

S0018: PUBLIC INTEREST DISCLOSURE PROCEDURE

Policy Type:	Statutory Procedure
Responsible Department:	Office of the Chief Executive Officer
Responsible Officer:	Executive Manager, Office of the Chief Executive Officer
Related Policies and Procedures	<ul style="list-style-type: none"> Fraud and Corruption Policy
Community Plan Link	<i>Civic Leadership:</i> 4.1 Our business systems are effective and transparent.
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PRINCIPAL OFFICER - STATEMENT OF INTENT

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

As Chief Executive Officer of City of Unley 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 the Council's 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 is 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.

I, and the other staff, officers and Council Members at City of Unley 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 the Council via a Public Interest Disclosure, as contemplated and demonstrated by this Procedure.

Any questions about this Procedure should be directed in the first instance to the Responsible Officers, whose details are at Part 5 of this Procedure.

Principal Officer
Peter Tsokas, Chief Executive Officer

1. SCOPE

- 1.1. This Procedure applies to all officers, employees, and elected members of the Council, as well as to all persons who make an Appropriate Disclosure of Public Interest Information to a Relevant Authority at the Council for the purposes of the *Public Interest Disclosure Act 2018*.

2. PROCEDURE PURPOSE/OBJECTIVES

- 2.1. The City of Unley (the Council) is committed to its obligations to act as a representative, informed and responsible public authority and supports its officers, employees and elected members to uphold the values of honesty, integrity, accountability and transparency, for the purposes of fostering community confidence and trust in the Council specifically but also in Local Government generally.
- 2.2. This Procedure has been developed to ensure that the Council, in meeting its obligations under the *Public Interest Disclosure Act 2018*, properly facilitates Appropriate Disclosures of Public Interest Information and, in doing so, provides protections in accordance with the Act for persons making such Disclosures.
- 2.3. This Procedure:
 - 2.3.1. provides a process by which an Appropriate Disclosure of Public Interest Information may be made by a person to a Relevant Authority at the Council;
 - 2.3.2. specifies the manner in which the Relevant Authority at the Council will receive such a Disclosure, including the manner in which the information may be safely received and stored;
 - 2.3.3. sets out the criteria that will be applied in the assessment of a Public Interest Information Disclosure and the manner in which the details of the assessment will be securely stored; and
 - 2.3.4. specifies the manner in which an Informant will be notified as to action taken in respect of an Appropriate Disclosure of Public Interest Information.
- 2.4. The Council recognises its responsibilities under the Act to not only support persons who make an Appropriate Disclosure of Public Interest Information, but also to those persons to whom the information relates.

3. DEFINITIONS

For the purposes of this Procedure the following definitions apply:

- 3.1. **Appropriate Disclosure** means a disclosure of public interest information made in the manner described in clause 4 of this Procedure.
- 3.2. **Corruption, Misconduct and Maladministration** as defined by section 5 of the ICAC Act.
- 3.3. **Council** is a comprehensive term and is to be read, as necessary, as encompassing officers, employees and elected members of the Council.
- 3.4. **Detriment** takes its meaning from section 9(7) of the PID Act, and includes:
 - injury, harm (including psychological harm), damage (including damage to reputation) or loss;

