

Public Interest Disclosure Informants Policy

Version No: 5 Board Approved Date: 23 June 2023

Purpose

Local Government Professionals Australia, SA is committed to operating with high standards of transparency, accountability, integrity and responsibility.

The Policy acts as a framework to allow genuine concerns to be raised confidentially and provides for a thorough and appropriate investigation of the matter to bring it to a satisfactory conclusion.

This Policy applies to appropriate disclosures of public interest information made under the 'Public Interest Disclosure Act 2018 (the PID Act)' (the Act) that concern a public officer and are made by Board Members, employees, LG Professionals SA Members or members of the public.

An investigation may be performed by LG Professionals SA using internal procedures or through an external body.

Policy Objectives

This Policy is designed to:

- Allow employees, LG Professionals SA Members and members of the public to assist with identifying improper, corrupt or illegal conduct.
- Provide support, guidance and protection to informants.
- Establish a process for raising concerns and receiving responses in confidence.
- Inform informants of appropriate courses of action.
- Enable people to raise concerns confidentially and without fear of harassment or victimisation.
- Demonstrate LG Professionals SA's commitment to transparent, accountable and responsible governance.

Disclosure Process

Responsible Officers

The Responsible Officers for LG Professionals SA are:

- CEO
- President
- Treasurer
- Executive Member
- Executive Member

Their role is to receive a disclosure, conduct a preliminary assessment and determine if there is sufficient substance to the information provided to warrant further investigation or referral to an appropriate authority.

The Chief Executive Officer will only act as the Responsible Officer where a disclosure relates to a Responsible Officer who reports to the CEO directly or indirectly.

Where a disclosure concerns the Chief Executive Officer (or a person acting in that position) the CEO cannot be a Responsible Officer. One or more of the other Responsible Officers will consider the matter, and together they will advise the Chief Executive Officer of the disclosure, bearing in mind the principles of natural justice and procedural fairness, and appropriate protections of confidentiality for the informant. An external assessor will be appointed to undertake the investigation process.

Where a disclosure concerns a Board Member, the President will be advised and will assign either the Treasurer or an Executive Officer as the Responsible Officer. Where the disclosure concerns the President, the Treasurer will be the Responsible Officer.

Disclosure

A disclosure may be made to a Responsible Officer by any of the following means:

- In person - at the LG Professionals SA office where the matter will be documented.
- By email - to the relevant persons email address.
- In writing - address written disclosures to the Responsible Officer including their position title. All mail received this way will be delivered direct to a Responsible Officer unopened:

Confidential
Position Title /Name
LG Professionals SA
148 Frome Street
Adelaide SA 5000

Disclosures may be made anonymously, however, it is important to include sufficient details and evidence so that the matter can be properly investigated.

Alternatively an informant may choose to disclose information directly to an external authority. An external authority may for instance be SA Police in matters of illegal conduct.

Confidentiality

LG Professionals SA will take appropriate action to ensure an informant's identity remains confidential unless their consent is obtained or the disclosure of their identity is needed for the effective investigation of the matter, or the Responsible Officer determines that the release is necessary in the public interest.

Information disclosed by an informant will not be released to anyone who is not involved in the investigation process or subsequent determination without the authority to do so.

Where an informant wishes to remain anonymous the Responsible Officer will investigate an appropriate disclosure as extensively as reasonably practicable.

Investigation Process

The investigation process involves a preliminary assessment by the Responsible Officer and, if warranted, will be followed by a formal investigation and report by either the Responsible Officer or an independent external assessor. This process may include conferring with other Responsible Officers where appropriate, provided that the disclosure does not relate to them.

Allegations that cannot be supported by evidence or are deemed to be vexatious and or frivolous will not progress to a formal investigation under this Policy.

The person(s) about whom an allegation has been made will be provided natural justice, procedural fairness and support throughout the investigation process and will be given an opportunity to present their own documents or other evidence in response to the allegation(s).

Where reasonable suspicion of criminal conduct is formed the allegation(s) will not be investigated under this Policy. Appropriate disclosures of a serious or criminal nature will be reported to the relevant external authority. In those instances the external authority is unlikely to advise LG Professionals SA of the outcome of any investigation.

A separate confidential file will be maintained LG Professionals SA at the direction of the Responsible Officer. This confidential file will document approved actions and critical decisions made following receipt of an appropriate disclosure.

