

	<b>PUBLIC INTEREST DISCLOSURES INTERNAL REPORTING POLICY</b>	Doc No	
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## BALRANALD SHIRE COUNCIL

### PUBLIC INTEREST DISCLOSURES INTERNAL REPORTING POLICY

#### 1. Purpose and context of the Policy

The purpose of this Policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The Policy sets out who you can report wrongdoing to within Council, what can be reported and how reports of wrongdoing will be dealt with by Council.

This Policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raised matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with the Policy and the Public Interest Disclosures Act 1994 (PID Act).

The system enables such internal disclosures to be made to the General Manager or the Mayor (as an alternative), or a nominated Disclosure Officer/s.

Any individual who comes forward and reports wrongdoing is helping to promote integrity, accountability and good management within the Council.

This Policy:

- is based on the following:
  - NSW Ombudsman: Changes to the Public Interest Guidelines System – Information for Public Authorities 2011
  - NSW Ombudsman: Model Internal Reporting Policy (Local Government) June 2014
  - NSW Ombudsman: Public Interest Disclosures Guidelines (March 2015)
  - PID Act.
- should be read in conjunction with the following documents:
  - Independent Commission Against Corruption and the Local Government Managers Association of NSW: Governance Health Check 2004
  - Council's Code of Conduct
  - Council's Access to Information Policy
  - Council's Complaints Management Policy
  - Councils Gifts and Benefits Policy
  - Councils Privacy Management Plan
  - Councils Policy for Payment of Expenses and Provision of Facilities to the Mayor and Councillors
  - Councils Statement of Business Ethics.

The internal reporting system established under this Policy is not intended to be used for staff grievances, which should be raised through the Grievance Handling procedures. If a staff member makes a report under this Policy which is substantially a grievance, the matter will be referred to the appropriate officer to be dealt with in accordance with the Grievance Handling procedures.

## **2. Organisational commitment to Public Interest Disclosures**

Council is committed to the aims and objectives of the PID Act. The PID Act recognises the value and importance of contributions of staff to enhance administrative and management practices.

Council does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money, breach of the Government Information (Public Access) Act 2009 (GIPA Act) or local government pecuniary interest contravention. Council strongly encourages and facilitates disclosures being made by staff and councillors about corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act or local government pecuniary interest contravention.

Council will:

- ensure managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this Policy, and aware of the needs of those who report wrongdoing
- provide adequate resources, to:
  - encourage reports of wrongdoing
  - protect and support those who make them
  - provide training about how to make reports and the benefits of internal reports to the Council and the public interest generally
  - properly assess and investigate, or otherwise deal with allegations
  - properly manage any workplace issues that the allegations identify or that result from a report
  - appropriately address any identified problems
- create a climate of trust, where Council staff are comfortable and confident about reporting wrongdoing
- take all reasonable steps to ensure the confidentiality and protection of the person who makes such disclosures
- ensure that the matters raised in the disclosure are properly and impartially investigated;
- keep the person who made the disclosure informed of the progress of the investigation and the outcome
- deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- protect the person who makes disclosures from any adverse action resulting from them making a report
- encourage the reporting of wrongdoing within Council, but respect any decision to disclose wrongdoing outside Council, that is made in accordance with the PID Act.
- review the Policy periodically to ensure it is relevant and effective.

## **3. Who does this Policy apply to?**

This Policy will apply to:

- members of Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Council
- employees of contractors providing services to Council
- other people who perform official Council functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The policy also applies to public officials of another council or public authority who report wrongdoing relating to Council.

All persons listed above are encouraged to report known and suspected wrongdoing within Council. This Policy is one of Council's many complaint handling avenues.

Council staff and Councillors are encouraged to support those who have made reports of wrongdoing, as well as protect and maintain their confidentiality. They must not victimise or harass anyone who has made a report.

#### **4. Roles and Responsibilities**

##### a) The role of Council staff and Councillors

Staff and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and Councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and Councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report.

Additionally, the behaviour of all Council staff and Councillors involved in the internal reporting process must adhere to the Council's Code of Conduct. A breach of the Code could result in disciplinary action.