- intimidation or harassment;
 - discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or
 - threats of reprisal (which may be express or implied, and/or conditional or unconditional).
- 3.5. **Environmental and Health Information** is information that raises a potential issue of a substantial risk to the environment, or to the health or safety of the public generally, or a significant section of the public, whether occurring before or after the commencement of the PID Act.
- 3.6. **Guidelines** is a reference to the Public Interest Disclosure Guidelines issued pursuant to section 20 of the ICAC Act and/or section 14 of the PID Act, which are available on the Commissioner's website (www.icac.sa.gov.au/pid-guidelines).
- 3.7. **ICAC Act** is the *Independent Commissioner Against Corruption Act 2012*.
- 3.8. **Independent Assessor** means the person designated by the Responsible Officer as being responsible for investigating a Disclosure made to the City of Unley in accordance with the Public Interest Disclosure Procedure.
- 3.9. **Informant** means a person who makes an Appropriate Disclosure of Public Interest Information under the Act.
- 3.10. **Office for Public Integrity (OPI)** means the Office for Public Integrity established under the ICAC Act.
- 3.11. **PID Act** means the *Public Interest Disclosure Act 2018*.
- 3.12. **Principal Officer** for the purposes of the PID Act means the Chief Executive Officer (CEO) of Council.
- 3.13. **Public Administration** defined at 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.
- 3.14. **Public Administration Information** is information that raises a potential issue of Corruption, Misconduct or Maladministration in Public Administration, whether occurring before or after the commencement of the PID Act.
- 3.15. **Public Interest Disclosure** and **Disclosure** are used interchangeably in this Procedure and mean an Appropriate Disclosure of Public Interest Information under the PID Act.
- 3.16. **Public Interest Information** means:
- 3.16.1. Environmental and Health Information; or
 - 3.16.2. Public Administration Information.
- 3.17. **Public Officer** has the same meaning as in the ICAC Act and includes officers, employees, and elected members of the Council.
- 3.18. **Recipient** is a Relevant Authority to whom a Disclosure has been made; a Relevant Authority to whom such a Disclosure is referred (which includes a Responsible Officer or the CEO of Council); or a person who otherwise knows that such a Disclosure has been made.

- 3.19. **Relevant Authority** is defined at section 5(5) of the Act as 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, and includes, but is not limited to:
- 3.19.1. where the information relates to a Public Officer, a person who is responsible for the management or supervision of the Public Officer, or a Responsible Officer; and
- 3.19.2. where the information relates to a location within the area of the Council, a member, officer or employee of the Council.
- 3.20. **Responsible Officer** is a person who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019* and has been designated by Council as Responsible Officer under section 12 of the PID Act.
- 3.21. **Subject of a Disclosure** is the person/people against whom allegations have been made in a Disclosure.
- 3.22. **Victimisation** as defined by section 5 of the ICAC Act.

PROCEDURE STATEMENT

4. APPROPRIATE DISCLOSURES

- 4.1. Subject to the provisions of the PID Act, if a person makes an Appropriate Disclosure of Public Interest Information to a Relevant Authority, the person will not be subject to any liability as a result of that Disclosure and is entitled to have their identity kept confidential.
- 4.2. Public Interest Information means:
- Environmental and Health Information; and
 - Public Administration Information.
- 4.3. Immunity for an Appropriate Disclosure of Public Interest Information will follow if:
- a person makes an Appropriate Disclosure of Environmental and Health Information; or
 - a Public Officer makes an Appropriate Disclosure of Public Administration Information.
- 4.4. Whilst anyone can make a Disclosure of Public Administration Information, only Public Officers who make such a Disclosure are eligible for the protections provided under the Act.
- 4.5. ***Environmental and Health Information***
- 4.5.1. A **person** makes an Appropriate Disclosure of Environmental and Health Information for the purposes of the Act if the Disclosure is made to a Relevant Authority, and the person:
- believes on reasonable grounds that the information is true; or
 - not being in a position to form such a belief, believes on reasonable grounds that the information may be true and is of sufficient significance to justify its Disclosure so that its truth may be investigated.

4.5.2. Where the information relates to a location within the area of the Council, a person may make a Disclosure to an elected member, officer or employee of the Council.

4.6. **Public Administration Information**

4.6.1. A **Public Officer** makes an Appropriate Disclosure of Public Administration Information for the purposes of the PID Act if the Disclosure is made to a Relevant Authority and the Public Officer reasonably suspects that the information raises a potential issue of Corruption, Misconduct or Maladministration in Public Administration.

4.6.2. Where the information relates to a Public Officer, a person who is designated under the Guidelines, or a person who is responsible for the management or supervision of that Public Officer or a Responsible Officer, are Relevant Authorities for the purposes of the Act.

4.6.3. For the avoidance of doubt, where the Public Administration Information relates to a location within the area of the Council, an elected member, officer or employee of the Council are also Relevant Authorities for the purposes of the Act.

