

PUBLIC INTEREST DISCLOSURE PROCEDURE

Department of Human Services (DHS)

Please note this procedure is mandatory and staff are required to adhere to the content.

Summary

Outlines the steps involved when making an appropriate disclosure of public interest information under the Public Interest Disclosure Act 2018 (PID Act).

Table 1: Document Details

File Number	A24550940
Applies to	All DHS staff and where a member of the public, a client, a stakeholder or an individual in a non-government organisation makes an appropriate disclosure consistent with the PID Act.
Issued by	People and Performance
Delegated Authority	Sally Nicholas A/Executive Director, People and Performance
Procedure Custodian	Nicole Deacon Director, People and Partnerships
Content Author	Julie Cebulla Manager, Policy and Governance
Implementation Date	June 2019
Governance Committee	Culture and People
Approval Date	April 2024
Review Date	April 2027
Confidentiality Classification	OFFICIAL

Table 2 – Revision Record

Date	Version	Revision description
June 2019	1.0	Created to outline departmental responsibilities under the PID Act.
March 2024	2.0	Updated to more accurately reflect reporting obligations and content from retired Public Interest Disclosure Policy.

Contents

1.	Title.....	3
2.	Purpose.....	3
3.	Scope	3
4.	Closing the Gap Impact Statement	3
5.	Definitions	4
6.	Procedure Detail	5
6.1	Principles	5
6.2	Confidentiality	5
6.3	Immunity	6
6.4	Victimisation.....	6
6.5	Responsible officers.....	6
6.6	Disclosure process	7
	Step 1 - Before making a disclosure.....	7
	Step 2 - Making a disclosure	7
	Step 3 - Assessing a disclosure.....	8
	Step 4 - Notifying outcomes	9
7.	Roles and Responsibilities	10
8.	Monitoring, evaluating and review	11
9.	Reference Documents	11
9.1	Directive documents.....	11
9.2	Supporting documents.....	12
9.3	Related documents and resources.....	12
10.	Approval	12

1. Title

Public Interest Disclosure Procedure

2. Purpose

This procedure outlines the steps involved when making an appropriate disclosure of public interest information in accordance with the [Independent Commission Against Corruption \(ICAC\) PID Guidelines](#) and must be read in conjunction with the [PID Act](#) and the [ICAC Act 2012](#) (ICAC Act).

3. Scope

DHS strives to celebrate and improve the lives of people of all ages, cultures, disabilities, ethnicities, faiths, gender identities, sex characteristics and sexual orientations. We are committed to making our services and workplaces safe and inclusive for all people and ensuring the full diversity of the communities we serve are represented in the strategies we lead.

This procedure is applicable to all DHS staff, agency workers, consultants, contractors, students on placement and volunteers, and to situations where a member of the public, a client, a stakeholder or an individual in a non-government organisation makes an appropriate disclosure consistent with the [PID Act](#).

4. Closing the Gap Impact Statement

Under Priority Reform Three of the National Agreement on Closing the Gap, DHS must be culturally safe and responsive to the needs of Aboriginal peoples, including through the services it funds. This includes identifying and eliminating racism; embedding and practising meaningful cultural safety; delivering services with Aboriginal organisations, communities and people; and improving engagement with Aboriginal peoples.

Public interest disclosures can relate to misconduct or deficiencies in the systems and practices of public administration. This can include systematic or institutional racism where patterns of behaviour, policies or practices that are part of the social or administrative structures of an organisation, create or perpetuate a position of relative disadvantage for racialised persons. This procedure details the process for making such public interest disclosures and the protections afforded to individuals for doing so.

5. Definitions

Table 3 – Definitions

Term	Meaning
Appropriate disclosure	In relation to public interest information (see below).
Corruption	<p>Conduct that constitutes an offence under section 5 of the ICAC Act, which includes:</p> <ul style="list-style-type: none"> • bribery or corruption of public officers; • threats or reprisals against public officers; • abuse of public office; • demanding or requiring benefit on the basis of public office; or • offences relating to appointment to public office.
Informant	A person who makes an appropriate disclosure of public interest information.
Maladministration	<p>Conduct of a public officer, or a practice, policy or procedure of a public authority, that results in:</p> <ul style="list-style-type: none"> • an irregular and unauthorised use of public money; • substantial mismanagement of public resources or in relation to the performance of official functions; and • impropriety, incompetence or negligence.
Misconduct	Intention 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 them.
Public interest information	<p>There are two types of public interest information:</p> <ul style="list-style-type: none"> • environmental and health – information that raises a potential issue of a substantial risk to the environment or to the health and safety of the public, either generally or a significant section of it; and • public administration – information that raises a potential issue of corruption, misconduct or maladministration in public administration.

