

<b>Policy Name</b>	<b>Public Integrity - Complaints and Investigations</b>
<b>Policy Number</b>	CS20
<b>Responsible Section</b>	Governance
<b>Responsible Department</b>	Corporate Services
<b>Date Last Adopted</b>	13 August 2019
<b>Date of Next Review</b>	August 2021
<b>Applicable Legislation</b>	<ul style="list-style-type: none"> <li>• Local Government Act 1999 (and regulations)</li> <li>• Freedom of Information Act 1991</li> <li>• State Records Act 1997</li> <li>• Ombudsman's Act 1972</li> <li>• Independent Commissioner Against Corruption Act 2012</li> <li>• Public Interest Disclosure Act 2018</li> <li>• Commonwealth Privacy Act 1988</li> <li>• Australian Privacy Principles (APP) 2014</li> </ul>
<b>Related Governance Documents</b>	<p><b>Council Policies:</b></p> <ul style="list-style-type: none"> <li>• Communication</li> <li>• Elected Members Information Management</li> <li>• Conflict of Interest</li> <li>• Fraud and Corruption Prevention</li> <li>• Rate Rebates, Remissions and Hardship</li> </ul> <p><b>Administrative Policies:</b></p> <ul style="list-style-type: none"> <li>• Information Management</li> </ul> <p><b>Related Documents</b></p> <ul style="list-style-type: none"> <li>• Code of Conduct Elected Members</li> <li>• Code of Conduct Council Employees</li> <li>• Council Protocol &amp; Minister's Code of Conduct Council Assessment Panel (CAP)</li> <li>• Public Integrity Procedures</li> </ul>
<b>City Plan Theme</b>	Leadership - A City confident in its leaders

# PUBLIC INTEGRITY FRAMEWORK



ACTIONS	CATEGORIES	COMMITMENT
Receive	Comment and compliments	Openness
Capture	Request for Information	Honesty
Acknowledge	Request for Service	Trust
Timeframes	Freedom of Information	Respect
Respond	Complaint or Grievance	Fairness
Define	Internal Review of a Council Decision	Equity
Refer	Public Interest Disclosures	Access
Investigate	Ombudsman's Investigations	Opportunity
Consult	Code of Conduct Matters	Consistency
Determine	Legal Investigations – PAE Initiated	Performance
Decision	Minister Local Government Investigations	Delivery
Resolution	OPI Assessments	Commitment
Report	ICAC Investigations	Growth
Implement		Disclosure
Review		
	<b>Customer Satisfaction</b>	<b>Compliance</b>
		<b>Continuous Improvement</b>

## PURPOSE/OBJECTIVE

The Public Integrity – Complaints and Investigations policy provides guidance on the submission, receipt and management of complaints and investigations.

When Council manages complaints and investigations in line with the policy, the outcomes are expected to bring about improvements to the activities, services and functions that Council undertakes.

In all instances, it is the objective of the Council to seek outcomes and resolutions to the satisfaction of customers, while ensuring legislative compliance.

The Oxford Dictionary defines 'integrity' as:

1. The quality of being honest and having strong moral principles.
2. The state of being whole and undivided.

Section 270 of the *Local Government Act 1999* requires Council to maintain "policies, practices and procedures" for dealing with requests for service and complaints including a procedure about:

"the review of decisions of—

- (a) The council;
- (b) Employees of the council;
- (c) Other persons acting on behalf of the council."

The following 'policies, practices and procedures' have been developed to collectively meet Councils obligations under Section 270(a1) and 270(a2) of the Local Government Act 1999:

- This Public Integrity – Complaints and Investigations Policy
- The Rates Rebates, Remissions and Hardship Policy – sets out the specific ability to seek an internal review relating to the impact of a rate or service charge under Section 270(2)(ca)
- Public Integrity Framework
- Public Integrity Guide
- Administrative Procedures and templates for Public Integrity matters

## **SCOPE**

This policy supports the Leadership Theme – A City confident in its leaders.

The policy provides direction for the receipt, capture, response to and reporting of:

- Comments and compliments
- Requests for information
- Requests for service
- Freedom of Information Applications
- Complaints
- Requests for a Review of a Council Decision (Section 270 Review)
- Public Interest Disclosures
- Ombudsman's Investigations
- Code of Conduct complaints
- Legal matters- PAE initiated
- Minister Local Government investigations
- Assessments by the Office of Public Integrity (OPI)
- Investigations by the Independent Commission Against Corruption (ICAC).

