



Protections for whistleblowers

Factsheet for South Australian public officers

Public officers who want to report public interest information have protections under the *Public Interest Disclosure Act 2018* (PID Act). The PID Act commenced on 1 July 2019 and aims to improve transparency and accountability in public administration.

The PID Act does not refer to whistleblowers, but instead refers to informants. It focuses on the disclosure of information.

Whether a person receives protection will depend on:

- who they are
- what type of information is disclosed
- to whom the information is disclosed.

The Act creates an obligation to keep the identity of an informant confidential (subject to some exceptions). In addition, it is an offence to victimise a person who has made an appropriate disclosure in accordance with the Act.

Type of information

Public interest information affects the wellbeing of the community. The Act applies differently to the following two types of public interest information:

- 1. Environmental and health information**
 - where there is a substantial risk to the environment or to public health and safety.
- 2. Public administration information**
 - where there is potential corruption, misconduct or maladministration in public administration.

Protections are provided for public officers who make an appropriate disclosure of public administration information and for all persons who make an appropriate disclosure of environmental and health information.



Who you can disclose information to and receive protection

The PID Act provides protections when appropriate disclosure is made in accordance with the Act. You can only be protected when you disclose information to a relevant authority. Whether you are protected and who you should report information to will depend on the type of information being disclosed.

A full list of relevant authorities and information about the PID Act is available from the Office for Public Integrity (OPI) at www.publicintegrity.sa.gov.au.

Your department or agency's responsible officer can provide you with advice and assistance.

Each government department and relevant authority will have their own procedures for making and receiving public interest information, but they must all comply with the PID Act. Those procedures must be published on their website.

If you do make an appropriate disclosure of public interest information, and certain action is not taken, then in some circumstances you can disclose the information to a journalist or a Member of Parliament. Always seek advice to ensure you remain protected.

False or misleading information

If you disclose information knowing that it is false or misleading, you may face a maximum penalty of \$20,000 or 2 years imprisonment.

Helpful resources

Each State Government agency will publish its own procedures. Additional information about protections for whistleblowers is available from:

- the Office of the Commissioner for Public Sector Employment www.publicsector.sa.gov.au including:
 - > Online training for public sector staff
 - > FAQs
- the Office for Public Integrity www.publicintegrity.sa.gov.au including:
 - > OPI Directions & Guidelines
- Ombudsman SA www.ombudsman.sa.gov.au.