Relevant authority	Certain persons or organisations who can receive an appropriate disclosure of public interest information.
Responsible officer	A person designated by the principal officer who has the appropriate qualifications and/or attributes to receive disclosures of public interest information for the relevant authority.
Victimisation	Causing detriment to someone because they have made, or intend to make, a public interest disclosure, which includes loss, damage, injury, harm, intimidation, harassment, discrimination, disadvantage, and adverse treatment or threats of reprisal in relation to the person's employment.

6. Procedure Detail

6.1 Principles

Public administration should be conducted with integrity and in the best interest of the South Australian public. To assist with maintaining a strong and fair public administration and in accordance with the [PID Act](#) and [ICAC PID Guidelines](#), DHS is committed to:

- having comprehensive procedures for receiving and assessing public interest information;
- ensuring DHS staff are informed about their rights and the correct process for disclosing and receiving public interest information;
- protecting informants who disclose public interest information appropriately;
- efficient consideration and investigation of any public interest disclosure matters relating to the department;
- keeping informants updated about the action taken or the outcome of any investigation; and
- accountability and transparency across the department.

6.2 Confidentiality

The [PID Act](#) creates an obligation to maintain the confidentiality of all informants who make an appropriate disclosure of public interest information and makes it an offence to reveal the identity of an informant that carries a maximum penalty of a \$20,000 fine or 2 year imprisonment. Some exceptions to maintaining confidentiality, where it may be necessary to reveal the identity of an informant to prevent or minimise an imminent risk of serious physical injury to or death of a person, are outlined in section 8(1) of the [PID Act](#) and [ICAC PID Guidelines](#).

DHS is committed to protecting informants who make an appropriate disclosure of public interest information by:

- providing support and information on the [PID Act](#) protections;

- ensuring the identity of the informant is kept secure where an exception does not apply;
- maintaining strict confidentiality of records in accordance with the [State Records Act 1997](#) and [State Records General Disposal Schedule](#);
- encouraging the informant to raise any concerns they have about potential detrimental outcomes that may be caused from the disclosure; and
- addressing and minimising the risk in relation to any potential detrimental outcomes, both against the informant and to individuals against whom allegations are made, that may be caused from the disclosure in accordance with the department's [Risk Management Policy](#) and associated [Framework](#).

DHS staff can also refer to the department's [Grievance Resolution Procedure](#) for any complaints or concerns to be addressed.

6.3 Immunity

While anyone can make a disclosure of public administration information, only public officers who make such a disclosure are eligible for the [PID Act](#) protections provided they make the disclosure to a relevant authority.

If a person makes an appropriate disclosure of environmental and health information, the individual is not subject to any liability as a result of that disclosure.

6.4 Victimisation

Under the [PID Act](#), it is a criminal offence to victimise an informant who makes an appropriate disclosure of public interest information that carries a maximum penalty of a \$20,000 fine or 2 year imprisonment.

Section 9 of the [PID Act](#) also contains provisions for dealing with victimisation of an informant who suffers a detriment or a threat of reprisal as a result of making, or intending to make, an appropriate disclosure of public interest information.

If an informant believes they have been victimised as a result of making a disclosure of public interest to DHS, they should notify a DHS responsible officer at the earliest opportunity or another relevant authority such as the Office for Public Integrity (OPI) or the Office of the Commissioner for Public Sector Employment (OCPSE).

Similarly, where the informant is concerned their disclosure is not being dealt with appropriately by DHS, they should contact OPI or OCPSE.

6.5 Responsible officers

The designated responsible officers who can receive public interest disclosures in DHS are the;

- Chief Financial Officer;
- Director, Office of the Chief Executive and Governance;
- Director, People and Partnerships;
- Executive Director, Performance and People;
- Manager, Incident Management Unit; and

- Manager, Internal Audit.

Their contact details are available on the [DHS intranet](#) and [website](#).

6.6 Disclosure process

Step 1 – Determine disclosure type

An informant should first determine if the information they intend to disclose is:

- public interest information as defined by the [PID Act](#); and
- what type of public interest information it is.

What protection the informant receives will depend on whether they are a public officer and whether the public interest information is public administration information or environmental and health information (refer to the [ICAC PID Guidelines](#) for details).

