

## PUBLIC INTEREST DISCLOSURE PROCEDURE

<b>Policy Type:</b>	Statutory Procedure
<b>Responsible Department:</b>	Office of the Chief Executive Officer
<b>Responsible Officer:</b>	Manager Governance
<b>Related Policies and Procedures</b>	<ul style="list-style-type: none"> <li>• Fraud and Corruption Policy</li> <li>• Code of Conduct for Council Employees</li> <li>• Complaints Handling Procedure Under Council Members' Code of Conduct</li> </ul>
<b>Community Plan Link</b>	<i>Civic Leadership:</i> 4.1 Our business systems are effective and transparent.
<b>Date Adopted</b>	26 August 2019: C0078/19
<b>Last review date</b>	23 May 2022: C0776/22
<b>Next review date</b>	May 2025
<b>Reference/Version Number</b>	V2
<b>ECM Doc set I.D.</b>	<a href="#">4791952</a>

### 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 (the Council) 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, receipt and management of such Disclosures of Public Interest Information and for dealing with such Disclosures, and by providing appropriate protections for those who make such Disclosures.

I, and the other Employees, Officers and Elected Members at the Council 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 PID Act.
- 1.2. This Procedure is intended to complement the reporting framework under the Guidelines prepared by the Commissioner in accordance with section 14 of the PID Act, as well as the reporting obligations of public officers under the *Independent Commission Against Corruption Act 2012* (ICAC Act) and the *Ombudsman Act 1972* (Ombudsman Act).

## 2. PROCEDURE PURPOSE/OBJECTIVES

- 2.1. 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, meets its obligations under the PID Act, to facilitate Appropriate Disclosures of Public Interest Information and, in doing so, ensures the protections under the PID Act are afforded to persons making such Disclosures.
- 2.3. This Procedure:
  - 2.3.1. fulfils the Council's responsibilities and obligations under the PID Act, the ICAC Act and the Ombudsman Act;
  - 2.3.2. 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 to ensure such Disclosures are appropriately received, assessed and action is taken, where required;
  - 2.3.3. ensures the protections under the PID Act are afforded to Informants who make Disclosures in accordance with the PID Act;
  - 2.3.4. 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;
  - 2.3.5. 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
  - 2.3.6. 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:

<b>Appropriate Disclosure</b>	means a disclosure of Public Interest Information made in the manner described in clause 4 of this Procedure.
<b>Corruption</b>	<b>in Public Administration</b> is defined in section 5(1) of the ICAC Act.
<b>Council</b>	is a comprehensive term and is to be read, as necessary, as encompassing Officers, Employees and Elected Members of the Council.
<b>Detriment</b>	takes its meaning from section 9(7) of the PID Act, and includes: <ul style="list-style-type: none"> <li>• loss or damage (including damage to reputation); or</li> <li>• injury, harm (including psychological harm); or</li> <li>• intimidation or harassment; or</li> <li>• discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or</li> <li>• threats of reprisal (which may be express or implied, and/or conditional or unconditional).</li> </ul>
<b>Environmental and Health Information</b>	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.
<b>Guidelines</b>	is a reference to the Guidelines published by the Commissioner pursuant to section 14 of the PID Act, which are available on the Commissioner's website ( <a href="http://www.icac.sa.gov.au">www.icac.sa.gov.au</a> ).
<b>ICAC Act</b>	is the <i>Independent Commission Against Corruption Act 2012</i> .
<b>Independent Assessor</b>	means the person designated by the Responsible Officer as being responsible for investigating a Disclosure made to a Relevant Authority at the Council in accordance with this Public Interest Disclosure Procedure.
<b>Informant</b>	means a person who makes an Appropriate Disclosure of Public Interest Information to a Relevant Authority.
<b>Maladministration and Misconduct in Public Administration</b>	is defined in section 4 of the Ombudsman Act.
<b>Office for Public Integrity (OPI)</b>	means the office established under the ICAC Act.
<b>Ombudsman</b>	means the person holding or acting in the office of the Ombudsman under the Ombudsman Act.
<b>Ombudsman Act</b>	means the <i>Ombudsman Act 1972</i>
<b>PID Act</b>	means the <i>Public Interest Disclosure Act 2018</i> .

