

# Public Interest Disclosure Policy & Procedures

## Council Policy

<b>Policy Reference Number</b>	6266062
<b>Responsible Department</b>	Corporate Services
<b>Related Policies</b>	Fraud & Corruption Prevention Policy; Internal Review of Council Decisions Policy
<b>Related Procedures</b>	Nil
<b>Date of Initial Adoption</b>	17 September 2019
<b>Last Reviewed by Council</b>	15 August 2023

### 1. Purpose

The purpose of this Policy is to ensure that Council:

- properly fulfils its responsibilities under the PID Act (Public Interest Disclosure Act 2018) including a process whereby Disclosures may be made so that they are properly investigated
- encourages and facilitates Disclosures of Public Interest Information (including oversight of Public Interest Disclosures about Corruption, Misconduct and Maladministration in Public Administration, and environmental and health disclosures regarding a location in the Council area) in accordance with the requirements of the PID Act
- provides appropriate protection for those who make Disclosures in accordance with the Act, and support for Informants, Responsible Officers and, as appropriate, those Public Officers affected by any appropriate Disclosure.

This Policy applies to appropriate Disclosures of Public Interest Information that are made by public officers and members of the public.

### 2. Power to Make the Policy

This Policy is made pursuant to Section 132A of the Local Government Act 1999 and Section 12 of the Public Interest Disclosure Act 2018. It is intended to complement the ICAC Act (Independent Commission Against Corruption Act 2012) reporting framework and operate in conjunction with State-wide Codes of Conduct for Elected Members and Council Employees, and the following Council documents:

- Fraud and Corruption Prevention Policy
- Internal Review of Council Decisions Policy.

### 3. Strategic Plan Link

This Policy has the following link to Council's Strategic Plan 2024:

- Leading Our People (Goal 5)

### 4. Principles

Council is committed to:

- upholding the principles of transparency and accountability in its administrative and management practices and encourages the making of Disclosures that reveal Public Interest Information.
- referral of appropriate disclosures to another Relevant Authority
- where the disclosure relates to Corruption, serious or systemic Misconduct or Maladministration in public administration, reporting the disclosure directly to the OPI (Office for Public Integrity) in accordance with the Public Interest Disclosure OPI Directions & Guidelines and the requirements of the ICAC Act;
- protecting Informants who make appropriate Public Interest Disclosures and supporting other persons as required through the Disclosure process;
- genuine and efficient investigation and/or referral of all appropriate Disclosures in a manner which promotes fair and objective treatment of those involved
- taking action where relevant, and rectifying any substantiated wrongdoing to the extent practicable in the circumstances.

### 5. Definitions

Definitions/interpretations apply as described in the:

- [ICAC Act 2012](#)
- [Public Interest Disclosure Act 2018](#)

A full list of definitions is available at Appendix A.

## 7. Policy

### 7.1 Types of Disclosure

This Policy covers disclosures made as follows:

Public Interest Area	Disclosure relates to	Protection available under PID Act for
Environmental and Health Information	a substantial risk to the environment or to public health and safety	All persons
Public Administration	Potential corruption, misconduct or maladministration in public administration	Public Officers <sup>1</sup>

A person makes an **appropriate disclosure of environmental and health information** if:

- the person:
  - believes on reasonable grounds that the information is true; or
  - 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 sufficient significance to justify its disclosure so that its truth may be investigated; and
- the disclosure is made to a Relevant Authority.

A person makes an **appropriate disclosure of public administration information** if:

- the person:
  - is a public officer;
  - reasonably suspects that the information raises a potential issue of corruption, misconduct or maladministration in public administration; and
- the disclosure is made to a Relevant Authority.

### 7.2 Disclosure Process

Disclosures should generally, and wherever possible, be directed in the first instance to the Responsible Officer, who has the responsibility for receiving appropriate Disclosures relating to this Council.

---

<sup>1</sup> Members of the public have protections under the ICAC Act in relation to disclosures that relate to potential corruption, misconduct or maladministration in public administration. Disclosures should be made directly to the Office for Public Integrity ([www.icac.sa.gov.au](http://www.icac.sa.gov.au))

Council's Responsible Officers may be contacted in person, in writing or by telephone as follows:

- General Manager Corporate Services, Tracie Dawber
- Manager People & Culture, Rachel Read.

