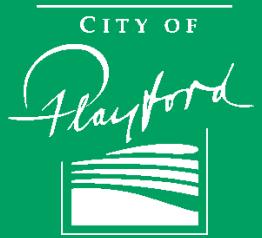


# Public Interest Disclosure Procedure



Procedure Author	General Manager Corporate Services
Date of next review	February 2030

## Principal Officer – Statement

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

As Chief Executive Officer 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 by ensuring that proper procedures are in place for making and handling such disclosures, and by providing appropriate protections for those who make them.

I, along with Council Members, officers, and employees at the City of Playford, remain deeply committed to protecting informants who make public interest disclosures in accordance with the objectives of the PID Act, and to the genuine and efficient consideration of, and action on, information provided to the Council via a public interest disclosure, as contemplated and guided by this Procedure.

Any questions about this Procedure should be directed, in the first instance, to the Responsible Officers, whose details are provided at clause 1.4 of this Procedure.

Mr Sam Green  
Principal Officer  
Chief Executive Officer  
City of Playford

## 1. Statement of intent

1.1 Council is committed to supporting and encouraging appropriate disclosures of public interest information in accordance with this Procedure. This includes:

- upholding the principles of transparency and accountability in its administrative and management practices
- protecting informants who make public interest disclosures
- giving genuine and efficient consideration to, and taking appropriate action on information provided in a public interest disclosure.

1.2 The Council is also committed to:

- referring appropriate disclosures to another relevant authority where required
- reporting disclosures relating to corruption directly to the Office for Public Integrity (OPI) in accordance with the Public Interest Disclosure Guidelines and the requirements of the *Independent Commission Against Corruption Act 2012* (ICAC Act)
- reporting disclosures relating to misconduct or maladministration in public administration directly to the Ombudsman in accordance with the Ombudsman Directions and Guidelines
- facilitating the investigation of appropriate disclosures in a manner that promotes fair and objective treatment of all parties involved
- taking practicable steps to rectify any substantiated wrongdoing in all circumstances.

1.3 This document explains the procedures and processes that Council has in place for making and handling appropriate disclosures of public interest information, to ensure that the Council:

- properly fulfils its responsibilities under the PID Act and ICAC Act;
- appropriately encourages and facilitates disclosures of public interest information, including environmental and health information regarding locations within the Council area;
- provides a clear process for making disclosures so that they can be properly investigated;
- ensures appropriate protection for those who make disclosures in accordance with the PID Act; and
- recognises the need to support informants, Responsible Officers and, where appropriate, public officers affected by any appropriate disclosure.

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

Responsible Officers:

- Skye Nitschke – Manager Governance
- Skye O’Flaherty – Manager Information Management
- Sarah Schutz – Senior Governance Officer

Telephone: (08) 8256 0333

Email: [disclosures@playford.sa.gov.au](mailto:disclosures@playford.sa.gov.au)

Address:

**Strictly Confidential**

Responsible Officer, Public Interest Disclosure

12 Bishopstone Rd, Davoren Park SA 5113

Website: [www.playford.sa.gov.au/disclosures](http://www.playford.sa.gov.au/disclosures)

- 1.5 Upon receiving a disclosure of public interest information (whether directly, or by referral from a Council Member, officer, or employee), the Responsible Officer will handle the disclosure in accordance with the processes described in this Procedure.
- 1.6 If an informant believes their disclosure is not being handled appropriately or in accordance with this Procedure, they should contact the Responsible Officer in the first instance.

## 2. References and supporting documentation

This Procedure is to be read in conjunction with the Fraud and Corruption Control Policy.