This policy applies to all Public Officers relevant to Local Government. Schedule 1 of the *Independent Commissioner Against Corruption Act 2012* defines those Public Officers as:

- councillors
- council employees
- persons contracted to perform work for a public authority or the Crown.

Therefore, within the context of the City of Port Adelaide Enfield, this policy applies

- Elected Members
- Independent Members
- Council Employees
- Contractors
- Apprentices
- Trainees and
- Volunteers

## **Principles**

Council believes that integrity is demonstrated by transparent internal processes and reflects the level of trust and respect that the community hold for Council's systems and services.

It is the intention of the City of Port Adelaide Enfield and the administration to act upon any request or complaint from stakeholders in a consistent, fair, objective and timely manner.

Requests or complaints are viewed as the primary method for identifying customer needs and can present an opportunity to improve services. Complaints provide an opportunity to review processes, identify systemic weaknesses and underlying problems and ultimately make improvements.

This framework allows for requests and complaints to be accurately received, captured, investigated, determined upon and resolved, and presents a process for the implementation and reporting of improvements made as a result of a complaint.

This policy supports the objects of the *Freedom of Information Act 1991* to promote openness and accountability of government agencies and to encourage public participation in activities.

This policy supports the objects of the Independent Commissioner Against Corruption Act 2012 to expose corruption, misconduct or maladministration in public administration.

Although not bound by the Commonwealth Privacy Act 1988 or the Australian Privacy Principles, the Council is supportive of the objects of this legislation.

## **POLICY**

1. Confidentiality may be applied where it is considered to be appropriate under Section 90 of the *Local Government Act 1999* or as required by the Ombudsman, Minister, OPI or ICAC.
2. In support of Section 61 of the Local Government Act 1999, an Elected Member may apply to the Chief Executive Officer to seek further information relating to a public integrity matter. The Chief Executive Officer will provide Elected Members with access in accordance with legislative obligations and established protocols relevant to the nature and status of the matter.
3. There may be circumstances where feedback must be dealt with in a specific way where other legislative avenues for resolution are in place. This includes, but is not limited to:
  - Complaints against a Councillor or the Chief Executive Officer.
  - Insurance claims.
  - Decisions made under legislation other than the *Local Government Act 1999*, such as the *Development Act 1993*, and *Expiation of Offences Act 1996*.
4. Council strives towards providing a timely and mutually satisfactory resolution to all contacts and a supports a positive, blame-free approach to resolving complaints.

Customers contacting or making a complaint to Council can expect to:

- be treated with courtesy and respect.
- have assistance provided to facilitate communication (which may include arranging an interpreter or involving an advocate).
- be advised that their contact or complaint has been received, and to be kept informed about timeframes for a response.
- have their contact or complaint considered quickly and under the principles of 'natural justice' and procedural fairness.
- have their contact or complaint handled confidentially, where appropriate.
- be provided with information about other options that are available to them.
- receive feedback or an outcome.

Council also acknowledges that some contacts or complaints can be malicious, vexatious or discriminatory, and will take steps to ensure the safety of staff during the assessment and management of these contacts and complaints.

5. Council acknowledges it may be required to produce documentation under Court Discovery or as part of a Police matter. All matters of discovery or police requests for information must be managed by a senior officer in consultation with the Chief Executive Officer. Council must cooperate with these requests and provide information as requested.
6. To confirm Council's commitment to a culture that respects the privacy of its ratepayers, Elected Members, staff and clients through the responsible collection and holding of personal and sensitive information, in line with the Australian Privacy Principles.

To assist Council to comply with these Principles, Council will:

- implement practices, procedures and systems that help to ensure that personal information is managed appropriately in relation to the context of collection and held confidentially where required by legislation.
- not disclose the identity of a complainant to a third party unless legally or legislatively required to do so.
- allow the anonymous provision of information whenever it is lawful and practicable to do so. In some cases, it is impracticable for Council to deal with individuals who have not identified themselves or who have used a pseudonym.
- not collect personal or sensitive information unless it is necessary for one or more of Council's functions or activities.
- only use or disclose information for the purpose for which it was collected unless an individual has consented, or unless the secondary purpose is related to the primary purpose and a person would reasonably expect such use, or in circumstances related to public interest such as law enforcement and public or individual health and safety
- not use or disclose personal information to third parties for direct marketing purposes.
- take reasonable steps to make sure that the personal information it collects, uses or discloses is accurate, complete and up-to date.
- take reasonable steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

Council will maintain procedures for the receipt, capture, response to and reporting of comments, compliments, requests for information and requests for service. All procedures will include actions, responsibilities and timeframes relevant to the matter and may be supported by a technical solution.

