

 POLICY	PUBLIC INTEREST DISCLOSURE	Policy #	1.64 / 1
		Issued:	18 March 2026
		Next review	March 2030

Category:	Governance	Classification:	Public
First Issued:	19 June 2019	Review Frequency:	4 years
Legislation:	Public Interest Disclosure Act 2018		
Relevant Policies:			
Related Procedures:			
Responsible Officer:	General Manager Corporate, People & Compliance		
Adopted:	18 March 2026		

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 PID 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 in accordance with its policy review schedule.

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 Office for Public Integrity 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. Definitions

For the purposes of this policy the following definitions apply:

Commissioner means 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 Independent Commission Against Corruption Act 2012 and means:

- an offence against Part 7 Division 4 (Offences relating to public officers) of the [Criminal Law Consolidation Act 1935](#), which includes the following offences:
 - (i) bribery or corruption of public officers;
 - (ii) threats or reprisals against public officers;
 - (iii) abuse of public office;
 - (iv) demanding or requiring benefit on basis of public office;
 - (iv) offences relating to appointment to public office; or
- an offence against the [Public Sector \(Honesty and Accountability\) Act 1995](#) or the [Public Corporations Act 1993](#), or an attempt to commit such an offence; or
- an offence against the Lobbyists Act 2015, or an attempt to commit such an offence; or
- any of the following in relation to an offence referred to in a preceding paragraph:
 - (i) aiding, abetting, counselling or procuring the commission of the offence;
 - (ii) inducing, whether by threats or promises or otherwise, the commission of the offence;
 - (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
 - (iv) conspiring with others to effect the commission of the offence.

Council means The District Council of Ceduna

Detriment includes:

- injury, harm (including psychological harm), damage (including damage to

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reputation) or loss;

- Intimidation or harassment;
- Discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or
- Threats or reprisal (which may be express or implied), and/or conditional or unconditional.

Directions and Guidelines is a reference to the Direction and Guidelines issued pursuant to section 18B of the ICAC Act and/or Section 14 of the PID Act, which are accessible via www.icac.sa.gov.au

Disclosure means an appropriate disclosure of public interest information made by an informant to a Relevant Authority:

- A person makes an appropriate disclosure of public administration information if:
 - (a) The person:
 - (i) Is a public officer;
 - (ii) Reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and
 - (b) The disclosure is made to a Relevant Authority
- A person makes an appropriate disclosure of environmental and health information if:
 - (a) The person:
 - (i) Believes on reasonable grounds that the information is true; or
 - (ii) Is not in a position to form a belief on reasonable grounds about the truth of the information, but believes on reasonable grounds that the information may be true and is of significance to justify its disclosure so that its truth may be investigated; and
 - (b) The disclosure is made to a Relevant Authority.

Environmental and health information means information that raises a potential issue of substantial risk to the environment or to the health or safety of the public generally or a significant section of the public.

Fraud includes an intentional dishonest act or omission done with the purpose of deceiving.

ICAC means the Independent Commission Against Corruption

ICAC Act means the Independent Commission Against Corruption Act 2012

Independent Assessor means the person designated by the Responsible Officer as being responsible for investigating a disclosure made to the Council in accordance with the Public Interest Disclosure Procedure

Informant means a person who makes an appropriate disclosure of public interest information to a Relevant Authority.

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Maladministration in public administration has the same meaning as defined the Ombudsman Act 1972 and means:

- Conduct of a public officer, or a practice, policy or procedure of a public authority, that results in a irregular and unauthorized use of public money or substantial mismanagement of public resources; or
- Conduct of a public officer involving substantial mismanagement in or in relation to the performance of official functions; and
- Includes conduct resulting from impropriety, incompetence or negligence; and
- Is to be assessed having regard to relevant statutory provisions and administrative instructions and directions.