<b>Principal Officer</b>	for the purposes of the PID Act means the Chief Executive Officer (CEO) of Council.
<b>Public Administration</b>	is 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 <i>Ombudsman Act 1972</i> will be taken to be carried out in the course of public administration.
<b>Public Administration Information</b>	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.
<b>Public Interest Disclosure and Disclosure</b>	are used interchangeably in this Procedure and mean an Appropriate Disclosure of Public Interest Information made to a Relevant Authority under the PID Act.
<b>Public Interest Information</b>	means: Environmental and Health Information; or Public Administration Information.
<b>Public Officer</b>	has the same meaning given by section 4 and Schedule 1 of the ICAC Act and includes Officers, Employees, and Elected Members of the Council.
<b>Recipient</b>	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.
<b>Relevant Authority</b>	is defined at section 5(5) of the PID 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 <b>Appendix A</b> to this Procedure, and includes, but is not limited to:  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  where the information relates to a location within the area of the Council, a Member, Officer or Employee of the Council.
<b>Responsible Officer</b>	is a person who has completed any training courses approved by the Commissioner for the purposes of the <i>Public Interest Disclosure Regulations 2019</i> (Regulations) and who has been designated by the Principal Officer as a Responsible Officer under section 12 of the PID Act.
<b>Subject of a Disclosure</b>	is the person/people against whom allegations have been made in a Disclosure.
<b>Victimisation</b>	has the same meaning given by section 5 of the ICAC Act.

## PROCEDURE STATEMENT

### 4. APPROPRIATE DISCLOSURES

4.1. Subject to the provisions of the PID Act, an Informant who makes an Appropriate Disclosure of Public Interest Information to a Relevant Authority under the PID Act is entitled to:

- 4.1.1. immunity from criminal or civil liability;
- 4.1.2. a prohibition on the disclosure of his/her identity, other than in limited specific circumstances, as set out under section 8 of the PID Act and Guideline 3 of the Guidelines;
- 4.1.3. protection against Victimisation; and
- 4.1.4. a prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure,.

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 of Public Interest Information are eligible for the protections provided under the PID 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



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 of Public Interest Information (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, or is reasonably ascertainable, 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; and
  - 6.3.2. immediately undertake a Preliminary Assessment and provide a notification 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 in 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 of this Procedure; and
  - 6.3.5. as soon as reasonably practicable thereafter, provide the OPI with information in relation to the outcome of the action taken, 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 Disclosure 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; and/or
  - 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; and/or
  - 7.2.3. justifies the taking of further action, or otherwise, relates to a matter that has already been investigated or acted upon by a Relevant Authority (whether by the Council or another 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/or
  - 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; and/or
  - 7.2.5. requires referral to another Relevant Authority external to the Council.

- 7.3. If the Recipient, as the Relevant Authority, determines 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, misconduct or maladministration in public administration, the Recipient of the Disclosure must also comply with their reporting obligations under the ICAC Act or the Ombudsman Act.
- 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, providing reasons why.
- 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 Information 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 Information 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 other Relevant Authority to take such action.