Street Address:  
Campbelltown City Council Office  
172 Montacute Road, Rostrevor.

Email: [publicdisclosure@campbelltown.sa.gov.au](mailto:publicdisclosure@campbelltown.sa.gov.au)

Correspondence address:

Confidential  
Responsible Officer, Public Interest Disclosure  
PO Box 1  
CAMPBELLTOWN SA 5074

Telephone: (08) 8366 9222

Disclosures relating to matters outside of the responsibility of Council should be made to that relevant authority. Disclosures of public interest information may also be made directly to the OPI (Office for Public Integrity).

It is an Informant's choice regarding where to direct a Disclosure; the following considerations may assist when making this choice:

- Disclosures relating to an Elected Member or an Employee, including the Chief Executive Officer, should usually 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)
- any Disclosure relating to public administration information about a public officer who is a member, officer or employee of the Council may be made to:
  - a Responsible Officer;
  - the manager or supervisor of the public officer the subject of the Disclosure; or
  - the OPI
- if there is a reasonable suspicion of Corruption, or of Maladministration or Misconduct that is serious or systemic, it must be reported to the OPI
- if a Disclosure contains allegations of Fraud or Corruption, it should be reported in accordance with the Council's Fraud and Corruption Policy:

- if the Disclosure relates to Corruption in public administration it should be reported to the OPI; and
- if the Disclosure relates to Fraud, it should be reported to the Responsible Officer or direct to SAPOL.

If an Informant believes that their Disclosure is not being dealt with appropriately or in accordance with this Policy, they should contact a Council Responsible Officer in the first instance.

### 7.3 Responsibilities

Role	Responsibilities
Chief Executive Officer (Principal Officer)	<p>Commitment to a Statement of Intent (Appendix B).</p> <p>Ensure that one or more appropriately qualified employees of the Council are designated and trained as Responsible Officers for the purposes of the PID Act and Regulations.</p> <p>Promulgate the name and contact details of each Responsible Officer (refer clause 7.2).</p> <p>Ensure that relevant Council documents are maintained to comply with requirements of the PID Act.</p>
Responsible Officers	<p>Receive appropriate Disclosures relating to the Council and ensure compliance with the PID Act and Council's adopted Policy and Procedures, in relation to any such Disclosures.</p> <p>Manage Disclosures in accordance with this document.</p> <p>Make appropriate recommendations to the Chief Executive Officer in relation to dealing with Disclosures, including any suggested changes to this Policy and Procedures or other relevant documents.</p> <p>Provide advice to Council Employees in relation to the administration of the PID Act.</p> <p>Complete relevant PID training courses approved by the Commissioner.</p> <p>Carry out other appropriate functions relating to the PID Act.</p>

Public Officers (Elected Members, Employees or other Officers as per the ICAC Act)	<p>Comply with this document and any other supporting documents established for dealing with a Disclosure.</p> <p>Immediately refer any Disclosure received under the PID Act to the Responsible Officer. In doing so, the wishes of the Informant with respect to whether details of their identity may be divulged must be complied with.</p> <p>Notify OPI of the Disclosure.</p>
--	--

In making any determination or taking any action under this Policy and Procedures, 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
- is authorised to incur costs in accordance with the Council's Budget for that purpose.

The Responsible Officer will liaise as required with the Informant and any Independent Assessor in relation to any investigation process undertaken and in accordance with clause 7.4, will support and protect the Informant as necessary and appropriate in the circumstances of the Disclosure.

#### 7.4 Protection for the Informant

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 (whether by reason of the inclusion or omission of material details).

Council will take action as appropriate in the circumstances of the relevant Disclosure(s) to protect Informants from Victimisation. This may taking any of the following actions and/or referring the matter to the SA Police:

- keeping the identity of the Informant, and the subject of the Disclosure, confidential
- providing flexibility as to when meetings are held, if and when necessary
- providing the Informant with an opportunity to make reasonable requests in relation to how and when Council's Responsible Officers contact them about the Disclosure, to minimise the potential for the Informant and the person who is subject of the Disclosure, to be subject to detriment
- taking disciplinary action where relevant for any failure to act in accordance with this Policy and Procedures (including with respect to divulging the identity of an Informant) in relation to a Disclosure.

To the extent appropriate, Council commits to providing the same protections to persons, subject of a Disclosure as to Informants whilst the matter remains open.