Misconduct in public administration has the same meaning as defined in the Ombudsman Act 1972 and means an intentional and serious contravention of a code of conduct by a public officer while acting in their capacity as a public officer that constitutes a ground for disciplinary action against the officer.

PID Act means the Public Interest Disclosure Act 2018

Public Administration information means information that raises a potential issue of corruption, misconduct or maladministration in public administration (whether occurring before or after the commencement of this Act);

Public Interest information means:

- (a) Environmental and health information; or
- (b) Public administration information

Public Officer has the meaning given by Section 4 and Schedule 1 of the ICAC Act, and includes:

- A Council member; and
- An employee or officer of the Council

Relevant Authority has the same meaning as Section 5 (5) of the PID Act and includes:

- where the information relates to a location within the area of a particular council established under the Local Government Act 1999—a member, officer or employee of that council; or

Responsible Officer is a person who has completed any training courses approved by the Commissioner for the purposes of the Public Interest Disclosure Regulations 2019 and has been designated by the Council as responsible officer under Section 12 of the PID Act.

Victimisation occurs when a person 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.

4. Confidentiality

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

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- 4.2. 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.

5. Disclosure Process

- 5.1. Disclosures are to be handled by the Council in accordance with the Public Interest Disclosure Procedure.
- 5.2. 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 Office for Public Integrity). This is a choice to be made by the Informant at his/her discretion.
- 5.3 When 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;
- 5.4 Any disclosure relating to a person appointed as a Responsible Officer should be made to another person appointed as a Responsible Officer, or failing this, to a Relevant Authority external to the Council (such as the Office for Public Integrity)
- 5.3. A Disclosure may be made to:

- (a) the Council's designated Responsible Officer in person, by telephone or in writing.
The relevant contact details are:

- Telephone: (08) 8625 3407
- Email: responsibleofficer@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

OR

- (b) Where the information relates to a location within the area of a particular council established under the Local Government Act 1999 - a member, officer or employee of that Council – as per Section 5 (5) (d) of the PID Act.
- 5.4 Upon the receipt of a Disclosure:
- (a) The Responsible Officer will deal with the disclosure in accordance with the Public Interest Disclosure Procedure; or.

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(b) If the person to whom the disclosure of public interest information is made is not the Responsible Officer, to ensure the disclosure is dealt with in accordance with the Public Interest Disclosure Procedure, the person may refer the matter & the identity of the informant to the Responsible officer (with the consent of the informant for their identity to be divulged);

- 5.5 In making any determination or taking any action under this Policy or pursuant to the Public Interest Disclosure Procedure:
- 5.5.1 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
- 5.5.2 is authorised to incur costs in accordance within the Council's Budget for that purpose.
- 5.6 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.
- 5.7 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.
- 5.8 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*).

6 Protection for the Informant

- 6.1 An Informant who makes an appropriate Disclosure is protected by:
- 6.1.1 immunity from criminal or civil liability as provided for in section 5(1) of the PID Act;
- 6.1.2 a prohibition on disclosure of his/her identity as provided for in section 8 of the PID Act;
- 6.1.3 a prohibition against Victimisation as provided for in section 9 of the PID Act; and
- 6.1.4 a prohibition against hindering, obstructing or preventing an Informant from making an appropriate Disclosure as provided for in section 11 of the PID Act.
- 6.2 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).
- 6.3 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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- 6.4 A person who personally commits an act of Victimisation against an Informant is guilty of an offence and may be prosecuted.
- 6.5 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.
- 6.6 Any Council Member or employee or officer of the Council who:
- 6.6.1 knowingly makes a disclosure that is false or misleading in a material particular; or
 - 6.6.2 commits an act of Victimisation in relation to an Informant; or
 - 6.6.3 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
- may also face disciplinary action by the Council or the Chief Executive Officer (as appropriate).

7 Availability of the Policy

- 7.1 This Policy will be available for inspection at the Council's Offices during ordinary business hours and via the Council's website www.ceduna.sa.gov.au . 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.