## 7. **Freedom of Information Applications**

Any official record held by the Council may be accessible under the *Freedom of Information Act 1991*.

A member of the public may apply to have records about themselves altered if they are incorrect, incomplete, out of date or misleading.

- 7.1 Council can require members of the public to complete an FOI application to gain access to other documents held by the Council. Applications can be made in accordance with the Freedom of Information Act 1991.

- 7.2 Council is able to provide any information it sees fit (within legislative requirements) to the public outside of the FOI process.
- 7.3 Council will maintain procedures for the receipt, capture, investigation, determination, response to and reporting of Freedom of Information applications.
- 7.4 A monthly public integrity report to ELT will include the number of FOI applications that were received in that month, and improvements made as a result of these applications. Information about the number and nature of FOI applications is included in Councils annual report.

## 8. **Complaints**

Council recognises that complaints provide an opportunity to improve and is committed to a process of complaint handling that manages complaints in accordance with the principles of Section 270 of the *Local Government Act 1999*.

- 8.1 Council understands that complaints submitted to Council will vary in their content and severity. Resolution of complaints will occur at the first point of contact wherever possible.
- 8.2 Complaints will be escalated to a more senior officer if necessary. Some complaints may be required to be considered under another category of the Public Integrity Framework.
- 8.3 The Chief Executive Officer may be involved in determining who will manage a complaint, or that a complaint should be managed under another avenue such as the Code of Conduct for Elected Members or the Code of Conduct for Employees.
- 8.4 Council will maintain procedures for the receipt, capture, response to and reporting of complaints.
- 8.5 A monthly public integrity report to ELT will include the number of complaints that were received in that month, and improvements made as a result of these complaints. A copy of same without reference to any individuals' details and where legislation permits, will be provided to an Elected Member on a confidential basis upon written request to the CEO.

## 9. **Requests for Internal Review of a Council Decision (Section 270 and 271)**

*The policy and procedure applies to all formal requests for review of decisions of the Council, its employees or other persons acting on behalf of the Council, except where specific procedures are prescribed in other relevant legislation or as part of the terms of a contract binding the Council. Details of the prescribed remedies (review process) for other situations are available via Council's Internal Review Officer. Nothing in this procedure prevents a person from making a complaint to the Ombudsman at any time under the Ombudsman Act 1972.*

- 9.1 A person may apply for an Internal Review of a Council Decision.
- 9.2 All applications will be dealt with promptly (specifically applications that relate to the impact that any declaration of rates or service charges may have had on ratepayers) and in accordance with the timeframes set out in the Public Integrity Guide or otherwise specified by the Chief Executive Officer.

- 9.3 The Chief Executive Officer will appoint a Reviewing Officer to investigate and consider whether the original investigation was fair and reasonable.
- 9.4 The review will consider the handling of the original matter and the basis for the conclusion reached, including whether:
- the process adopted by the officer reasonably addressed the original complaint
  - the officer gathered sufficient facts
  - the officer correctly identified the issues and the administrative acts
  - sufficient analysis of the facts was undertaken
  - the principles of procedural fairness were followed
  - the officer's conclusions were reasonable
  - the officer took into account relevant facts, laws and policies
  - conclusions were properly explained to the complainant.
- 9.5 A request by a complainant for further reasons or explanations in relation to a decision is not a request for an internal review.
- 9.6 Council or the person assigned to consider an application may refuse to consider an application for review if:
- The application is made by an employee of the Council and relates to an issue concerning his or her employment; or
  - It appears that the application is frivolous or vexatious; or
  - The applicant does not have a sufficient interest in the matter; or
  - The application concerns a decision which was made over 6 months ago.
  - The application relates to a matter whereby another legislative process of appeal is applicable, including (but not limited to); Expiation of Offences Act 1996 and the Development Act 1993.
- 9.7 A monthly public integrity report to ELT will include the number of Section 270 applications that were received in that month, and improvements made as a result of these applications. Information about the number and nature of Section 270 applications is included in Council's annual report.
- 9.8 The *Rate Rebates, Remissions and Hardship Policy* provides further information on the process of lodging an Internal Review under Section 270(2)(ca) relating to the impact of a rate or service charge in a prompt manner. The *Rate Rebates, Remissions and Hardship Policy* also identifies options for relief or concessions relating to the declaration of a rate or service charge.