Related documents include:

- *Independent Commission Against Corruption Act 2012*
- *Ombudsman Act 1972*
- *Public Interest Disclosure Act 2018*
- *Public Interest Disclosure Regulations 2019*
- Office for Public Integrity Directions and Guidelines
- Ombudsman Directions and Guidelines
- Public Interest Disclosure Guidelines
- Behavioural Management Policy and Procedure
- Behavioural Standards
- Complaints Handling Policy and Procedure
- Worker Code of Conduct
- City of Playford Global Glossary

## 3. Application

Principal Officer (Chief Executive Officer)	<p>Ensure that one or more appropriately qualified employees of the Council are designated as Responsible Officers for the purposes of the PID Act and undertake any training required by the PID Act.</p> <p>Ensure the name and contact details of each Responsible Officer of the Council are made available to Council Members, officers and employees.</p>
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	<p>Comply with this Procedure in accordance with the requirements of the PID Act, the OPI and Ombudsman's Directions and Guidelines, and the Public Interest Disclosure Guidelines.</p>
Responsible Officer(s)	<p>Receive appropriate disclosures relating to the Council and ensure compliance with the PID Act, and this Procedure, in relation to any such disclosures.</p> <p>Make appropriate recommendations to the Principal Officer of the Council in relation to dealing with disclosures, including any suggested changes to this Procedure.</p> <p>Provide advice to Council Members, officers and employees of the Council in relation to the administration of the PID Act.</p> <p>Complete any training courses approved by the Commissioner for the purposes of the <i>Public Interest Disclosure Regulations 2019</i>.</p>
Public Officer (includes Council Members, officers and employees as defined in Schedule 1 of the <i>Independent Commission Against Corruption Act 2012</i> )	<p>Comply with this Procedure in accordance with the requirements of the PID Act, the OPI and Ombudsman Directions and Guidelines, and Public Interest Disclosure Guidelines.</p> <p>Immediately refer any disclosure of environmental and health information made by a member of the public, or any disclosure of public interest information made to them by a public officer, to a Responsible Officer.</p>

## 4. Procedure

### 4.1 Confidentiality

4.1.1 The identity of an informant will remain confidential, subject to the requirements under Section 8 of the PID Act and Guideline 3 of the Guidelines published by the Commissioner.

4.1.2 In accordance with Section 8 of the PID Act, it is a criminal offence to reveal the identity of an informant without their consent, unless one of the following applies:

- a) it is necessary to divulge the identity of the informant to prevent or minimise an imminent risk of serious physical injury or death to any person, and the information is given to the most appropriate authority or person to address that risk;
- b) the OPI has issued a notice advising that the identity of the informant is required, in which case the identity of the informant must be disclosed to the OPI;
- c) The disclosure of identity is necessary for the matter to be properly investigated (and only to the extent necessary); or
- d) the informant consents to their identity being disclosed.

4.1.3 The PID Act does not require any other information such as details of allegations) to remain confidential.

However, before sharing any part of a disclosure, the prohibition against victimisation under the PID Act must be considered.

4.1.4 Informants may wish to remain anonymous, but they must provide enough detail and evidence to allow the matter to be properly investigated.

## **4.2 Disclosure process**

4.2.1 The PID Act provides protection for informants when:

- a) a member of the public or a public officer makes a disclosure about environmental and health information which they reasonably believe (or suspect) to be true and significant enough to report; and/or
- b) a public officer discloses public administration information that raises a reasonable suspicion of corruption, misconduct or maladministration in public administration.

4.2.2 Disclosures should, wherever possible, be directed first to the Responsible Officer for Council.

However, an informant may choose to make a disclosure to another relevant authority, including one outside the Council. The informant may make this choice at their discretion.

4.2.3 When determining where to direct a disclosure, consider:

- a) Disclosures about a Council Member, officer, or employee (including the Chief Executive Officer, or acting Chief Executive Officer), should be made to a Responsible Officer.
- b) If the disclosure concerns a Responsible Officer, it should be made to another Responsible Officer or, if not possible, to an external relevant authority (such as the OPI).
- c) Disclosures relating to public administration information about a Council Member, officer or employee of the Council may be made to a Responsible Officer, or to that person's direct supervisor.
- d) Matters involving maladministration or misconduct in public administration may be reported to the Ombudsman or OPI in accordance with the Ombudsman Directions and Guidelines and ICAC Act.
- e) Suspected corruption in public administration must be reported to the OPI in accordance with the OPI's Directions and Guidelines.
- f) Disclosures relating to environmental and health information should be made to a Responsible Officer or to another relevant authority (such as the Environmental Protection Agency).

