
	<h1 style="margin: 0;">PUBLIC INTEREST DISCLOSURE</h1>	Policy #	1.64 / 1
		Issued:	30 November 2022
POLICY		Next review	Nov 2026


<b>Category:</b>	Governance	<b>Classification:</b>	Public
<b>First Issued:</b>	30 November 2022	<b>Review Frequency:</b>	4 years
<b>Legislation:</b>	Public Interest Disclosure Act 2018		
<b>Relevant Policies:</b>			
<b>Related Procedures:</b>			Signed: 
<b>Responsible Officer:</b>	Manager Governance		
<b>Adopted:</b>	30 November 2022		

## 1. Introduction

- 1.1. The District Council of Ceduna (Council) is committed to upholding the principles of transparency and accountability in its administrative and management practices and, therefore, encourages the making of disclosures that reveal public interest information.
- 1.2. The purpose of this Policy is to ensure that Council:
  - properly fulfils its responsibilities under the *Public Interest Disclosure Act 2018*;
  - encourages and facilitates Disclosures of Public Interest Information in accordance with the objects and requirements of the PID Act ;
  - ensures there is appropriate oversight of public interest disclosures about corruption, misconduct and maladministration in public administration;
  - provides appropriate protection for those who make Disclosures in accordance with the Act; and
  - acknowledges the need to appropriately support Informants, the Responsible Officer and, as appropriate, those Public Officers affected by any appropriate Disclosure.
- 1.3. The Council will review and update this Policy each year as part of its annual policy review.

## 2. Scope

- 2.1. This Policy applies to appropriate Disclosures of Public Interest Information that are made in accordance with the PID Act by Council Members, Employees of the Council, and members of the public, and is intended to complement the reporting framework under the ICAC Act.
- 2.2. This Policy is also designed to complement the existing communication channels within Council, and operate in conjunction with other existing policies, including:
  - Fraud & Corruption Prevention Policy;
  - Code of Conduct for Council Employees;
  - Code of Conduct for Council Members; and
  - Internal Review of Council Decisions Policy under section 270 of the *Local Government Act 1999*.

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2.3. The Council is committed to:

- referring, as necessary, appropriate Disclosures to another Relevant Authority;
- where the Disclosure relates to Corruption, or serious or systemic Misconduct or Maladministration in public administration, reporting the Disclosure directly to the OPI in accordance with the Guidelines and the requirements of the ICAC Act;
- otherwise facilitating the investigation of appropriate Disclosures in a manner which promotes fair and objective treatment of those involved; and
- rectifying any substantiated wrongdoing to the extent practicable in all the circumstances.

### 3. Confidentiality

3.1. The identity of an Informant will be maintained as confidential in accordance with the PID Act.

3.2. An Informant may wish to remain anonymous, but in that event must ensure that the allegation is sufficiently supported by the provision of necessary details and evidence to enable the matter to be properly investigated.


### 4. Disclosure Process

4.1. Disclosures are to be handled by the Council in accordance with the Public Interest Disclosure Procedure.

4.2. Nothing in this Policy 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 at his/her discretion. The Council recommends an Informant have regard to the factors at clause 6.4 of the Public Interest Disclosure Procedure when deciding where to direct a Disclosure.

4.3. A Disclosure may be made to the Council's designated Responsible Officer in person, by telephone or in writing. The relevant contact details are:

- Telephone: (08) 8625 3407
- Email: [council@ceduna.sa.gov.au](mailto:council@ceduna.sa.gov.au)
- Address: "Confidential"  
Responsible Officer, PID Act  
District Council of Ceduna  
PO Box 175,  
Ceduna SA 5690
- In Person: District Council of Ceduna  
44 O'Loughlin Tce  
Ceduna SA 5690

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- 4.4. Upon the receipt of a Disclosure, the Responsible Officer will deal with the disclosure in accordance with the Public Interest Disclosure Procedure.
- 4.5. In making any determination or taking any action under this Policy or pursuant to the Public Interest Disclosure Procedure:
  - 4.5.1. the Responsible Officer may seek legal advice from Council's Lawyers and/or guidance from SAPOL or the Ombudsman in relation to the most appropriate course of action to pursue; and
  - 4.5.2. is authorised to incur costs in accordance within the Council's Budget for that purpose.
- 4.6. The Responsible Officer will liaise as required with the Informant and any Independent Assessor in relation to any investigation process undertaken in accordance with the Public Interest Disclosure Procedure, and will ensure that the Informant is provided with support and protection as necessary and appropriate in the circumstances of the Disclosure.
- 4.7. As a matter of discretion, the Chief Executive Officer may inform the elected body, on a confidential basis, of the fact that an investigation of a Disclosure took place and the outcome of the investigation.
- 4.8. In the event the Disclosure and/or any subsequent investigation process is confined to issues that impact only upon Council staff and human resource processes, the Chief Executive Officer will not inform the elected body of the fact of the Disclosure and/or investigation (since these matters fall outside the roles and responsibilities of elected members under the *Local Government Act 1999*).

## 5. Protection for the Informant

- 5.1. An Informant who makes an appropriate Disclosure is protected by:
  - 5.1.1. immunity from criminal or civil liability as provided for in section 5(1) of the PID Act;
  - 5.1.2. a prohibition on disclosure of his/her identity as provided for in section 8 of the PID Act;
  - 5.1.3. a prohibition against Victimisation as provided for in section 9 of the PID Act; and
  - 5.1.4. a prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure as provided for in section 11 of the PID Act.
- 5.2. The PID Act does not provide any protection to people who knowingly make disclosures that are false or misleading in a material particular (whether by reason of the inclusion or omission of a particular).
- 5.3. A person who knowingly makes a Disclosure that is false or misleading in a material particular is guilty of an offence and may be prosecuted.

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- 5.4. A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.
- 5.5. 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 the Public Interest Disclosure Procedure and/or referring the matter to the SA Police.
- 5.6. Any Council Member or employee or officer of the Council who:
  - 5.6.1. knowingly makes a disclosure that is false or misleading in a material particular; or
  - 5.6.2. commits an act of Victimisation in relation to an Informant; or
  - 5.6.3. acts otherwise than in accordance with this Policy or the Public Interest Disclosure Procedure (including with respect to divulging the identity of an Informant) in relation to a Disclosure
- 1 may also face disciplinary action by the Council or the Chief Executive Officer (as appropriate).

## 6. Availability of the Policy

- 6.1. This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website #####. Copies will also be provided to the public upon request, and upon payment of a fee in accordance with the Council's Schedule of Fees and Charges.