## 10. Public Interest Disclosures

Council is required under the Public Interest Disclosure Act 2018 to facilitate disclosures of public interest information.

- 10.1 Council will maintain procedures for the receipt, capture, investigation, response and reporting requirements concerning all appropriate disclosures of public interest information.
- 10.2 The Chief Executive Officer will determine when or if it is appropriate to present a summary report to the Council concerning a public interest disclosure.

## **11. Investigations by the Ombudsman**

Council is required to comply with inquiries or investigations carried out or requested by the Ombudsman.

- 11.1 Council will maintain procedures for the receipt, capture, investigation, determination, response to and reporting of requests or investigations by the Ombudsman under sections 18(1) and 18(1a) of the Ombudsmans Act 1972.
- 11.2 A monthly public integrity report to ELT will include the number of Ombudsman Investigations that occurred in that month, and improvements made as a result of these investigations.
- 11.3 The Chief Executive Officer will determine when it is appropriate to present a summary report to the Council at the completion of an Ombudsman's Investigation.

## **12. Code of Conduct Complaints**

- 12.1 Complaints made regarding an alleged breach of any Code of Conduct will be made to the Chief Executive Officer. If the complaint is an alleged breach against the Chief Executive Officer this will be provided to the principal member of Council if appropriate to do so.
- 12.2 The Chief Executive Officer will manage the complaint in accordance with the provisions of the relevant code and the principles of this policy.
- 12.3 Depending on the nature of the complaint, the Chief Executive Officer may be required to consult other Council Policies (such as the Conflict of Interest Council Policy or the Fraud and Corruption Prevention Council Policy) or legislation which may require the Chief Executive Officer to involve the Ombudsman, OPI or SAPOL.
- 12.4 Council will maintain procedures for the management of complaints that relate to employees, volunteers or contractors of Council, or Elected Members.
- 12.5 A monthly public integrity report to ELT will include the number of complaints for that month that were related to an employee, volunteer, contractor, Independent Member or Elected Member of Council, and improvements made as a result of these Code of Conduct complaints.
- 12.6 Depending on the nature, a report may be presented to the Council relating to a Code of Conduct breach by an Elected Member.

## **13. Legal matters**

- 13.1 In all instances, the Chief Executive Officer will be made aware of legal matters and approval must be sought before engaging a legal practitioner or seeking legal advice.
- 13.2 The Council will maintain procedures for the instigation and actions associated with legal matters.
- 13.3 A report will be presented to Council on a quarterly basis outlining the costs associated with Legal advice for that period.



- 13.4 Depending on the nature of the legal matter, a summary may be included in a monthly report to ELT and/or the Chief Executive Officer may determine to provide a report to Council.

#### **14. Minister Local Government Investigations**

In the instance that the Minister responsible for Local Government has launched an Investigation, Council is required to comply with any inquiries and provide official records as requested.

- 14.1 All matters of this nature must be managed by the Chief Executive Officer who may determine that assistance from senior officers is required.
- 14.2 Council will cooperate with these requests and provide information as requested.
- 14.3 Council will maintain procedures for the receipt, capture, investigation, response to and reporting of investigations by the Minister.
- 14.4 A monthly public integrity report to ELT will include the number of Ministerial Investigations that occurred in that month, and improvements made as a result of these investigations.
- 14.5 The Chief Executive Officer will determine when it is appropriate to present a summary report to the Council at the completion of a Ministerial Investigation.

#### **15. Assessment by the Office of Public Integrity (OPI) and Investigations by the Independent Commission Against Corruption (ICAC)**

The OPI will assist complainants or Public Officers to lodge complaints or reports about misconduct, maladministration and corruption in public administration and conduct. The OPI will conduct assessments and make recommendations to the ICAC.

The ICAC will accept referrals and recommendations from the OPI, SAPOL or the Ombudsman and determine if an investigation is warranted.