4.2.4 A disclosure may be made in person, by telephone or in writing (either by post, email or at the website) as listed in clause 1.4.

When a disclosure is made by telephone, the recipient must take notes and, where possible, ask the informant to verify and sign them.

## **4.3 Receipt of a disclosure**

4.3.1 A flowchart outlining the disclosure process is provided in Appendix B to this Procedure.

4.3.2 If a Council Member, employee or officer receives a disclosure of public interest information regarding a location within the Council area, the recipient of that disclosure will:

- a) ask whether the informant consents to their identity being shared with the Responsible Officer (noting that refusal may limit investigation options); and
- b) refer the disclosure to the Responsible Officer, complying with the wishes of the informant with respect to identity disclosure.

4.3.3 Once received, the Responsible Officer will:

- a) immediately assess the disclosure in accordance with clause 4.4 of this Procedure; and
- b) as soon as practicable:
  - (i) notify the OPI of the disclosure; and
  - (ii) confirm receipt of the disclosure with the informant.

4.3.4 Following the assessment, the Responsible Officer will take appropriate action, including:

- a) notifying the informant of the outcome of any action in accordance with clauses 4.5 and 4.6 of this Procedure
- b) notifying the OPI of the outcome of any action taken in accordance with clauses 4.5 and 4.6 of this Procedure
- c) reporting the outcome of any action taken to the Minister in accordance with clause 4.6.6 of this Procedure
- d) preparing and issuing a final report to the Principal Officer in accordance with clause 4.7.3 of this Procedure
- e) make recommendations, if required, to the Principal Officer in relation to dealing with such disclosures.

#### **4.4 Assessment of disclosure**

4.4.1 If the informant's identity is known, the Responsible Officer will acknowledge receipt of the disclosure within two (2) business days and provide a copy of this Procedure to the informant.

4.4.2 The Responsible Officer will undertake an assessment to determine:

- a) whether the disclosure falls within the scope of the PID Act, namely whether it pertains to environmental and health information and/or public administration information, within the Council's area;
- b) whether there is an imminent risk of serious physical injury or death to any person or the public generally;
- c) whether it involves corruption, misconduct or maladministration in public administration;
- d) What action should be taken, including whether the matter:
  - (i) is frivolous, vexatious or trivial (in which case, no further action will be taken in relation to the disclosure);
  - (ii) involves a matter which has already been investigated or acted upon by a relevant authority and there is no reason to re-examine the matter or there is other good reason why no action should be taken in respect of the matter (in which case, no further action will be taken in relation to the disclosure); or
  - (iii) requires referral to another relevant authority external to the Council.

4.4.3 If the disclosure concerns a Council Member, officer or employee of the Council, and it is made to that person's supervisor, the supervisor will conduct the assessment and report the outcome to the Responsible Officer to action.

- 4.4.4 The Responsible Officer must report assessment outcomes to the Chief Executive Officer (unless the disclosure relates to the Chief Executive Officer) without revealing the informant's identity unless clause 4.1.2 of this Procedure applies.
- 4.4.5 If there is an imminent risk of serious physical injury or death to any person or to the public generally, the Responsible Officer (or supervisor) must immediately notify the most appropriate agency (for example, South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority). In doing so, the Responsible Officer or supervisor must also have regard to clause 4.1.2 of this Procedure.
- 4.4.6 If there is a reasonable suspicion of corruption, misconduct or maladministration in public administration, the Responsible Officer (or supervisor) must report it in accordance with their reporting obligations under the ICAC Act and Directions and Guidelines.
- 4.4.7 If the disclosure requires referral or further action, the Responsible Officer will ensure it is directed to the most appropriate person or relevant authority to take that action.  
If the assessment is completed by a supervisor, the supervisor will include this recommendation in their report to the Responsible Officer for action.
- 4.4.8 If the Responsible Officer determines that other action is needed to properly address the disclosure, the details of the recommended action will be included in their determination.  
If the assessment is completed by the supervisor, the supervisor will include this recommendation in their report to the Responsible Officer for action.

