



City of Salisbury Values: Respectful, Accountable, Collaborative, Helpful

Public Interest Disclosure Procedure

Adopted by:	Executive
Responsible Division:	Governance
First Issued/Adopted:	13 August 2019
Last Reviewed:	March 2025
Next Review Date:	January 2029

Principal Officer Statement – 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) and the [PID Guidelines](#).

As Chief Executive Officer of City of Salisbury (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 of such Disclosures and for dealing with such Disclosures, and by providing appropriate protections for those who make such Disclosures.

Our employees, officers, Members of the Council and I remain deeply committed to the protection of informants who make public interest Disclosures in accordance with 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 or the Council's Public Interest Disclosure Policy should be directed in the first instance to the Responsible Officer, whose details are in Part 5.2 of this Procedure.

Principal Officer
Chief Executive Officer, City of Salisbury

1. Purpose

The City of Salisbury (“Council”) is committed to upholding the principles of transparency and accountability and, as such, encourages the making of disclosures that disclose public interest information.

The purpose of this procedure is to ensure that Council fulfils its obligations under the *Public Interest Disclosure Act 2018* (PID Act) by:

- encouraging and facilitating disclosures of public interest Information in accordance with the objects and requirements of the PID Act.
- ensuring appropriate oversight of public interest disclosures related to corruption, misconduct and maladministration in public administration.
- providing appropriate protection for those who make disclosures in accordance with the Act; and
- recognising the need to support Informants, the responsible officers and, as appropriate, those public officers affected by any appropriate disclosure.

This procedure outlines how an appropriate disclosure can be made and sets out the roles and responsibilities for those involved in making and receiving disclosures.

2. Scope

- 2.1 This Procedure applies to appropriate disclosures of Public Interest Information made in accordance with the PID Act. It covers disclosures made by public officers including Council Members, Officers and Employees of the Council, and by members of the public.
- 2.2 This Procedure is intended to complement the reporting framework established under the Independent Commission Against Corruption (ICAC) Act and operates in conjunction with other relevant policies, as detailed in Part 6 of this procedure.

3. Legislative Requirements and Corporate Policy Context

- Public Interest Disclosure Act 2018
- Public Interest Disclosure Regulations 2019
- Independent Commissioner Against Corruption (ICAC) Act 2012
- Ombudsman Act 1972
- City of Salisbury Fraud, Corruption, Misconduct and Maladministration Prevention Policy
- City of Salisbury Internal Review of Council Decisions Policy and Procedure
- City of Salisbury Employee Conduct Policy
- Behavioural Management for Council Members
- City of Salisbury Risk Management Framework

Supporting Documents:

The Independent Commissioner Against Corruption has published guidelines under section 14 of the PID Act that provide additional requirements and provide additional information for dealing with *appropriate disclosures*. This Procedure is consistent with the ICAC Guidelines.

- [Public Interest Disclosure Guidelines](#)
- [Directions and Guidelines for Public Officers](#)

4. Interpretation/Definitions

For the purposes of this Procedure the following definitions apply:

Commission the Independent Commission Against Corruption (ICAC)

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

Corruption in public administration is defined in section 5(1) of the ICAC Act.

Directions and Guidelines is a reference to the Directions and 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).

Disclosure for the purposes of the PID Act means an appropriate disclosure of public interest information made by an Informant to a Relevant Authority or Responsible Officer.

Environmental and health information means 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.

Informant A person who makes an *appropriate disclosure* of public interest and is referred to throughout this procedure as an *informant*.

Maladministration in public administration is defined in section 4(2) of the *Ombudsman Act 1972*.

Misconduct in public administration is defined in section 4(1) of the *Ombudsman Act*.

Office for Public Integrity (OPI) is the office established under the ICAC Act to manage complaints about public administration.

OPI Directions and Guidelines is a reference to the directions and guidelines issued by OPI pursuant to section 18B of the ICAC Act in relation to reporting matters of suspected corruption in public administration.

Principal Officer the Chief Executive Officer.