4.7. A flowchart outlining the Appropriate Disclosure Process is at **Appendix B** to this Procedure.

5. **RELEVANT CONTACT DETAILS**

5.1. The relevant contact details for making a Disclosure of Public Interest Information are:

Telephone (08) 83725182

Email PIDresponsibleofficer@unley.sa.gov.au

Address *Confidential*

Responsible Officer, Public Interest Disclosure

City of Unley

PO Box 1

UNLEY SA 5061

5.2. The contact details for the Responsible Officers of Council are as follows:

Tami Norman **Telephone:** 08 8372 5182

Email: PID.Tami@unley.sa.gov.au

Dallis Von Wald **Telephone:** 08 8273 8717

Email: PID.Dallis@unley.sa.gov.au

Lida Cataldi **Telephone:** 08 8372 5408

Email: PID.Lida@unley.sa.gov.au

6. **RECEIPT OF A DISCLOSURE**

6.1. If the Disclosure relates to Public Administration Information, encourage the Informant to make the Disclosure directly to OPI (www.icac.sa.gov.au/public-interest-disclosures).

- 6.2. If an officer, employee or elected member of the Council is the Recipient of a Disclosure of Public Interest Information regarding a location within that Council area, as the Relevant Authority, they will:
 - 6.2.1. 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
 - 6.2.2. refer the Disclosure to the Responsible Officer and, in doing so, comply with the wishes of the Informant with respect to whether details of their identity may be divulged.
 - 6.2.3. If the Informant does not consent to the details of their identity and Disclosure being provided to the Responsible Officer, then the officer, employee or elected member of the Council as the Relevant Authority must undertake the following process under clause 6.3.
- 6.3. Upon the receipt of a Disclosure (whether directly, or by referral from the Recipient), the Responsible Officer or Relevant Authority will:
 - 6.3.1. Where the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will send a confirmation of receipt of the Disclosure to the Informant under clause 7.9 within three (3) business days of receipt, and in doing so, will provide a copy of this Procedure to the Informant.
 - 6.3.2. Immediately undertake a Preliminary Assessment and notifications to the Informant within thirty (30) days of the Informant making that Disclosure in accordance with Part 7 of this Procedure; and
 - 6.3.3. As soon as practicable thereafter, in accordance with Part 8 of this procedure, notify the OPI of the Disclosure; and
 - 6.3.4. If action has been taken by the Relevant Authority accordance with Part 9, notify the Informant of the outcome of that action within ninety (90) days of the Informant making that Disclosure, pursuant to clause 10.1.
 - 6.3.5. As soon as reasonably practicable thereafter, provide the OPI with information in relation to the outcome of the action taken by the Relevant Authority, in accordance with clause 10.3.

7. ASSESSMENT OF A DISCLOSURE

- 7.1. A Relevant Authority of the Council to whom an Appropriate Disclosure of Public Interest Information is made, must assess the information as soon as practicable after its disclosure.
- 7.2. The criteria that will be applied to the initial assessment of the information will include, (but not necessarily be limited to), whether it:
 - 7.2.1. relates to information within the scope of the PID Act, namely whether it pertains to Environmental and Health Information and/or Public Administration Information;
 - 7.2.2. raises matters that are within the Council's scope of authority, including if the information relates to a location within the area of the Council, or to an officer, employee or elected member of the Council;