#### **4.5 Notification of assessment**

- 4.5.1 If no further action is required, the Responsible Officer must notify the informant **within 30 days of receiving the disclosure**, advising that:
  - a) an assessment of the disclosure has been completed;
  - b) no action will be taken in relation to the disclosure; and
  - c) the reason/s why no action is being taken.
- 4.5.2 If further action is required, the Responsible Officer must ensure that **within 30 days of receiving the disclosure**:
  - a) take appropriate action to ensure the matter(s) are properly addressed; or
  - b) where the action involves referring the disclosure (to another Responsible Officer, the Chief Executive Officer or another relevant authority), provide sufficient information to enable the appropriate person or relevant authority to take action.
- 4.5.3 Where the disclosure is not referred, the Responsible Officer must, **within 90 days of receiving the disclosure**, take reasonable steps to notify the informant of the action taken by the Council.
- 4.5.4 If the Responsible Officer does not notify the informant as required in 4.5.1, the informant may be entitled to protection for any subsequent disclosure of that information to a journalist or Member of Parliament in accordance with the PID Act.
- 4.5.5 If the informant is dissatisfied with the Responsible Officer's determination, they may report the disclosure to another relevant authority external to the Council.
- 4.5.6 As soon as reasonably practicable after completing the assessment and notifying the informant, the Responsible Officer must submit an Initial Notification to the OPI using the dedicated online form at [www.icac.sa.gov.au](http://www.icac.sa.gov.au). The notification must include all details required under Guideline 1.4 of the Public Interest Disclosure Guidelines.

4.5.7 The Responsible Officer must retain the unique reference number issued by the OPI upon lodgement of the Initial Notification and provide this number to any other person or authority to whom the disclosure is subsequently referred.

#### **4.6 Notification of further action**

4.6.1 If the informant's identity is known or reasonably ascertainable, the Responsible Officer will notify the informant in writing of the outcome of their determination as soon as reasonably practicable after further action has been taken and, in any event, within:

- a) ninety (90) days of receipt of the disclosure; or
- b) a longer period specified by written notice from the Responsible Officer within that 90-day period.

4.6.2 The notification must advise the informant of:

- a) any action that has been or will be taken in relation to the disclosure; or
- b) if no action is being taken, the reason/s why.

4.6.3 If the Responsible Officer does not notify the informant in accordance with clauses 4.6.1 and 4.6.2, the informant may be entitled to protection for any subsequent disclosure of that information to a journalist or Member of Parliament in accordance with the PID Act.

4.6.4 If the informant is dissatisfied with the Responsible Officer's determination or the action taken, they may report the disclosure to another relevant authority external to the Council.

4.6.5 As soon as reasonably practicable after the assessment and notification to the informant, the Responsible Officer must submit a Further Notification to the OPI using the online form at [www.icac.sa.gov.au](http://www.icac.sa.gov.au). The notification must include all details required under Guideline 2 of the Public Interest Disclosure Guidelines.

4.6.6 If the disclosure was referred to Council by a Minister, the Responsible Officer must also notify the Minister of the action taken and the outcome. If no action is to be taken, the Minister should be notified following the assessment.

#### **4.7 Final report and recommendation**

4.7.1 Once all actions in relation to a disclosure are complete, the Responsible Officer must prepare a report including:

- a) the subject of the disclosure;
- b) a summary of the steps taken by the Responsible Officer in accordance with this Procedure;
- c) the conclusions reached and the basis for those conclusions; and
- d) any recommendations arising from the conclusions, including remedial actions the Council should take.

4.7.2 The report must not include any information that could identify the informant, unless clause 4.1.2 of this Procedure applies.

