



OFFICIAL
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Ms Emma Townsend
Commissioner
Independent Commission Against Corruption
WhistleblowerProject@icac.sa.gov.au

Dear Ms Townsend,

Thank you for the opportunity, as outlined in your letter of 29 September 2025, to provide feedback on the review of the adequacy and effectiveness of the *Public Interest Disclosure Act 2018* (SA) (PID Act). Robust public interest disclosure legislation and associated frameworks that promote integrity, accountability, and transparency - while providing appropriate protections for individuals who report bona fide concerns - are essential foundations for effective and accountable governance.

Overall, I consider the provisions relating to public administration disclosures under the PID Act to be appropriate. Public sector employees are a key source of information about illegal or improper conduct within government entities and are most in need of statutory protection when the matters they disclose concern their own agency. Individuals outside the public sector, by contrast, can raise concerns directly with the Office for Public Integrity or the police. As they are typically further removed from the internal workings of an agency, they are less likely to require the same level of protection to encourage disclosure.

As the relevant authority for environmental disclosures, the Environment Protection Authority's (EPA) currently receives only a very small number of disclosures under the PID Act, averaging approximately one per year. In practice, the EPA has observed some confusion among members of the public, who sometimes use the term 'public interest disclosure' to describe complaints that do not meet the statutory definition, fall outside the scope of the PID Act, or reflect the perception that an issue of personal significance automatically constitutes a public interest disclosure.

This context is particularly relevant given that the PID Act permits any person to make an environmental disclosure concerning the conduct of either a public or private sector entity or person. This contrasts with the approach in some other jurisdictions, where reporting is focused on environmental harm or risk arising from the conduct of public officials or public sector bodies. While South Australia's broader approach allows for a wider range of environmental disclosures, it may also introduce additional complexity - particularly for private sector employees who may already be subject to internal whistleblower policies or other employment-related disclosure mechanisms.

Similarly, in some other jurisdictions, the definition of environmental harm or risk is defined as activities that fall within the direct regulatory remit of the responsible authority - for example, breaches of environmental authorisation (licence) conditions or offences under the relevant environmental protection legislation. This helps clarify the issue for the disclosure as environmental issues may be addressed under a broad range of legislation that is not all within the direct remit of the EPA, such as the:

- *National Parks and Wildlife Act 1972*
- *Native Vegetation Act 1991*

- *Protection of Marine Waters (Prevention of Pollution from Ships) Act 1987*

I also note that, while the EPA is the relevant authority for reporting environmental disclosures, there is no specific authority explicitly identified to receive disclosures concerning health or health and safety matters.

This can lead to confusion among persons wishing to make a disclosure regarding the appropriate recipient for their concern and create a risk that they may not make a proper public interest disclosure, potentially preventing them from accessing the protections of the PID Act. Broadening the definition of 'relevant authority' to include any authority where the information relates to its sphere of responsibility would help clarify reporting pathways and ensure disclosures are properly received and protected.

In summary, while South Australia's PID Act offers broader opportunities for any person to report environmental concerns - including those involving private sector entities and persons - this approach can also introduce added complexity and uncertainty regarding the most appropriate avenue for making such disclosures. In contrast, jurisdictions with more specific definitions and clearer delineation of responsibilities may make it easier for potential disclosers to identify the correct authority and access the legislative protections available. Expanding South Australia's definition of 'relevant authority' to include any authority responsible for the subject matter of a disclosure would help clarify reporting pathways, promote appropriate handling of reports, and strengthen the overall protection framework for disclosers.

There would also appear to be significant benefits in establishing a dedicated body to support whistleblowers in the State as canvassed in the Whistleblower Project Report, whether this is as a separate statutory authority or as a specialised unit within an existing integrity agency. Whistleblowing inherently raises complex legal and procedural issues, and individuals contemplating a disclosure need to be fully informed of their rights, obligations, and potential consequences. In the absence of clear guidance and accessible support, these uncertainties can create a substantial barrier to individuals coming forward with legitimate concerns.

I look forward to the outcomes of the review and any recommended changes that may strengthen protections for individuals reporting wrongdoing, enhance regulatory oversight, and support transparency and accountability.

Yours sincerely,



Dr Jon Gorvett
CHIEF EXECUTIVE
ENVIRONMENT PROTECTION AUTHORITY

11 November 2025