- 7.2.3. justifies the taking of further action, or relates to a matter that has already been investigated or acted upon by a Relevant Authority (whether by the Council or other Relevant Authority) and there is no reason to re-examine the matter, or there is other good reason why action should not be taken in respect of the matter; and
- 7.2.4. gives rise to a concern of imminent risk of serious physical injury or death to any person, or the public generally, in which case, the Relevant Authority will need to give immediate consideration to the matters set out at clause 7.7.1.
- 7.3. If the Recipient, as the Relevant Authority, determines that they require assistance with the appropriate assessment and management of the Disclosure, the Recipient is encouraged to seek the assistance of a Responsible Officer of the Council (or the CEO, in circumstances where the Disclosure relates to the Responsible Officer(s)), who are also each Relevant Authorities for the purposes of the Act.
- 7.4. It is also open for the Relevant Authority who receives the disclosure, to determine, based on the training, expertise, access to resources and appropriate support mechanisms in place at the Council, that it is appropriate, in all of the circumstances, to refer the Disclosure to the Responsible Officer (or the CEO) for action, in accordance with section 7(3) of the PID Act.
- 7.5. Nothing in this Procedure, or under the PID Act, prevents a Relevant Authority of the Council who has received a Disclosure, or who is assisting in the assessment and management of a Disclosure, from confidentially obtaining legal advice from one of the Council's legal advisors.
- 7.6. In giving effect to the above, consideration must be carefully given as to whether the identity of the Informant is required to be disclosed, noting that section 8 of the PID Act requires that the identity of an Informant is to be kept confidential, except so far as may be necessary to ensure that the matters to which the information relates are properly investigated.
- 7.7. Following the assessment of the information of the Appropriate Disclosure:
 - 7.7.1. if the content gives rise to a concern of imminent risk of serious physical injury or death to any person, or the public generally, the Recipient must immediately communicate such information as may be necessary to mitigate that risk to the most appropriate agency, such as SAPOL, SafeWorkSA, SA Ambulance or the Environment Protection Authority (**Appendix A**); and
 - 7.7.2. If the Recipient of the Public Interest Disclosure forms a reasonable suspicion that the matter(s) involves Corruption in Public Administration, or serious systemic Misconduct or Maladministration, the Recipient of the Disclosure must also comply with their reporting obligations under the ICAC Act and the Directions and Guidelines for Public Officers (www.icac.sa.gov.au/directions-guidelines).
- 7.8. The Recipient of a Public Interest Disclosure, or other Relevant Authority of the Council to whom a Disclosure has been referred, will assess the content of the Disclosure and must notify the Informant (if their identity is known) within thirty (30) days of the Informant making that Disclosure:
 - 7.8.1. that an assessment of the information has been made; and
 - 7.8.2. of the action being taken in relation to the information; or

- 7.8.3. that no action is being taken in relation to the information; and
- 7.8.4. the reasons why no action is being taken in relation to the information.
- 7.9. Notification to the Informant can occur by personal meeting, telephone, text, email, or letter, on election at the absolute discretion of the Informant.
- 7.10. If the Recipient of a Public Interest Disclosure assesses the content of the Disclosure as requiring further action under Part 9 of this Procedure, the Recipient of the Disclosure must ensure that:
 - 7.10.1. such action as appropriate in the circumstances is taken to ensure the matter(s) relating to the Public Interest Disclosure, are properly addressed; or
 - 7.10.2. if such action consists of referring the Disclosure (whether to a Responsible Officer, or to the CEO of the Council, or to another Relevant Authority (**Appendix A**)), 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.

8. NOTIFYING THE OPI OF THE DISCLOSURE

- 8.1. Following receipt and assessment of a Public Interest Disclosure, irrespective of whether the Relevant Authority at the Council responsible for the Disclosure determines that further action is or is not required, the Recipient of the Public Interest Disclosure must notify the OPI as soon as reasonably practicable that they are in receipt of a Public Interest Disclosure.
- 8.2. Notification is to occur by way of the notification form on the ICAC website (www.icac.sa.gov.au/pid-notification) and must include the following information:
 - 8.2.1. the date the Disclosure was received;
 - 8.2.2. the name and contact details of the Recipient of the Disclosure (being the Relevant Authority with the Council who initially received the Disclosure);
 - 8.2.3. a summary of the content of the Disclosure;
 - 8.2.4. the assessment made of the Disclosure;
 - 8.2.5. the action taken by the Recipient of the Disclosure, including:
 - (a) whether the Disclosure was referred to another Relevant Authority (including to a Responsible Officer or the CEO of the Council), Public Authority, Public Officer, or another person; and
 - (b) if the Disclosure was referred to another Relevant Authority, Public Authority, Public Officer or another person:
 - (i) the date of the referral;
 - (ii) the identity of that Relevant Authority, Public Authority, Public Officer or another person;
 - (iii) the manner of the referral; and
 - (iv) the action to be taken by that Relevant Authority, Public Authority Or Public Officer or another person (if known).

- 8.2.6. 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 another Relevant Authority, public authority, public officer or other person (and if so, the reasons why); and
 - 8.2.7. if no action was taken by the Recipient of the Disclosure, the reasons why.
- 8.3. The Recipient of the Disclosure must retain the unique reference number issued by the OPI upon making a notification and must provide this to any other person or authority to whom the Disclosure is referred.