Public administration defined at section 4(1) of the ICAC Act.

Public administration information means information that raises a potential issue of corruption, misconduct or maladministration in public administration.

Public interest information means environmental or health information, or public administration information.

PID Act means *the Public Interest Disclosure Act 2018*.

Public Officer Is defined by Schedule 1 of the ICAC Act, and includes:

- a council member; and
- an employee or officer of the Council.

Relevant Authority: The PID Act designates certain persons or organisations who can receive an *appropriate disclosure* of *public interest information* in accordance with the PID Act.

Responsible Officer is a person designated by the Chief Executive Officer and who has completed any training courses approved by the Commissioner for the purposes of the *Public Interest Disclosure Regulations 2019*.

Victimisation as per section 9(1) of the PID Act.

5. Procedure Statements

In accordance with the requirements of the *Public Interest Disclosure Act*, this procedure outlines the process for individuals wanting to make an *appropriate disclosure* and provides guidance to employees on how to handle such disclosures.

5.1 Public Interest Information

There are two types of public interest information:

- **Environmental and health information** – information that raises a potential issue of a substantial risk to the environment, public health or safety of the public generally, or a significant section of the public.
- **Public administration information** – information that raises a potential issue of corruption, misconduct and maladministration in public administration.

5.2 The Disclosure Process

5.2.1 Making an appropriate disclosure

All disclosures will be handled in accordance with this Procedure.

Nothing in this Procedure prevents a person from making a disclosure to a Relevant Authority external to the Council (i.e. the Ombudsman or the OPI). This is a choice to be made by the Informant.

Any person can make an appropriate disclosure of environmental and health information and will be protected from liability because of that disclosure.

Any person can make an appropriate disclosure of public administration information in accordance with the PID Act, however only public officers are protected from liability because of that disclosure.

Appropriate disclosures of public administration information should be directed in the first instance to the Responsible Officer.

If there is a reasonable suspicion of corruption, it must be reported to the Office of Public Integrity (OPI) in accordance with the OPI Directions and Guidelines.

A disclosure may be made to the Council's designated Responsible Officer in person, by telephone or in writing.

Written disclosures should be addressed as follows:

- Confidential
- Public Interest Disclosure Responsible Officer
- Salisbury Community Hub 34 Church Street, Salisbury SA 5108

Manager Governance

Telephone: 08 8406 8331

Email: pid@salisbury.sa.gov.au

Team Leader Council Governance

Telephone: 08 8406 8329

Email: pid@salisbury.sa.gov.au

The following points are additional relevant considerations for an Informant in determining where to direct a disclosure:

- If an employee is choosing to make a disclosure internally, disclosures relating to a Council Member or employee, including the Chief Executive Officer, should be made to a Responsible Officer.
- Any disclosure relating to a person appointed as a Responsible Officer should be made to the other person appointed as a Responsible Officer or failing this, to a Relevant Authority external to the Council (such as the OPI).
- A disclosure relating to public administration information about a public officer who is a Council Member or employee of the Council may be made to a Responsible Officer, or to the person responsible (either in fact, or as may be designated by the PID Act) for the management or supervision of the public officer the subject of the disclosure.
- If there is a reasonable suspicion of corruption, it must be reported to the OPI in accordance with the OPI Directions and Guidelines.
- Any Disclosure relating to maladministration or misconduct in public administration should be reported to the Ombudsman in accordance with the Ombudsman Directions and Guidelines. Disclosures may also be made to the OPI in accordance with the ICAC Act. While there is no mandatory obligation for a public officer to report information that raises a potential issue of misconduct or maladministration in public administration to the OPI under the ICAC Act, there is an expectation that public officers will report any matter that they reasonably suspect involves misconduct or maladministration.

5.2.2 Receiving an appropriate disclosure of public interest information:

To determine whether an informant has made an appropriate disclosure, an assessment of the information provided will determine if it is public interest information. and also consider if the City of Salisbury is the relevant authority for the type of information disclosed.