Step 2 - Making a disclosure

If an informant wants to make an appropriate disclosure of public interest information related to DHS or a DHS employee, they can do so by:

- contacting [OCPSE](#) or [OPI](#)

[OCPSE](#) and [OPI](#) are relevant authorities to receive disclosures of public administration information or environmental and health information regarding DHS and DHS staff; or

- contacting [DHS](#)

DHS and DHS staff as public officers are relevant authorities to receive public interest disclosures regarding the department and its workforce. Informants can either contact a [DHS responsible officer](#) or the person responsible for the management or supervision of the DHS employee using any of the methods below:

- Email: DHS_PID@sa.gov.au
- Telephone: 8226 8800
- Post: Public Interest Disclosure Responsible Officer
Department of Human Services
GPO Box 292
Adelaide SA 5001
(mark the envelope OFFICIAL: Sensitive)

If the informant does not have English as their first language or they are hearing impaired or mute, support is available through the following services:

- Interpreting and Translating Centre (ITC): call 1800 280 203 or visit the [ITC website](#)
- Translating and Interpreting Service (TIS): call 1800 131 450 or visit the [TIS website](#)
- National Relay Service (NRS) Voice Relay users: call 1300 555 727 or explore the [NRS Access Hub website](#)

- National Relay Service (NRS) Teletypewriter users: call 133 677 or explore the [NRS Access Hub website](#)

People using these services can request to be put through to DHS via telephone on 8226 8800 to provide a disclosure.

If the informant reveals their identity when making the disclosure, they have the rights set out below about being kept informed. The relevant authority must ascertain how the informant wishes to be contacted, ensuring confidentiality.

Other relevant authorities are specified in section 5(5) of the [PID Act](#) with each having its own procedures for receiving public interest disclosures. The following steps will be taken where DHS is the recipient of the disclosure, with actions completed by a DHS responsible officer or the DHS manager to whom the disclosure has been made with advice from a DHS responsible officer.

Step 3 - Assessing a disclosure

Section 7 of the [PID Act](#) requires the relevant authority in receipt of the disclosure to assess the information as soon as practicable to ascertain whether the information disclosed raises a potential issue of:

- corruption, misconduct and/or maladministration in public administration; or
- a substantial risk to the environment or to the health or safety of the public generally or a significant section of it.

DHS will ensure compliance with the [PID Act](#) when making such an assessment and will not reveal the identity of the informant or any information that could reveal their identity, unless the informant consents or it is deemed necessary to prevent or minimise an imminent risk of serious physical injury to or death of a person.

No action required

This will apply if the information disclosed:

- does not justify the taking of further action; or
- relates to a matter that 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.

Action required

If the content of the disclosure suggests an imminent risk of serious physical injury or death to any person or the public generally, DHS will immediately notify the most appropriate agency (e.g. South Australia Police, SafeWork SA, SA Ambulance, Environment Protection Authority) by communicating such information as may be necessary to mitigate that risk.

If DHS forms a reasonable suspicion that the matter disclosed involves corruption in public administration, they will comply with their reporting obligations under the [ICAC Act](#) to report

the matter to OPI. If this obligation does not arise, DHS will assess the information to determine the action to be taken.

While there is no longer a statutory obligation to report misconduct or maladministration in public administration, relevant authorities are also encouraged to report such disclosures to OPI.

If the information warrants further action, DHS will determine who should undertake this, having due regard for the skills, resources and powers to investigate, and take appropriate action in relation to the matter arising where it is substantiated.

In accordance with [ICAC PID Guideline Two](#), DHS will notify OPI as soon as reasonably practicable after the receipt of the disclosure via the [online notification form](#), including:

- the date the disclosure was received;
- the contact details of the relevant authority;
- a summary of the content;
- the assessment made;
- the action taken, including whether the disclosure was referred to another relevant authority and if so, the date it was referred, the identity of the relevant authority, the manner of referral and the action to be taken;
- if no action was taken, the reason(s) why; and
- whether the identity of the informant is known only to them or if it has been communicated to another relevant authority and if so, the reason(s) why.

DHS will retain the unique reference number issued by OPI after submitting the form and ensure this is provided to any relevant authority to whom the disclosure is referred.

The identity of the informant may be divulged by DHS if:

- they believe on reasonable grounds it necessary to prevent or minimise an imminent risk of serious physical injury or death; or
- if the matter cannot be fully investigated in the absence of identity; or
- if a notice has been issued by OPI advising them to do so.

Step 4 - Notifying outcome

No action required

If no action is being or has not been taken, DHS will notify the informant (where their identity is known) that an assessment of the information has been made, advise them no action is being taken and the reason(s) for this in writing, either via email or post, within 30 days of receiving the disclosure.

Where DHS fails to notify the informant within 30 days and the informant believes on reasonable grounds the information is true and they have made their identity known to the person to whom the disclosure was made, they are entitled to disclose the information to a journalist or member of Parliament other than a Minister of the Crown, and the disclosure will be considered to be an appropriate disclosure of public interest information.