##### b) The role of the Council

The Council has a responsibility to establish and maintain a working environment that encourages staff and Councillors to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

The Council will assess all reports of wrongdoing it receives from staff and councillors and deal with them appropriately. Once wrongdoing has been reported, the Council takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. The Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

The Council must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure the Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

#### **5. What should be reported**

You should report any suspected wrongdoing within Council, or any activities or incidents you see within Council that you believe are wrong.

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this Policy. See below for details about these types of conduct.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with relevant Council policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health and safety of staff or the public.

Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues and will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

a) Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others, i.e. blackmail or fraud
- acting dishonestly or unfairly, or breaching public trust, i.e. public officials dishonestly using influence
- a Council official using their position, or being influenced by a member of the public to use their position in a way that is dishonest, biased or breaches public trust, i.e. taking or offering bribes or election bribery.

For more information about corrupt conduct, see the NSW Ombudsman's Guideline on what can be reported.

b) Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful, i.e.:
  - awarding contracts and tenders to private parties that are related by family, friendship or association
  - failing to make a decision in accordance with official policy for no appropriate reason
- refusing to grant an approval for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's Guideline on what can be reported.

c) Serious and Substantial Waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money. This includes all revenue, loans and other money collected, received or held by, for or on account of the Council. For example, this could include:

- not following a competitive tendering process for a large scale contract
- poor project management practices leading to projects running over time
- having bad or no processes in place for a system involving large amounts of public funds
- misappropriation or misuse of public property
- the purchase of unnecessary or inadequate goods and services
- overstaffing in particular areas
- staff being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment
- programs not achieving their objectives and therefore the program's costs being clearly ineffective and inefficient.

For more information about serious and substantial waste, see the NSW Ombudsman's Guideline on what can be reported.

d) Breach of the GIPA Act

A breach of the GIPA Act is a failure to properly fulfil functions under that Act. For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

For more information about a breach of the GIPA Act, see the NSW Ombudsman's Guideline on what can be reported.

e) Local Government Pecuniary Interest Contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the Local Government Act 1993 (LG Act) relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest's returns, lodge written declarations and disclose pecuniary interests at Council and Council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship
- a General Manager holding an undisclosed shareholding in a company competing for a Council contract.

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's Guideline on what can be reported.

## 6. **Assessment of reports**

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The General Manager is responsible for assessing reports. All reports will be assessed in the information available to the General Manager at the time. It is up to the General Manager to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the General Manager may decide that the report should be referred elsewhere or that no action should be taken on the report.

## 7. **When will a report be treated as a public interest disclosure?**

Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing:
  - honestly believe – you genuinely believe something is happening, as opposed to having a 'suspicion' that it may be occurring
  - reasonable grounds – would someone with an objective viewpoint in the circumstances, also believe wrongdoing was occurring/had occurred
  - shows or tends to show – is there sufficient information to indicate wrongdoing. This may include:
    - a direct observation of the wrongdoing
    - corroborative observation by others
    - evidence such as unbalanced accounts, missing items of value or contradictory records
- The report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this Policy (see Section 8) or an

investigating authority (see Section 9a) or in limited circumstances an MP or journalist (see Section 9b).

Reports by staff and Councillors will not be considered to be public interest disclosures if they:

- mostly question the merits of the policy of the governing body of the Council
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

## **8. Who can receive a report within the Council**

You are encouraged to report general wrongdoing to your supervisor. However the PID Act requires that for a report to be a public interest disclosure it must be made to a public official in accordance with this Policy.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the individual making the report to one of the positions listed below.

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

The following positions are the only positions within Council who can receive a public interest disclosure.

### a) General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the Council complies with the PID Act. The General Manager can receive reports from staff and Councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

### b) Mayor

The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- refer reports to an investigating authority, where appropriate
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

c) Disclosures Officers

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff and councillors to make reports.

Disclosures Officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the General Manager for full assessment.

d) Supervisors and Managers

Supervisors and managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- identify reports made to them in the course of their work that could be public interest disclosures and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the disclosures coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal action by the General Manager, notify the Mayor.