If you are the recipient of an appropriate disclosure of public interest information, you must document the details of the disclosure and seek advice from the responsible officer immediately.

If a Council Member, officer or employee receives a disclosure of public interest information, the recipient of that disclosure will:

- 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
 - notwithstanding that the informant may not consent to their identity being disclosed, it may nonetheless be disclosed if it is necessary to do so to ensure the matters to which the information relates may be properly investigated.
- 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 unless it is necessary to disclose their identity contrary to their wishes to ensure the matters to which the information relates may be properly investigated.

Where the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will acknowledge receipt of the disclosure within 2 working days and in doing so, will provide a copy of this Procedure to the Informant.

To ensure the secure receipt and storage of the disclosure, upon the receipt of a disclosure (whether directly, or by referral), the Responsible Officer will:

- Ensure that a disclosure is stored securely in accordance with Council's record management system and confidentiality requirements.

The identity of the informant must not be disclosed or any information that could reveal the identity of the informant, unless the informant consents.

Further information about the PID Act can be found on the ICAC website, OPI website or Ombudsman SA website.

A flowchart outlining the Disclosure Process is Attachment B to this Procedure.

5.2.3 Notification of Preliminary Assessment:

The Responsible Officer will notify the Informant of the outcome of their determination in writing as soon as is reasonably practicable after the Preliminary Assessment has been made, and in any event within 30 days of receipt of the disclosure. In doing so, the Responsible Officer must advise the Informant of:

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

If the Responsible Officer fails to notify the Informant in accordance with the above, the Informant may be entitled to protection in relation to any subsequent disclosure of that information to a journalist or member of Parliament in accordance with the PID Act.

If the Informant is dissatisfied with the Responsible Officer's determination, it is open to the informant to report the Disclosure to another Relevant Authority external to the Council.

As soon as reasonably practicable following the Preliminary Assessment and notification to the Informant, the Responsible Officer must use the dedicated online notification form on the Office for Public Integrity website to notify OPI of the Disclosure, and in doing so must ensure that the details required by Guideline 1.4 of the Public Interest Disclosure Guidelines are included in the Initial Notification.

The Responsible Officer will retain the unique reference number issued by the OPI upon making the Initial Notification and will ensure that reference number is provided to any other person or authority to whom the Disclosure is referred.

In addition to the requirement for the OPI to be notified when an appropriate disclosure of public interest information is received, the OPI must also be notified of any action taken in relation to the disclosure. The recipient of the disclosure must notify the Office for Public Integrity as soon as reasonably practicable via the online notification form on the website. Further information relating to the information to be provided can be found in the Guideline 2 of the Public Interest Disclosure Guidelines.

5.3 Confidentiality and Protections

5.3.1 Confidentiality and security of information

The City of Salisbury acknowledges the importance of proving for confidentiality as required under the PID Act. The identity of an Informant will be maintained as confidential in accordance with the PID Act.

A person who makes an *appropriate disclosure of public interest information* is protected and their identity must be kept confidential in accordance with section 8 of the PID Act.

Protections are for appropriate disclosures:

- By a member of the public or a public officer about environmental and health information which the Informant reasonably believes to be true or which the Informant believes may be true and is of sufficient significance to warrant Disclosure, regarding a location within the Council area.
- By a public officer about information that the public officer reasonably suspects raises a potential issue of corruption, misconduct or maladministration in public administration.

The PID Act does not expressly require any other information relating to a Disclosure (including, for example, the nature of the allegations) to be maintained as confidential, but in considering whether to further disclose other information provided as part of an appropriate Disclosure the responsible officer should be mindful of the prohibition against Victimisation in the PID Act.

A recipient of an appropriate Disclosure may only divulge the identity of an Informant where:

- the recipient believes on reasonable grounds that it is necessary to divulge the identity of the Informant in order to prevent or minimise an imminent risk of serious physical injury or death to any person, and the identity of the Informant is then 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 physical injury or death to any person;
- doing so is necessary for the matter to be properly investigated (but only to the extent necessary to ensure proper investigation); or
- the Informant consents to his/her identity being disclosed.