Preliminary Assessment

The Responsible Officer will assess if there is sufficient substance to the allegation(s) including whether referral to an independent external assessor or a formal internal investigation is appropriate. They may also confer with other Responsible Officers during this preliminary assessment period. The Responsible Officer will report to the Chief Executive Officer and President following completion of the preliminary assessment and make recommendations concerning remedial or other actions including whether an independent external assessor is appropriate.

Investigation

Where further investigation is warranted the Responsible Officer may consult with other Responsible Officers in preparing an investigation plan and establishing timeframes and resources required including appointing an independent assessor.

Any investigation will be conducted in an efficient manner and 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.

An investigation will have regard for investigation objectives such as:

- To examine the substance of the disclosure.
- Collate information relating to the allegation(s).
- Assess the information collected and draw conclusions objectively and impartially.
- Maintain a record of all discussions, phone calls or interviews.
- Maintain procedural fairness for any witnesses and the person(s) who are the subject of the disclosure.
- Make recommendations from any conclusions drawn.

Where the disclosure is investigated by LG Professionals SA, the informant (if known) will be notified by the Responsible Officer of the progress of any investigation and, where practicable, of the final outcome. The person the subject of the allegation(s) will also be advised that an investigation is being undertaken.

Reporting

At the conclusion of an investigation a written report will be given to the Chief Executive Officer and President.

Where the disclosure relates to the Chief Executive Officer the report will be given to the President (unless the President is the Responsible Officer or the subject of the investigation, in which case it will be presented to the Treasurer).

Where the disclosure relates to the President the report will be given to the Chief Executive Officer (unless the Chief Executive Officer is the Responsible Officer or the subject of the investigation, in which case it will be presented to the Treasurer).

The report will not disclose any particulars that could lead to the identification of the informant.

False Disclosure

Any person who knowingly makes a false disclosure of public interest information may be prosecuted. An employee who makes a false disclosure in addition to being guilty of an offence may also face disciplinary action in accordance with the provisions under the Code of Conduct for employees.

Availability of the policy

This policy will be available on the LG Professionals SA website: www.lgprofessionalssa.org.au

References

Public Interest Disclosure Act 2018

Definitions

Appropriate Authority - includes but is not limited to:

- a member of the police force – where the information relates to an illegal activity
- a Responsible Officer – where the information relates to a matter falling within the sphere of responsibility of LG Professionals SA

Corruption - is conduct of an officer involving a breach of that person’s duty and or the misuse or abuse of their position to gain a reward, benefit or for any dishonest or improper purpose.

Disclosure - means an appropriate disclosure of information made by an informant to an appropriate authority, including to a Responsible Officer.

Improper conduct - commonly includes impropriety or negligence, which may extend to conduct of a serious nature that is contrary to law; or unreasonable, unjust; or based on improper motives; or a result of acting outside the parameters of recommended practice.

Information (in the context of disclosure) - means information that tends to show that an adult person or LG Professionals SA as an entity is or has been involved in improper, corrupt or illegal activity.

Responsible Officer - is a person who is authorised to receive and act on information received from an informant.

Informant - is any person who makes an appropriate disclosure of information concerns improper, corrupt or illegal activity, corruption or maladministration.

Roles and Responsibilities

Department / Area	Role / Responsibility
Executive	Oversee the implementation of the Public Interest Disclosure Informant’s Policy where appropriate.
Board	Review and Approve appropriate policies.

Monitoring and Evaluation

The Board will monitor and review its **Public Interest Disclosure Informant’s Policy** annually in conjunction with the preparation and submission of annual budgets to the Board, or more frequently if there is any major change in organisational status.

Version History

Version	Date	Description of changes	Effective Date
1.0	September 2017	- Initial policy	15 September 2017
2.0	13 December 2019	- 'Whistleblower' changed to 'informant' and new Act referred to	13 December 2019
3.0	25 June 2021	- Removed reference to 'Immediate Past President' and 'President Elect' – replaced with Executive Member as per Constitution. - 'Immediate Past President' with 'Treasurer' in relevant sections	25 June 2021
4.0	24 June 2022	- Update to LG Professionals SA postal address	24 June 2022
5.0	23 June 2023	- Reviewed. Nil changes.	23 June 2023