9. ACTION TAKEN ON A DISCLOSURE

- 9.1. Informants who make an Appropriate Disclosure of Public Interest Information must provide sufficient detail and evidence for the matter to be assessed.
- 9.2. If the Relevant Authority determines that there is not sufficient evidence to facilitate an assessment of a Disclosure of Public Interest Information, no action can be taken on the Disclosure, and the Informant and OPI will be advised accordingly.
- 9.3. Relevant Authorities with the Council will not be responsible for investigating Disclosures of Public Administration Information (being information that raises a potential issue of Corruption, Misconduct or Maladministration in Public Administration) in the absence of a direction to do so from the Manager OPI or the ICAC.
- 9.4. Conversely, Appropriate Disclosures of Environmental and Health Information may be assessed and subsequently investigated by or on behalf of a Relevant Authority with the Council.
- 9.5. When investigating Appropriate Disclosures of Environmental and Health Information, or when directed by the Manager OPI or the ICAC to investigate Appropriate Disclosures of Public Administration Information, the objectives of the investigation process are:
 - 9.5.1. 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;
 - 9.5.2. to collate information relating to the allegation as quickly as possible. This may involve taking steps to protect or preserve documents, materials and equipment;
 - 9.5.3. to consider the information collected and to draw conclusions objectively and impartially;
 - 9.5.4. to observe procedural fairness in the treatment of any person who is the Subject of the Disclosure; and
 - 9.5.5. to make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.
- 9.6. 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 Council, the Responsible Officer will appoint an Independent Assessor in accordance with this Part to investigate the Disclosure.

- 9.7. 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.

10. NOTIFYING THE INFORMANT & OPI OF THE OUTCOME

- 10.1. If the Disclosure has not been referred to another Relevant Authority for action, the Responsible Officer or Relevant Authority, responsible for the management of the Disclosure, who has taken action:
- 10.1.1. must take reasonable steps to notify the Informant (if their identity is known) of the outcome of that action within ninety (90) days of the Informant making that Disclosure; or
 - 10.1.2. request a longer period as specified by written notice given within the ninety (90) days of the Informant making that Disclosure.
- 10.2. The outcomes of any investigation into a Disclosure of Environmental and Health Information will also be reported to the CEO.
- 10.3. If a Relevant Authority with the Council takes action in response to the receipt of a Public Interest Information Disclosure (which does not consist of a referral to another), the Relevant Authority with the Council responsible for the management of the disclosure, must, as soon as reasonably practicable, provide the OPI with information in relation to the outcome of the action taken by way of the online notification form (www.icac.sa.gov.au/pid-notification) detailing:
- 10.3.1. the unique reference number issued by the OPI upon notification of the original Disclosure;
 - 10.3.2. the name and contact details of the notifier;
 - 10.3.3. the name and contact details of the person or authority responsible for taking the action;
 - 10.3.4. what (if any) findings were made in respect of the Disclosure;
 - 10.3.5. the nature of the action taken (if any);
 - 10.3.6. the outcome of any action taken (if applicable);
 - 10.3.7. whether the identity of the Informant was disclosed to a person other than the original recipient of the Disclosure; and
 - 10.3.8. whether the Informant was notified of the action taken and, if so, when that notification was made.
- 10.4. If an Informant is dissatisfied with the manner in which their Disclosure has been managed, or otherwise believes that their Disclosure has been dealt with inappropriately, the Informant may contact a Responsible Officer at the Council, (or the CEO if their concern pertains to the Responsible Officer(s)) to express their concern at the first instance.
- 10.5. Following which, the Responsible Officer (or CEO), will review the Disclosure and confirm the assessment made with the Informant, and the action to be taken.

- 10.6. If the Informant remains dissatisfied following the further assessment made by a Responsible Officer (or CEO, as the case may be), it is open to the Informant to make the Public Interest Disclosure to an alternative Relevant Authority, such as the Ombudsman or the OPI.