There are financial penalties and criminal offences for divulging an informant's identity outside of the parameters listed above.

Victimisation of informants is a criminal offence in accordance with the provisions of section 9 of the PID Act. A person who causes detriment to another on the ground, or substantially on the ground, that the other person or a third person has made or intends to make an appropriate disclosure of public interest information commits an act of victimisation.

A person must not prevent another person from making an appropriate disclosure of public interest information or hinder or obstruct another person in making such a disclosure.

To ensure confidentiality is maintained and to minimise the likelihood of any victimisation associated with public interest disclosures, The following steps are in place to assess and minimise detrimental action in relation to public interest disclosures:

- Ensuring accurate records of an appropriate Disclosure are securely and confidentially maintained including notes of all discussions, phone calls, and interviews.
- Ensuring all information relating to an appropriate Disclosure is maintained as confidential and securely stored such that access to the records is limited to the Responsible Officer and such other persons as is necessary to ensure compliance with the PID Act and to ensure the matters to which the disclosure relates may be properly investigated.
- Ensuring any other person involved in investigating the Disclosure is aware of the confidentiality and security requirements, and is provided with the access to support the confidentiality and security steps put in place by council.
- Ensuring that in the event that a person's appointment as a Responsible Officer is terminated, the person must provide access to the information to the newly-appointed Responsible Officer and having done so will continue to be bound by a duty of confidentiality in respect of an Informant's identity and the information received as a result of the Disclosure.

5.3.2 Immunity

Section 5 of the PID Act provides for protection for Informants where appropriate public interest Disclosures are made:

- By a member of the public or a public officer about environmental and health information which the Informant reasonably believes to be true or which the Informant believes may be true and is of sufficient significance to warrant Disclosure, regarding a location within the Council area.
- By a public officer about information that the public officer reasonably suspects raises a potential issue of corruption, misconduct or maladministration in public administration.

5.3.3 Protection for the Informant

The City of Salisbury is committed to protecting people who make an *appropriate disclosure of public interest information*. The PID Act creates an obligation to maintain the confidentiality of all people who make an *appropriate disclosure of public interest information*.

An Informant who makes an appropriate Disclosure is protected by:

- immunity from criminal or civil liability as provided for in section 5(1) of the PID Act;
- a prohibition on disclosure of his/her identity as provided for in section 8 of the PID Act;
- a prohibition against Victimisation as provided for in section 9 of the PID Act; and
- a prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure as provided for in section 11 of the PID Act.
- The PID Act does not provide any protection to people who knowingly make disclosures that are false or misleading in a material particular.
- A person who knowingly makes a Disclosure that is false or misleading is guilty of an offence and may be prosecuted.
- A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.
- The Council will take action as appropriate in the circumstances of the relevant Disclosure/s to protect Informants from Victimisation. Such action may include acting in accordance with the risk minimisation steps set out in this Procedure and/or referring the matter to the SA Police.

Any Council Member or employee or officer of the Council who:

- knowingly makes a disclosure that is false or misleading in a material particular; or
- commits an act of Victimisation in relation to an Informant; or
- acts otherwise than in accordance with this Procedure (including with respect to divulging the identity of an Informant) in relation to a Disclosure may also face disciplinary action by the Council or the Chief Executive Officer (as appropriate).

5.4 Risk Assessment

The responsible officer will undertake an accurate and objective risk assessment to assess the level of risk of reprisals to the informant. They will identify and implement suitable strategies to mitigate the risks occurring. In assessing the risk of reprisals, the City of Salisbury Risk Management Framework will be used.

5.5 Keeping the information safe

Any person that has received an appropriate disclosure of public interest information, must keep that information confidential.

Responsible officers will have access to a secure mailbox through their email account. The mailbox will only be accessed by the responsible officers and has appropriate security measures in place.

