email • In hard copy mail If an officer, employee or NAWMA Board Member is the initial contact person they must ask the informant if they consent to their details being provided to the Responsible Officer. Written consent should be provided. Failure to provide consent may hinder the investigation. If consent is withheld only provide the allegations to the Responsible Officer and withhold the details of the informant. Every attempt should be made to acknowledge receipt of the disclosure within five (5) business days (See part 8 of the procedure).	All Employees
2	Preliminary Assessment	Public Interest Disclosures must be referred to a Responsible Officer (RO). Where it is established that a general complaint is actually a public interest disclosure it will be referred to a Responsible Officer The preliminary assessment will be undertaken by the RO to determine: • If an imminent risk of serious harm exists • Whether there is a need to refer to OPI • Whether other action is required and if so, what	Employees Responsible Officer
3	Preliminary Assessment Action	For example: report risk of imminent harm to SA Police or another appropriate agency	Employees Responsible Officer
4	Capture	After receiving the correspondence, the RO, will be responsible for instigating a new secure electronic record and registering the correspondence with the highest	Responsible Officer



		security.	
5	Notify Informant Timeframes	Public Interest Disclosure contacts should be responded to within 30 days of receipt maximum. An outcome is to be provided within 90 days of receipt.	Responsible Officer
6	Notify OPI of disclosure	The RO will as soon as practicable notify OPI of the disclosure via the online notification form at icac.sa.gov.au Must include the details specified in Guideline 1 (see part 9 of procedure).	Responsible Officer
7	Investigate	When the RO has received an appropriate disclosure of public interest information an investigation will be undertaken to determine what action should be taken in relation to the disclosure. A preliminary investigation will be conducted by the RO to determine: • If the content of the disclosure suggests there is an imminent risk of serious physical injury or death to any person or the public generally; • If the subject of the disclosure involves corruption in public administration, or misconduct or maladministration in public administration; or • If the information disclosed justifies further action, including a decision as to whether the disclosure – - o Is frivolous, vexatious, or trivial (in which case, no further action will be taken in relation to the disclosure) - o Involves a matter which has already been investigated or acted upon by a Relevant Authority and there is no reason to re-examine the matter or there is other good reason why no action should be taken in respect of the matter (in which case, no further action will be taken in relation to the Disclosure); or requires referral to another Relevant Authority external to NAWMA	Responsible Officer
8	Consult	The RO should consult with the CEO through the course of the investigation (unless the Disclosure relates to the CEO then Presiding Member of the Board). Dependent	Responsible Officer



		on the nature of the disclosure, other staff members may need to be consulted or interviewed in accordance with the Procedure and Policy. It may be necessary to consider either the Code of Conduct Policy for allegations concerning the CEO or the Complaints Handling Procedure under the Code of Conduct for NAWMA Board Members for allegations concerning the Principal Member or Board Members when dealing with a disclosure.	
9	Determine	The Responsible Officer will prepare a draft response. The response will be signed on hard copy and scanned into ERMS	Responsible Officer
10	Resolution	The outcome must be reported to the informant within 90 days.	Responsible Officer
11	Report	Public Interest Disclosures must be reported to OPI by the RO and this report will include the informant details (if agreed to), the nature of the disclosure and the outcome of the investigation via icac.sa.gov.au	Responsible Officer