- 15.1 Any instance of the OPI or the ICAC receiving a complaint and subsequently contacting the Council for information will be managed by the Chief Executive Officer unless otherwise stated or required by the OPI or the ICAC.
- 15.1.1. Where an individual Public Officer has been approached by the OPI or the ICAC, the individual is encouraged to refer to the ICAC Directions and Guidelines document and Councils template procedures.
- 15.1.2 The individual may need to seek exemption from the Commissioner to disclose information to the Chief Executive Officer in order to seek access to information requested by the OPI or the ICAC.
- 15.2 The Council or Public Officer must cooperate with these requests and provide information as requested.
- 15.3 If appropriate, the Chief Executive Officer may require senior officers to gather information but may not be able to inform the senior officer of the request by the OPI or the ICAC.

- 15.4 Council will maintain procedures for the receipt, capture, investigation, determination, response to and reporting of assessment by the OPI or investigation by the ICAC.
- 15.5 A monthly public integrity report to the Chief Executive Officer will include the number of OPI assessments or ICAC investigations that occurred in that month, and improvements made as a result of these investigations

## 16. Reporting Corruption in Public Administration to the OPI

This information relates to the reporting of any matter which may be considered to be corruption.

*Please Note - It is recommended that any person who wishes to or is required to make a disclosure should become familiar with the Local Government Act 1999, the ICAC Act 2012, the ICAC Directions and Guidelines document and all relevant Council Codes and Policies, specifically the Fraud and Corruption Prevention Policy.*

*Nothing in this section is intended to prevent an Employee or Council Member from reporting Corruption in public administration internally to a Responsible Officer in accordance with the Public Interest Disclosure Act 2018.*

*Where an internal report relating to corruption in public administration is received by another under the Public Interest Disclosure Act 2018 the Responsible Officer must report the matter to the OPI in accordance with this policy and their obligations under the ICAC Act 2012.*

### 16.1 Reports by Employees or Council Members to the OPI

Any Public Officer who has or acquires knowledge of actual or suspected corruption, serious or systemic misconduct or maladministration in public administration must report this information to the OPI as soon as practicable.

16.1.1 Where a Public Officer suspects corruption, misconduct or maladministration in public administration, that suspicion must be reasonably held. Section 6 of the ICAC Directions and Guidelines document addresses what is required to form a reasonable suspicion.

16.1.2 Reports to the OPI by a Public Officer must be made in accordance with the reporting obligations contained in Section 11 of the ICAC Directions and Guidelines. In particular, the following information must be included in the report:

- the Public Officers identity; and
- the identity of the Council;
- the Public Officers Council address, telephone number and email.
- identify the matter by reference to the conduct that the Public Officer suspects is corruption, misconduct or maladministration in public administration; and
- expressly identify that the offending suspects; and
- identify any Public Officer or other person suspected of having engaged in the conduct; and
- be accompanied by:
- a statement as to how the Public Officer became aware of the conduct; and

- the evidence known to the Public Officer including any documentation relevant to the conduct; and
- a list of those persons who the Public Officer believes can give evidence relevant to the conduct.

16.1.3 A report to the OPI by a Public Officer must be made on the online report form available at [www.icac.sa.gov.au](http://www.icac.sa.gov.au).

16.1.4 Where the Public Officer's knowledge of corruption, misconduct or maladministration has arisen due to a complaint/report he/she has received from another person (the informant), the Public Officer should not include the informant's details in the report to the OPI if:

- the report/complaint was made under the *Public Interest Disclosure Act 2018*; and
- the informant has not consented to the informant's identity being divulged; and
- it is not necessary to divulge the identity of the informant to ensure that the matters to which the report to the OPI relates are properly investigated.

## 16.2 Reports by the Council to the OPI

16.2.1 Where the Council has or acquires knowledge of actual or suspected corruption, misconduct or maladministration in public administration it must report this information to the OPI as soon as practicable after the Council becomes aware of the matter.

16.2.2 The Chief Executive Officer is responsible for preparing a report to the OPI on behalf of the Council for these purposes. The Chief Executive Officer must prepare the report immediately upon receiving direction from the Council (such as via the Mayor) to do so.

16.2.3 Any suspicion the Council has regarding conduct that constitutes corruption, misconduct or maladministration in public administration must be reasonably held. Section 6 of the Directions and Guidelines address what is required to form a reasonable suspicion.