4.7.3 The Responsible Officer must provide the report to the Chief Executive Officer, who will take any action they consider appropriate.

4.7.4 The Chief Executive Officer may, at their discretion, inform the elected body about a disclosure on a confidential basis, in accordance with clause 4.1 of this Procedure.

## **4.8 Secure handling and storage of information**

- 4.8.1 The Responsible Officer must accurately record and securely maintain all information relating to an appropriate disclosure, including notes of all discussions, phone calls, and interviews.
- 4.8.2 All information relating to an appropriate disclosure must be treated as confidential, and the Responsible Officer is solely responsible for its secure storage.
- 4.8.3 The Responsible Officer will maintain a confidential file of all materials related to a disclosure or associated investigation/reporting process. This includes written documents, electronic media, or any other objects containing information. All such records will be entered in a confidential register and securely stored.
- 4.8.4 If a Responsible Officer leaves their role, they must transfer all disclosure-related information to another Responsible Officer where possible. The departing officer remains bound by confidentiality obligations regarding the informant's identity and the information received.

## **4.9 Protection for the informant**

- 4.9.1 While the PID Act does not provide protection to individuals who knowingly make false or misleading disclosures, an informant who makes an appropriate disclosure is generally protected by:
  - a) immunity from criminal or civil liability;
  - b) a prohibition on the disclosure of their identity, except in limited and specific circumstances;
  - c) a prohibition against victimisation; and
  - d) a prohibition against hindering, obstructing, or preventing an informant from making an appropriate disclosure.
- 4.9.2 A person who personally victimises an informant is guilty of an offence and may be prosecuted.
- 4.9.3 The Council will take appropriate action to protect informants from victimisation, or interference. This may include:
  - a) measures set out in this Procedure and/or referral to the SA Police
  - b) disciplinary action by the Council or the Chief Executive Officer for any failure to comply with this Procedure, including improper disclosure of an informant's identity.

## **5. Feedback**

Your feedback on this Procedure is invited and can be directed to the Manager Governance via email to [governance@playford.sa.gov.au](mailto:governance@playford.sa.gov.au) or by calling the Customer Contact Team on 8256 0333.

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### **Administration use only**

ECM document set no. 3932780

Version no. 4

Policy link Fraud and Corruption Control Policy

Procedure author General Manager Corporate Services

Endorsed by	CEO
Resolution no.	N/A
Legal requirement	<i>Section 12(4) and (5) Public Interest Disclosure Act 2018</i>
Review schedule	4 years
Date of current version	February 2026
Date of next review	February 2030

### Version history

Version no.	Approval date	Approval by	Change
1	20 August 2019	Chief Executive Officer	New Procedure
2	1 June 2021	Chief Executive Officer	Updated to new corporate template. Removed references to independent assessor as this is not provided for in the Act
2.1	27 September 2021	Chief Executive Officer	Administrative update to include newly appointed Responsible Officer
3	4 March 2024	Chief Executive Officer	Scheduled review, updated to include newly appointed Responsible Officers.
3.1	3 June 2025	Chief Executive Officer	Administrative update to amend Responsible Officer citations.
4	13 February 2026	Chief Executive Officer	Review schedule changed to a 4-year cycle. Updated reporting avenues to reflect OPI and Ombudsman Directions and Guidelines.

## Appendix A – Relevant Authorities

A disclosure of public interest information where the information relates to...	The relevant authority is...
A public officer <sup>1</sup>	<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;</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 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 <sup>2</sup>	an authority declared by the regulations to be a relevant authority in relation to such information.
Public interest information – being: <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>	<p>either:</p> <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<sup>2</sup>.</li> </ul>

<sup>1</sup> As defined and set out in Schedule 1 of the *Independent Commission Against Corruption Act 2012* - relevantly, this includes members, officers and employees of local government bodies.

<sup>2</sup> Presently, no prescribed persons or classes have been identified.

## Appendix B – Disclosure Flowchart