Any Public Officer who:

- knowingly makes a disclosure that is false or misleading; or
- commits an act of Victimisation in relation to an Informant; or
- acts otherwise than in accordance with this Policy and Procedures (including with respect to divulging the identity of an Informant) in relation to a Disclosure

may be guilty of an offence and also face disciplinary action by the Council or the Chief Executive Officer (as appropriate).

## 7.5 Confidentiality

The identity of an Informant will be maintained as confidential in accordance with 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 Informant's identity 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
- 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 **must** disclose the identity of the Informant to the OPI
- 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.

If the Informant's name is disclosed under any of these circumstances, the Informant will be advised of this action.



Whilst the PID Act only requires that the identity of the Informant be maintained as confidential, other information relating to a Disclosure (including, for example, the nature of the allegations) may only be disclosed where consideration has been given to the prohibition of Victimisation in the PID Act.

## 7.6 Receipt of Disclosure

Upon receipt of a Disclosure, the Responsible Officer (or other Public Officer) will deal with the Disclosure in accordance with the processes described below, and within the authority granted by the Public Interest Disclosure Policy and Procedures and the PID Act. The Responsible Officer (or other Public Officer) should be mindful that Council only has **30 days** to advise the Informant of the outcome of the Assessment.

Where a Disclosure is made verbally or by telephone, the Responsible Officer (or other Public Officer) must take notes of the conversation and, where possible, should ask the Informant to verify and sign the notes.

On receipt of a Disclosure, a Public Officer will as soon as practicable:

- Confirm whether the Informant consents to their identity being provided to the Responsible Officer, and in doing so, advise the Informant that a failure to provide consent may mean that the disclosure cannot be properly investigated.
- Confirm receipt of the Disclosure with the Informant (where known) and, if they are not a Responsible Officer, refer the Disclosure to a Council Responsible Officer
- Inform OPI of the Disclosure in accordance with Section 7(1)(c) of the Act.

The Responsible Officer, on receiving the Disclosure will immediately undertake a Preliminary Assessment in accordance with clause 7.7.

The Responsible Officer, on behalf of Council, will ensure that as a minimum, the following security measures are undertaken to ensure that a Disclosure is received and maintained in a confidential manner:

- Disclosures are managed within a secure section of Council's Records Systems with access only available to Council's Responsible Officers. Electronic files will be managed through assigned password protection relevant to that Disclosure and accessible only by the Responsible Officer that is managing the assessment and/or action of the Disclosure
- A separate and secure email box will be used for receipt of Disclosure emails
- Anyone (other than a Responsible Officer) who receives a Disclosure will immediately email it to [publicdisclosure@campbelltown.sa.gov.au](mailto:publicdisclosure@campbelltown.sa.gov.au)
- Printing, photocopying or emailing a Disclosure by a Public Officer is prohibited unless directed by a Council Responsible Officer or another appropriate Relevant Authority. Printed material will be kept to a minimum, and where required, be retained in secure files marked



‘CONFIDENTIAL’ with a warning of the criminal penalties that apply to unauthorised access, use or divulging of information concerning a Public Interest Disclosure.

- All printed files will be retained in a locked cabinet that is only accessible by the relevant Responsible Officer who is responsible for the management of the assessment and/or action of each Disclosure. Files must be retained at all times on Council premises.
- Responsible Officers are to conduct all telephone calls and meetings in relation to a Disclosure privately and in the strictest of confidence

## 7.7 Preliminary Assessment of Disclosure

Where the identity of the Informant is known to the Responsible Officer<sup>2</sup> or is reasonably ascertainable, the Responsible Officer should acknowledge receipt of the Disclosure **within 3 working days** (unless this has been done by another Public Officer) and in doing so, will provide a copy of this document to the Informant.

Upon receipt of a Disclosure, the Responsible Officer will confirm or notify OPI of the disclosure as appropriate, and undertake a preliminary assessment to determine:

- if the content of the Disclosure suggests there is an imminent risk of serious physical injury or death to any person or the public generally
- if the matter/s the subject of the Disclosure involve corruption in public administration, or serious or systemic misconduct or maladministration in public administration; or
- if the information disclosed justifies further action, including a decision as to whether the Disclosure:
  - is frivolous, vexatious or trivial (in which case, no further action will be taken in relation to the Disclosure)
  - 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)
  - requires referral to another Relevant Authority external to the Council; or
  - warrants referral to an Independent Assessor for a formal investigation and report to Council.