16.2.4 The report must:

- identify the matter by reference to the conduct that the Council suspects is corruption, misconduct and maladministration; and
- expressly identify that the Council suspects the conduct to be corruption, misconduct or maladministration in public administration; and
- identify any Public Officer or other person suspected of having engaged in the conduct; and
- be accompanied by a statement as to how the Council became aware of the conduct; and
- be accompanied by the evidence known to the Council including any documentation relevant to the conduct; and
- be accompanied by a list of those persons who the Council believes can give evidence relevant to the conduct.

16.2.5 A report to the OPI by the Chief Executive Officer on behalf of the Council must be made on the online report form available at [www.icac.sa.gov.au](http://www.icac.sa.gov.au).

16.2.6 Where the Council's knowledge of corruption, misconduct or maladministration has arisen due to a complaint/report it received from another person (the informant), the Chief Executive Officer should not include the informant's details in the report to the OPI if:

- the report/complaint was made under the *Public Interest Disclosure Act 2018*; and
- the informant has not consented to the informant's identity being divulged; and
- it is not necessary to divulge the identity of the informant to ensure that the matters to which the report to the OPI relates are properly investigated.

16.2.7 Any consideration by the Council of information relating to corruption, misconduct or maladministration in public administration or a Council report to the OPI during a Council meeting must be considered in confidence. The grounds under section 90(3)(f) and (g) of the *Local Government Act 1999* may be relied upon to move into confidence for these purposes.

### 16.3 Reporting Fraud

Any Public Officer that has or acquires knowledge of actual or suspected fraud that does not constitute corruption, misconduct or maladministration in public administration; and impacts or causes detriment (or has the potential to impact or cause detriment) to the Council must report such information to the Responsible Officer or the Anti-Corruption branch of SAPOL.

It is recommended that you refer to the Fraud and Corruption Prevention Policy.

#### 16.4 Action by the Chief Executive Officer Following Report and/or Investigation into Fraud or Corruption

Following any report to the OPI or SAPOL under this policy (or any relevant Codes of Conduct, Fraud and Corruption Prevention Policy or any other relevant policy) of which the Chief Executive Officer has knowledge and, subject to the finalisation of any investigation undertaken by the Commissioner, Ombudsman or SAPOL, the Chief Executive Officer will undertake a review into the area in which the Fraud or Corruption occurred to determine the cause for the breakdown in controls (with reference to recommendations provided by the Commissioner, Ombudsman or SAPOL).

The Chief Executive Officer will report the findings of the review and provide recommendations (if any) to the Council. The disclosure of the fraud event or the details of the investigation will be dependent on the approval of the Commissioner, Ombudsman or SAPOL.

## POLICY MONITORING AND REPORTING

A quarterly report will be produced for the Council relating to feedback, management and actions taken under this policy and framework in accordance with the requirements of Section 270(8) of the *Local Government Act 1999*.

This quarterly report will also include a summary of any Ombudsman's Investigations, Section 270 Internal Review or FOI applications received during the preceding 3 month period. The summary will include the number of applications and the functional area of the request. An assessment will be made to determine if other relevant content may be included (with consideration to the nature of the matter, the status of the matter and any legislative obligations relating to privacy, confidentiality or exempt material).

Induction processes will occur to ensure all new staff receive training on the Public Integrity Policy and Framework and related procedures and conduct training for existing staff as required.

The effectiveness of this policy and framework will be monitored and audits of complaints and investigations will be conducted to identify trends in complaints received and establish required action.

## DEFINITIONS AND ACRONYMS

For the purposes of this policy the following definitions apply:

**Access** means providing to an individual, information about himself or herself that is held by the Council. This may include allowing that individual to inspect personal information or to obtain a copy.

**Collection** means gathering, acquiring or obtaining personal information from any source and by any means including information acquired by chance.

**Comments** are defined as a statement or remark expressing an opinion or attitude.

A **Complainant** is a customer that has lodged a complaint with Council or to the Ombudsman, Minister, OPI or ICAC.