Action required

Where action is warranted, DHS will notify the informant of this in writing, either via email or post, within 30 days of receiving the disclosure and of the outcome within 90 days.

If DHS forms the view it will take longer than 90 days, the informant must be notified in writing of this alternative longer period of time.

Where DHS fails to notify the informant within 90 days (or the alternative longer period of time notified) and the informant believes on reasonable grounds the information is true, they are entitled to disclose the information to a journalist or member of Parliament other than a Minister of the Crown, and the disclosure will be considered to be an appropriate disclosure of public interest information.

In accordance with [ICAC PID Guideline Two](#), DHS will notify OPI as soon as reasonably practicable of the outcome via the [online notification form](#), including:

- the unique identification number issued by the OPI upon notification of the disclosure;
- the contact details of the informant;
- the contact details of the relevant authority responsible for taking the action;
- what (if any) findings were made;
- the nature of the action taken (if any);
- the outcome of any action taken (if applicable);
- whether the identity of the informant was disclosed to another relevant authority; and
- whether the informant was notified of the action taken and, if so, when and how that notification was made.

The [Public Interest Disclosure Flowchart](#) provides an overview of these steps when making a disclosure of public interest information.

7. Roles and Responsibilities

Table 4 – Roles and Responsibilities

Role	Responsible for
Chief Executive	<ul style="list-style-type: none"> • ensuring a departmental procedure exists that details the process for making a public interest disclosure to and in DHS; and • ensuring compliance with the disclosure process steps outlined in this procedure.
Responsible Officers	<ul style="list-style-type: none"> • being aware of their obligations under the PID Act, the ICAC PID Guidelines, the Code of Ethics for the South Australian Public Sector and the department's Respectful Treatment at Work Policy;

	<ul style="list-style-type: none"> • providing advice to DHS staff in relation to the administration of the PID Act; • receiving appropriate disclosures of public interest information relating to DHS; • ensuring assessment of disclosures in accordance with the PID Act; • making appropriate recommendations to the Chief Executive when dealing with such disclosures; • notifying informants and OPI of the outcome of the disclosure; • ensuring records relating to disclosures are managed with appropriate confidentiality and in accordance with the State Records Act 1997 and State Records General Disposal Schedule; and • undertaking appropriate training as and when required.
All staff	<ul style="list-style-type: none"> • being aware of their obligations under the PID Act, the ICAC PID Guidelines, the Code of Ethics for the South Australian Public Sector and the department's Respectful Treatment at Work Policy; and • complying with this procedure when making an appropriate disclosure.

8. Monitoring, evaluating and review

This procedure will be reviewed every three years, or earlier if required, by the Manager, Policy and Governance.

9. Reference Documents

9.1 Directive documents

- [Public Interest Disclosure Act 2018](#)
- [Independent Commission Against Corruption Act 2012 \(ICAC Act\)](#)
- [State Records Act 1997](#)
- [State Records General Disposal Schedule](#)
- [Public Interest Disclosure Regulations 2019](#)
- [Code of Ethics for the South Australian Public Sector](#)
- [Independent Commission Against Corruption Public Interest Disclosure Guidelines](#)
- [Office for Public Integrity Directions and Guidelines](#)
- [Ombudsman SA Directions and Guidelines](#)

- [Premier and Cabinet Circular PC 012 - Information Privacy Principles Instructions](#)
- [Grievance Resolution Procedure](#)
- [Respectful Treatment at Work Policy](#)
- [Risk Management Policy](#)


9.2 Supporting documents

- [Information Classification and Handling Guidelines](#)
- [Information Sharing Guidelines Decision Making Steps and Guide](#)
- [Office of the Commissioner for Public Sector Employment Building Integrity Framework](#)
- [Public Interest Disclosure Flowchart](#)
- [Respectful Treatment at Work Factsheet](#)
- [Risk Management Framework](#)

9.3 Related documents and resources

- [Independent Commission Against Corruption](#)
- [Office of the Commissioner for Public Sector Employment](#)
- [Office for Public Integrity](#)
- [Ombudsman SA](#)
- [Interpreting and Translating Centre](#)
- [National Relay Service](#)

10. Approval

<p>Content Author: Julie Cebulla Manager, Policy and Governance</p>	<p>.....</p> <p>Nicole Deacon Director, People and Partnerships</p> <p>/ /</p>	<p></p> <p>.....</p> <p>Sally Nicholas A/Executive Director, People and Performance</p> <p>1 / 5 / 2024</p>
--	---	---