---

<sup>2</sup> For the purpose of Clause 7.7, Responsible Officer includes another Public Officer that has assessed a Disclosure rather than referring it to a Responsible Officer

#### 7.7.1 Public Administration Information Disclosure about a Public Officer

Following the Preliminary Assessment, the Responsible Officer must provide a **Determination Report** to the Chief Executive Officer (unless the Disclosure relates to the Chief Executive Officer). The report must not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 7.5 apply.

#### 7.7.2 Disclosure suggests imminent risk

Where the Responsible Officer determines that the content of the Disclosure suggests there is an imminent risk of serious physical injury or death to any person or to the public generally, this must be immediately communicated as necessary to mitigate that risk to the most appropriate agency (eg South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority, etc). In doing so, the Responsible Officer must also have regard to clause 7.5 of this document.

#### 7.7.3 Disclosure relating to maladministration, misconduct or corruption

Where the Responsible Officer forms a reasonable suspicion that the Disclosure involves corruption in public administration, or serious or systemic misconduct or maladministration in public administration, the Responsible Officer must comply with reporting obligations under the ICAC Act in accordance with the Directions and Guidelines.

#### 7.7.4 Disclosure warrants referral to another body, further investigation or any other action

Where the Responsible Officer determines the Disclosure:

- warrants referral to an external body or another Relevant Authority, they will undertake the referral, including ensuring that such information as is necessary to enable action to be taken is communicated to the most appropriate person or relevant authority to take that action.
- warrants further investigation, they will, having regard to available resources, appoint an Independent Assessor and refer the Disclosure to them for investigation.
- requires any other action to ensure the matter the subject of the Disclosure is properly addressed, they will include this in their determination report.

Where the Preliminary Assessment has been undertaken by a Public Officer other than a Responsible Officer, a recommendation for referral will be provided in a Determination report to the Responsible Officer, for the Responsible Officer to action.

#### 7.7.5 Responsible Officer action following Preliminary Assessment

On completion of the Preliminary Assessment, the Responsible Officer will take the appropriate action, including, where required:

- notifying the Informant of the outcome of any action, including any investigation in accordance with clause 7.8; and

- appointing an Independent Assessor to further investigate the Disclosure in accordance with clause 7.9; and
- reporting the outcome of any action taken to OPI and the Minister in accordance with clause 7.10; and
- preparing and issuing a final report to the Chief Executive Officer in accordance with clause 7.11.

## 7.8 Notification of Preliminary Assessment

Where possible, 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. The Informant must be advised 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 within this timeframe, 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, they may report the Disclosure to another Relevant Authority external to the Council.

On completion of the Preliminary Assessment and notification to the Informant, the Responsible Officer must notify OPI of the Disclosure (**Initial Notification**) using the dedicated online notification form at [www.icac.sa.gov.au](http://www.icac.sa.gov.au), including completion of details recommended by the PID Directions and Guidelines. If the Disclosure came to Council by referral from a Minister, the Minister must be notified if, following the Assessment, no further action will be taken.

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

## 7.9 Investigation Procedure

If a Determination warrants a formal investigation and report to Council, the Responsible Officer will appoint an Independent Assessor to investigate the Disclosure. The Responsible Officer must ensure that they notify the Independent Assessor of the strict timeframe required for the investigation to be completed and notified to the Informant (that is, **90 days** after the Disclosure was initially made), and that the Investigation must be conducted in accordance with this Policy.

The objectives of the investigation process are:

- where relevant, 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

- to collate information relating to the Disclosure as quickly as possible, including taking steps to protect or preserve documents, materials and equipment as necessary
- to consider the information collected and to draw conclusions objectively and impartially
- to observe procedural fairness in the treatment of any person who is subject of the Disclosure; and
- to make recommendations arising from the conclusions drawn concerning remedial or other appropriate action.

Principles of natural justice will be observed throughout the investigation process. The investigation will be conducted in an efficient manner including 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.