## **8. NOTIFYING THE OPI OF THE DISCLOSURE**

- 8.1. Following receipt and assessment of a Public Interest Information Disclosure, irrespective of whether the Relevant Authority at the Council responsible for the Disclosure of Public Interest Information determines that further action is, or is not required, 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 online notification form at [publicintegrity.sa.gov.au/public-interest-disclosure](http://publicintegrity.sa.gov.au/public-interest-disclosure) and must include the following information:
- 8.2.1. the date the Disclosure of Public Interest Information was received;
  - 8.2.2. the name and contact details of the Recipient of the Disclosure (being the Relevant Authority at 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 other person; and
    - (b) if the Disclosure was referred to another Relevant Authority, Public Authority, Public Officer or other person:
      - (i) the date of the referral;
      - (ii) the identity of that Relevant Authority, Public Authority, Public Officer or other person;
      - (iii) the manner of the referral; and
      - (iv) the action to be taken by that Relevant Authority, Public Authority Or Public Officer or other 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 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 the OPI will be advised accordingly.
- 9.3. Relevant Authorities at 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 Director of OPI or the Ombudsman.
- 9.4. Conversely, Appropriate Disclosures of Environmental and Health Information may be assessed and subsequently investigated by, or on behalf of, a Relevant Authority at the Council.
- 9.5. When investigating Appropriate Disclosures of Environmental and Health Information, or when directed by the Director of OPI or the Ombudsman 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 soon as reasonably practicable, which 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 the Principal Officer 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 the 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 Relevant Authority), 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 at [publicintegrity.sa.gov.au/public-interest-disclosure](https://publicintegrity.sa.gov.au/public-interest-disclosure) detailing:
  - 10.3.1. the unique reference number issued by the OPI upon original notification of the 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 (or if no action is to be taken, the reason why).
- 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 Information 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, and Guideline 3 of the Guidelines published by the Commissioner, 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 Information 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 Information 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 Information 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;
  - 11.4.5. conducting all telephone calls and meetings in relation to a Public Interest Disclosure privately and in the strictest of confidence; and
  - 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 Information 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 an Informant for making a Public Interest Information 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 persons), 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 any other persons involved in the matter, 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 persons), 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**

- *Ombudsman Act 1972*
- *Public Interest Disclosure Act 2018*
- *Public Interest Disclosure Regulations 2019*
- *Independent Commission 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](http://www.unley.sa.gov.au).