11. CONFIDENTIALITY

- 11.1. 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:
 - 11.1.1. it is necessary to divulge the identity of the Informant to ensure that the matters to which the information relates are properly investigated; **or**
 - 11.1.2. the Recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant to prevent or lessen an imminent risk of serious harm to any person; **and**
 - 11.1.3. the identity of the Informant is 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 harm; **or**
 - 11.1.4. the Recipient has been issued with a notice from the OPI advising that the identity of the Informant is required by the OPI, in which case the Recipient may disclose the identity of the Informant to the OPI.
- 11.2. The details of the Public Interest Disclosure and its assessment will be securely stored in confidential electronic and hard copy files by the Council and will only be accessible by the Recipient, or another Relevant Authority of the Council, involved in the assessment and management of the disclosure.
- 11.3. The Responsible Officer(s) of the Council are required to ensure, so far as reasonably practicable, that all information in relation to Public Interest Disclosures are received and maintained in a confidential manner.
- 11.4. In giving effect to this responsibility, a Responsible Officer may employ security measures including, but not limited to:
 - 11.4.1. 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;
 - 11.4.2. keeping all printed material in a locked cabinet that is only accessible by the Relevant Authority at the Council who is responsible for the management of the assessment and/or action of the Disclosure;
 - 11.4.3. assigning specific password protections to all electronic material, which are provided to only the Relevant Authority at the Council who is responsible for the management of the assessment and/or action of the Disclosure;
 - 11.4.4. ensuring that all electronic material is only accessible by the Relevant Authority at the Council who is responsible for the management of the assessment and/or action of the Disclosure; and
 - 11.4.5. conducting all telephone calls and meetings in relation to a Public Interest Disclosure privately and in the strictest of confidence.

- 11.4.6. ensuring compartmentalised records management security practices are employed when receiving and maintaining all electronic communications relating to Disclosures.
- 11.5. A Public Interest Disclosure can also be securely received directly by a Responsible Officer at the Council in the first instance, in person, by telephone, in writing or via email, via the contact details under Part 5 of this procedure.

12. SUBJECT OF A PUBLIC INTEREST DISCLOSURE

- 12.1. In accordance with section 12 of the PID Act, the CEO must ensure there are risk management steps for assessing and minimising:
- 12.1.1. detrimental action against people because of the Public Interest Disclosure; and
- 12.1.2. detriment against whom allegations are made in a Disclosure, being the Subject of a Disclosure.
- 12.2. The Council commits to providing the same protections to the Subject of a Disclosure and related people because of the Disclosure, as to Informants, which will include, but not necessarily be limited to:
- 12.2.1. keeping the identity of the Informant, the Subject of the Disclosure, and the people, confidential;
- 12.2.2. flexibility as to when meetings are held, if and when necessary; and
- 12.2.3. the opportunity to make reasonable requests in relation to how and when the Relevant Authority of the Council, responsible for the management of the Disclosure, makes contact with them, to minimise the potential for the person (being either the Informant, the Subject of the Disclosure, or related people because of the Disclosure), to be subject to Detriment.

13. REVIEW

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

14. LEGISLATION

- *Public Interest Disclosure Act 2018*
- *Public Interest Disclosure Regulations 2019*
- *Independent Commissioner Against Corruption Act 2012*
- *Local Government Act 1999*

15. AVAILABILITY OF PROCEDURE

15.1. The Procedure is available for public inspection during normal office hours at:

The Civic Centre
181 Unley Road
Unley SA 5061

A copy may be purchased for a fee as determined annually by Council.

It is also available for viewing, download and printing free of charge from Council's website www.unley.sa.gov.au.

16. DOCUMENT HISTORY

Date	Ref/Version No.	Comment
22 August 2019	C0078/19: V1	Replacement of the Whistle Blower Policy

Appendix A: Relevant Authorities

Where the information relates to...	the relevant authority is...
<p>a public officer*</p> <p>*as defined and set out in Schedule 1 of the <i>Independent Commissioner Against Corruption Act 2012</i> - relevantly, this includes members, officers and employees of local government bodies</p>	<p>either:</p> <ul style="list-style-type: none"> • 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 the Council in accordance with section 12 of the PID Act)
a public sector agency or public sector employee	<p>either:</p> <ul style="list-style-type: none"> • the Commissioner 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 Commissioner
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 ¹	an authority declared by the regulations to be a relevant authority in relation to such information
<p>public interest information - being:</p> <ul style="list-style-type: none"> • environmental and health information (information that raises a potential issue of a substantial risk to the environment or to the health or safety of the public generally or a significant section of the public); or • public administration information (information that raises a potential issue of corruption, misconduct or maladministration in public administration) 	<ul style="list-style-type: none"> • the OPI; • a Minister of the Crown; or • any other prescribed person or person of a prescribed class

¹ at this stage, no prescribed persons or classes have been identified

Appendix B: Public Interest Disclosure Procedure Flowchart