Upon receipt of a Disclosure referral, the Independent Assessor will bring the fact of the Disclosure to the attention of the person who is the subject of it in writing **within 5 days**, and provide them with an opportunity to respond to the Disclosure within a reasonable timeframe (either in writing or in person). The full details of any allegations contained in the Disclosure need not be brought to the person's attention if the Independent Assessor considers that doing so will compromise the investigation.

During any interview with the Independent Assessor, the person who is the subject of a Disclosure may be accompanied by a support person (including a lawyer). Any costs incurred in relation to obtaining the assistance of a support person are the personal expenses of the person subject of the Disclosure. The support person is bound by a duty of confidentiality in relation to any matter discussed during such interview.

The investigation will be undertaken in confidence. The Independent Assessor will keep the identity of the Informant confidential unless the circumstances in clause 7.5 apply.

The Independent Assessor will keep the Responsible Officer informed of the expected timeframes for completion of the investigation and the provision of their Investigation Report to the Responsible Officer.

Upon completion of the investigation the Independent Assessor must prepare an **Investigation Report** that will contain the following details:

- the allegation(s)
- an account of all relevant information received including any rejected evidence, and the reasons why the rejection occurred
- the conclusions reached and the basis for them; and
- any recommendations arising from the conclusions, including any remedial action which should be taken by Council.

The report is to be accompanied by:

- the transcript or other record of any verbal evidence taken, including tape recordings; and
- all documents, statements or other exhibits received by the Independent Assessor and accepted as evidence during the course of the investigation.

The Investigation Report will not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 7.5 apply.

The Responsible Officer must take then whatever **Further Action** is, at their discretion, considered appropriate in the circumstances having regard to the matters identified in the Investigation Report.

#### 7.10 Notification of Further Action

So long as the identity of the Informant is known to the Responsible Officer or is reasonably ascertainable, the Responsible Officer will notify the Informant of the outcome of the investigation in writing as soon as is reasonably practicable after the Further Action has been taken and, in any event, **within either:**

- **90 days of receipt** of the Disclosure; or
- such longer period as may be specified by written notice given by the Responsible Officer within that 90 day period.

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 within the relevant timeframes, 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 notification or the action taken they may report the Disclosure to another Relevant Authority external to the Council.

On completion of the formal investigation and notification to the Informant, the Responsible Officer must notify OPI of action taken (**Further Notification**) using the dedicated online notification form at [icac.sa.gov.au](http://icac.sa.gov.au) including details required by the Public Interest Disclosure Guidelines. If the Disclosure came to Council by way of a referral from a Minister, notification of the outcome and action taken must also be provided to the Minister.

### **7.11 Final Report and Recommendation**

Upon finalising any action required in relation to a Disclosure, the Responsible Officer must prepare a **Final Report** that makes appropriate recommendations to the Chief Executive Officer for action in relation to dealing with the Disclosure. The report must not disclose particulars that will or are likely to lead to the identification of the Informant, unless the circumstances in clause 7.5 apply.

The Chief Executive Officer will take action as they consider appropriate.

### **7.11 Secure Handling and Storage of Information**

Council's Responsible Officers must ensure accurate records of appropriate Disclosures are securely and confidentially maintained including notes of all discussions, phone calls, and interviews. All documents and information will remain confidential, and must be securely and separately stored from other Council records.

In performing these duties, the Responsible Officer will maintain a confidential file of information (including written documents, disks, tapes, film or other objects that contain information) that relates to a Disclosure and/or is a product of the associated investigation/reporting process. Files will be stored in accordance with Clause 7.6 of this Policy.

Council's Responsible Officers must ensure that there is secure transfer of information and records pertaining to Disclosures prior to their permanent departure from Council. All outbound and incoming Responsible Officers are bound by a continuous duty of confidentiality in respect of an Informant's identity and the information received as a result of the Disclosure.

Although the Responsible Officers are ultimately responsible to ensure public interest information will be securely received and stored, the security and confidentiality obligations outlined in this clause also apply to any Independent Assessor appointed pursuant to this document in relation to any Investigation.

## **8. Review & Evaluation**

Within six months of each new Council term Council will review this policy. Following this initial review this policy will be reviewed annually by Employees with minor administrative adjustments being approved by the Chief Executive Officer.

## **9. Availability of the Policy**

This Policy will be available at Council's principal office during ordinary business hours and at Council's website [www.campbelltown.sa.gov.au](http://www.campbelltown.sa.gov.au).