## 16. DOCUMENT HISTORY

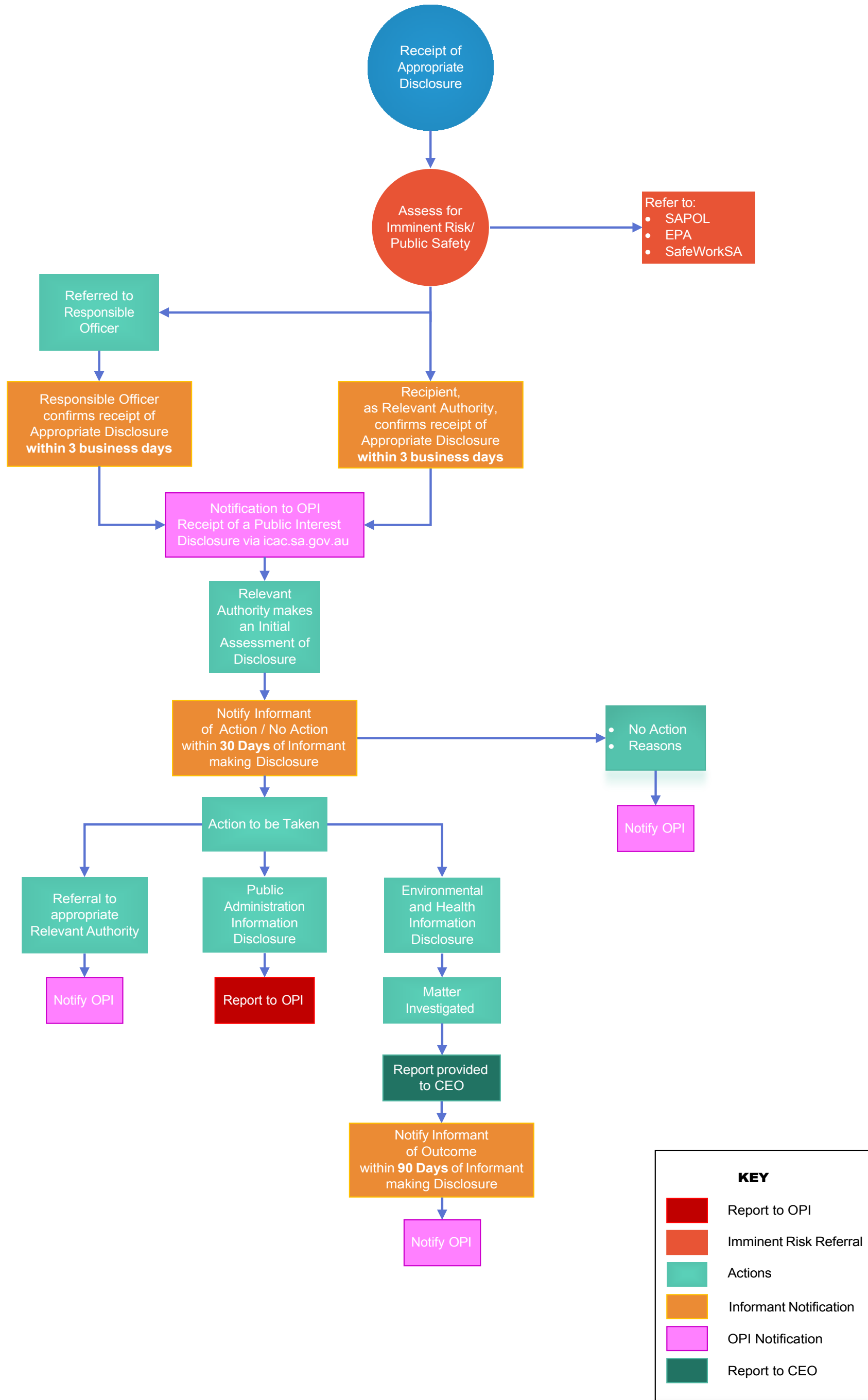
Date	Ref/Version No.	Comment
22 August 2019	C0078/19: V1	Replacement of the Whistle Blower Policy
7 April 2022	C0776/22: V2	Updated following the commencement of the <i>Independent Commissioner Against Corruption (CIPIC Recommendations) Amendment Act 2021</i>

## 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 section 4 and Schedule 1 of the <i>Independent Commission 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"> <li>• the person who is designated by the Guidelines as being taken to be responsible for management or supervision of the public officer; or</li> <li>• the person who is in fact responsible for the management or supervision of the public officer; or</li> <li>• the relevant Responsible Officer (as designated by the Council in accordance with section 12 of the PID Act)</li> </ul>
a public sector agency or public sector employee	<p>either:</p> <ul style="list-style-type: none"> <li>• the Commissioner for Public Sector Employment; or</li> <li>• the Responsible Officer for the relevant public sector agency</li> </ul>
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 SAPOL
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 <sup>1</sup>	an authority declared by the regulations to be a relevant authority in relation to such information
<p>any Disclosure of Public interest Information - being:</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Public Administration Information (information that raises a potential issue of corruption, misconduct or maladministration in public administration)</li> </ul>	<ul style="list-style-type: none"> <li>• the OPI;</li> <li>• a Minister of the Crown; or</li> <li>• any other prescribed person or person of a prescribed class</li> </ul>

<sup>1</sup> at this stage, no prescribed persons or classes have been identified

**Appendix B: Public Interest Disclosure Procedure Flowchart**



KEY	
<span style="color: red;">■</span>	Report to OPI
<span style="color: orange;">■</span>	Imminent Risk Referral
<span style="color: teal;">■</span>	Actions
<span style="color: yellow;">■</span>	Informant Notification
<span style="color: pink;">■</span>	OPI Notification
<span style="color: darkgreen;">■</span>	Report to CEO