Responsible officers will ensure matters are kept strictly confidential and only the responsible officer can access and any conversations with an informant are to be held in private. In addition, the emails sent to and from responsible officers are kept secure and are not accessed by other staff members.

The City of Salisbury is committed to minimising any risk that an informant might be victimised as a consequence of making, or intending to make, a public interest disclosure.

Responsible officers will provide support and information about the PID Act protections to informants and encourage informants to raise any concerns they have about potential detrimental outcomes that may be caused from the disclosure.

5.6 Responsibilities:

5.6.1 Chief Executive Officer

The CEO, as the Principal Officer of Council for the purposes of the PID Act and is responsible for:

- Ensuring one or more appropriately qualified officers or employees of the Council are designated as responsible officers of the Council for the purposes of the PID Act and that they are suitably training as required by the Public Interest Disclosure Regulations 2019.
- Ensuring that the name and contact details of each responsible officer of the Council are made available to officers or employees of the Council.
- Ensure these procedures are made available and maintained in accordance with the requirements of the PID Act and the PID Guidelines.

5.6.2 Responsible Officer

A person who is designated as a Responsible Officer has the following responsibilities:

- Receiving and securely storing appropriate Disclosures relating to the Council and ensuring compliance with the PID Act, the Public Interest Disclosure Procedure, in relation to any such Disclosures;
- Making appropriate recommendations to the principal officer of the Council in relation to dealing with Disclosures, including any suggested changes to this procedure.
- Providing advice to Council Members, officers and employees of the Council in relation to the administration of the PID Act
- Liaising as required with the Informant and ensuring that the information is provided with support and protection as necessary and appropriate.
- Complete any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations
- Carrying out any other functions relating to the PID Act as appropriate to their role.

5.6.3 Council Member, officer or employee of the Council (public officers)

A Council Member, officer or employee of the Council is responsible for:

- Ensuring they comply with this Procedure.
- Immediately referring any Disclosure of environmental and health information made to them by a member of the public, or any Disclosure of public interest information made to them by a public officer, to the Responsible Officer.

6. Related Policies and Procedures

6.1 Fraud and Corruption Control Policy

6.2 Code of Conduct for Council Employees

6.3 Behaviour Management Policy

6.4 Internal Review of Council Decisions Policy

6.5 Council Fraud, Corruption, Misconduct and Maladministration Prevention Policy

6.6 Council Fees and Charges Register

External documents:

- ICAC Public Interest Disclosure Guidelines
- Ombudsman SA Directions and Guidelines
- Office for Public Integrity Directions and Guidelines for Public Officers.

7. Approval and Change History

Version	Approval Date	Approval By	Change
1	August 2019	Executive	New Policy resulting from legislative changes.
2	September 2021	Executive	Legislative review policy updated to reflect changes.
3	January 2025	Executive	Policy reviewed and updated to reflect legislative changes in relation to the Independent Commissioner Against Corruption Act 2012.

8. Availability

- 8.1 The Policy is available to be downloaded, free of charge, from Council's website www.salisbury.sa.gov.au
- 8.2 The Policy is available on the City of Salisbury intranet site.
- 8.3 The Policy will be available for inspection without charge at the Civic Centre during ordinary business hours and a copy may be purchased at a fee as set annually by Council as per the Councils Fees and Charges.

City of Salisbury Community Hub
34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au

9. Review

This Policy will be reviewed:

- In the third year following a Council election; or
- As necessary; or
- The frequency dictated in legislation; or
- Earlier in the event of changes to legislation or related Policies and Procedures; or
- If deemed necessary by Council.

Further Information

For further information on this Policy please contact:

Responsible Officer: Manager Governance or Team Leader Council Governance
Address: 34 Church Street, Salisbury SA 5108
Telephone: 8406 8222
Email: city@salisbury.sa.gov.au

Appendix A
Relevant Authorities

Where the information relates to...	the relevant authority is...
<p>a public officer*</p> <p><small>*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</small></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

Where the information relates to...	the relevant authority is...
<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

Notification Process Flowchart