A **Complaint** as defined by Standards Australia define a complaint as "an expression of dissatisfaction made to an organisation, related to its products (services) or the complaints-handling process itself, where a response or resolution is explicitly or implicitly expected." A *complaint* is any complaint, (including code of conduct complaints) or any request for an internal review of a Council decision, Ombudsman investigation, Minister Local Government investigation, OPI or ICAC investigation

**Compliments** are defined as expressions of recognition, appreciation or praise for the quality or standard of services and facilities of Council.

A **contact** is any comment, compliment, request for information, request for service, freedom of information request.

**Corruption** in public administration 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.
- b) any other offence (including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence (see Appendix 1 for examples of offences under the *Local Government Act 1999*, *Local Government (Elections) Act 1999* and *Development Act 1993*); or
- c) 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.

A **Customer** refers to any City of Port Adelaide Enfield stakeholders. This includes residents, ratepayers, clients, contractors, suppliers and representatives of other organisations.

**Decision** includes the process for making the decision as well as the decision itself.

**Directions and Guidelines** is a reference to the ICAC Directions and Guidelines issued pursuant to section 20 of the *ICAC Act 2012*, which are available on the Commissioner's website ([www.icac.sa.gov.au](http://www.icac.sa.gov.au)).

**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.

**ELT** refers to Council's Executive Leadership Team.

A **False Disclosure** is a disclosure of information relating to Fraud or Corruption that is made by a person who knows the information to be false or, who is reckless as to whether it is false.

**FOI** refers to Freedom of Information.

**Fraud** is an intentional dishonest act or omission done with the purpose of deceiving.

(Note: unlike 'Corruption' there is no statutory definition of 'Fraud'. Fraud is a style of offending. The offences addressed under Part 5 and Part 6 of the *Criminal Law Consolidation Act 1935* are considered to constitute Fraud offences).

A **Government related identifier** is any number, letter or symbol, or a combination of any or all of those things, that is used to identify the individual or to verify the identity of the individual. Common examples include Medicare Numbers, Centrelink numbers, driver license numbers and passport numbers.

**ICAC** refers to the Independent Commissioner against Corruption.

**Commissioner** means the person holding or acting in the office of the Independent Commissioner Against Corruption.

**Information** refers to any information that it is mandatory for Council to provide, or information that Council can freely provide. It does not refer to information that is private, confidential or privileged, or information that would be available through Freedom of Information processes.

An **Internal Review of a Council Decision or Section 270** is available under section 270 of the *Local Government Act 1999*. This is a process established by legislation that enables a Council to reconsider all the evidence relied on to make a decision, including new evidence if

relevant. This process is generally a last resort in the complaint handling process, but may also be used in situations which are not able to be resolved by other means, such as a complaint about a decision made by the Chief Executive Officer.

**Manager** means any Employee of the Council who is responsible for the direct supervision of other Employees, and/or, for the management of a Council Department.

**Office for Public Integrity (OPI)** is the office established under the *ICAC Act 2012* 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, the Council and public officers;
- (c) make recommendations as to whether and by whom complaints and reports should be investigated;
- (d) perform other functions assigned to the Office by the Commissioner.

**Personal information** means:

- (a) Any definition of personal information provided in relevant legislation, or;
- (b) Information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. It does not include information that is in:
  - Generally available publications
  - Material kept in public records and archives such as the Commonwealth or State archives or
  - Anything kept in a library, art gallery or museum for the purpose of reference, study or exhibition.

**Public administration** defined at section 4 of the *ICAC Act 2012* means 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.

**Public Officer** defined under the *ICAC Act 2012* includes a Council Member and an Employee or Officer of the Council.

A **request for information** is considered to be any request made by a customer that requires a response that is referent to any service or facility of Council.

A **request for service** is a contact from a customer asking Council to undertake an action.

A **Responsible Officer** is a person (or persons) appointed by the Chief Executive Officer who is (are) authorised to receive and act upon disclosures of public interest information reported to him/her under the *Public Interest Disclosure Act 2018* (Qualifications yet to be determined by the Minister).

**Sensitive Information** is information about an individual's racial or ethnic origin, health or genetic information, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record.

**Services and Facilities**- refer to operations of Council, as defined under the Local Government Act 1999.



**Suspicion** is a state of mind that is distinct and different from a belief. It is not necessary for the Employee or Council Member to *believe* the relevant conduct amounts to Corruption in public administration. All that is required to make a report to the OPI is a reasonable suspicion based upon a proper consideration of the available facts (i.e. there must be a factual basis for the suspicion).