## Appendix A

### Definitions

**Chief Executive Officer** includes anyone appointed or acting in the role at Campbelltown City Council.

**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 ICAC Act 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:
  - bribery or corruption of public officers
  - threats or reprisals against public officers
  - abuse of public office
  - demanding or requiring benefit on basis of public office
  - 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 other offence (including an offence against Part 5 (Offences of dishonesty) of the Criminal Law Consolidation Act 1935) committed by a public officer while acting in his or her capacity as a public officer or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or an attempt to commit such an offence; or
- any of the following in relation to an offence referred to in a preceding paragraph:
  - aiding, abetting, counselling or procuring the commission of the offence
  - inducing, whether by threats or promises or otherwise, the commission of the offence
  - being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence
  - conspiring with others to effect the commission of the offence.

**Council** means Campbelltown City Council



**Detriment** includes:

- injury, harm (including psychological harm), damage (including damage to reputation) or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to a person's employment; and/or
- threats of reprisal (which may be express or implied, and/or conditional or unconditional).

**Determination Report** is a report to the Chief Executive Officer made on completion of the Preliminary Assessment

**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 Commission's website ([www.icac.sa.gov.au](http://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 environmental and health information** if:
  - 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 sufficient significance to justify its disclosure so that its truth may be investigated; and
  - the disclosure is made to a Relevant Authority.
- A person makes an **appropriate disclosure of public administration information** if:
  - 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
  - the disclosure is made to a Relevant Authority.

**Employee** is as defined by the ICAC Act.

**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.

**Final Report** means the report made by the Responsible Officer to the Chief Executive Officer recommending final action and outcomes of the formal investigation.

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

**Further Action** means action taken by the Responsible Officer on receipt of the Investigation Report.

**ICAC Act** is 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 Campbelltown City Council in accordance with this document.

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

**Investigation Report** means the report made by the Independent Assessor to the Responsible Officer on completion of a formal investigation.

**Maladministration in public administration** is defined in Section 5(4) of the ICAC Act and

- means:
  - (a) conduct of a public officer, or a practice, policy or procedure of a public authority, that results in an irregular and unauthorised use of public money or substantial mismanagement of public resources; or
  - (b) 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.

**Member of Parliament** means a sitting Member of the South Australian Parliament

**Misconduct in public administration** is defined in Section 5(3) of the ICAC Act and means:

- contravention of a code of conduct by a public officer while acting in his or her capacity as a public officer that constitutes a ground for disciplinary action against the officer; or
- other misconduct of a public officer while acting in his or her capacity as a public officer.

**OPI (Office for Public Integrity)** is the office established under the ICAC Act that has the function to:

- receive and assess complaints about public administration from members of the public
- receive and assess reports about corruption, misconduct and maladministration in public administration from the Ombudsman, the Council and public officers

- refer complaints and reports to inquiry agencies, public authorities and public officers in circumstances approved by the Commissioner or make recommendations as to whether and by whom complaints and reports should be investigated.

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

**Principal Officer** for the purposes of the PID Act means the Chief Executive Officer of the Council.

**Public Administration** 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 Ombudsman Act 1972 will be taken to be carried out in the course of public administration.

**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.

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

- an Elected Member; and
- an Employee or Officer of the Council

**Relevant Authority** means the person or entity that receives an appropriate disclosure of public interest information in accordance with the PID Act, as defined in Section 5(5) of the PID Act and including, but 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 Council area, an Elected Member, Officer or Employee of the Council.

**Responsible Officer** is a person who has been designated by the Council as a responsible officer under Section 12 of the PID Act and completed training required by the Commissioner for this purpose. Council has designated the General Manager Corporate & Community Services and Manager People & Culture for this purpose.

**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.

## **Appendix B**

### **Principal Officer - Statement of Intent**

Council's Public Interest Disclosure Policy and Procedures have 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 Campbelltown City 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.

Council's Public Interest Disclosure Policy and Procedures are 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.

I, and the other Employees and Elected Members at Campbelltown City 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 document.

Any questions about Council's Public Interest Disclosure Policy and Procedures should be directed in the first instance to Council's Responsible Officers, whose details are at Clause 7.2 of this document.

**Paul Di Iulio**  
**Principal Officer**  
**Chief Executive Officer, Campbelltown City Council**