## **9. Who can receive a report outside of Council**

Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about the General Manager and the Mayor, you may wish to consider making it to an investigating authority.
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

a) Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and Councillors can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) - for corrupt conduct
- the Ombudsman - for maladministration
- the Office of Local Government - for disclosures about local government agencies
- the Information Commissioner - for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this Policy.

You should be aware that it is very likely the investigating authority will discuss the case with Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter

is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to individuals who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

b) Members of Parliament or journalists

To have the protections of the PID Act, a person reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the General Manager
- a person nominated in this Policy
- an investigating authority in accordance with the PID Act.

Also, Council or the investigating authority that received the report must have either:

- decided not to investigate the matter;
- decided to investigate the matter, but not completed the investigation within six months of the original report;
- investigated the matter but not recommended any action as a result;
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

c) Other external reporting

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Council's Code of Conduct by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Contact details are provided at the end of this Policy.

## **10. How to make a report**

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The individual making the report should keep a copy of this record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

## **11. Can a report be anonymous?**

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent you from being identified. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

## **12. Feedback to staff who report wrongdoing**

The individual who reported wrongdoing will be told what is happening in response to their report.

Within five working days of making your report you will be given:

- written acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening
- a copy of this Policy.

Within ten working days of making your report a decision will be made about how your report will be dealt with, and you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation
- information about the resources available within Council to handle any concerns you may have
- information about external agencies and services you can access for support
- during any investigation, you will be given:
  - information on the ongoing nature of the investigation
  - information about the progress of the investigation and reasons for any delay
  - advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Behaviour of all people involved in the PID process needs to adhere the Council's Code of Conduct. A breach of the Code of Conduct could result in disciplinary action.

### **13. Maintaining confidentiality**

Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

Council is committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council Meeting.

If you report wrongdoing, it is important that you only discuss your report with the staff of the Council responsible to deal with it. In the case of a report about the General Manager, you should only discuss your report with the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

Where your complaint is made under the Council's Code of Conduct and relates to the General Manager or a Councillor, you may be required to discuss it with a conduct reviewer.

### **14. Managing the risk of reprisal and workplace conflict**

When a staff member or Councillor reports wrongdoing, the Council will undertake a thorough risk assessment to identify the risk to that person of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify

strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The General Manager will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

## **15. Protection against reprisals**

The Council will not tolerate any reprisal against staff or Councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action, substantially in reprisal for them making the public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they have not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the LG Act and may include suspension or disqualification from civic office.

It is important for staff and Councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where the Council has reasonable grounds to take such action.

### **a) Responding to reprisals**

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor or the General Manager immediately. In the case of an allegation of reprisal action by the General Manager, you can alternatively report this to the Mayor.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the General Manager, or in the case of an allegation of reprisal by the General Manager, to the Mayor.

If the General Manager becomes aware of, or reasonably suspects that reprisal action is or has been taken against a person who has made a disclosure, they will

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of the Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you report reprisal action, you will be kept informed of the progress of any investigation and the outcome of any investigation or other action taken in response to your allegation.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman, the ICAC or the Office of Local Government – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this Policy.

#### b) Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations, and you will have the defence of absolute privilege in defamation.

### **16. Support for those reporting wrongdoing**

Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the General Manager.

### **17. Sanctions for making false or misleading disclosures**

It is important that all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. The Council will not support staff or Councillors who wilfully make false or misleading reports. It may also be a breach of the Council's Code of Conduct and may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the LG Act and may include suspension or disqualification from civic office.

### **18. The rights of persons the subject of a report**

The Council is committed to ensuring staff or Councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you

- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

## 19. Review

This Policy will be reviewed by Council every four years and otherwise periodically to ensure that it is relevant and effective.

For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

## 20. More information

The supporting documentation regarding public interest disclosures is available on Council's Intranet.

Staff and Councillors can also access advice and guidance from Council's General Manager and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

## 21. Resources

The contact details for external investigating authorities that staff and councillors can make a public interest disclosure to or seek advice from are listed below.

### For disclosures about corrupt conduct:

Independent Commission Against Corruption  
(ICAC)  
Phone: (02) 8281 5999  
Toll free: 1800 463 909  
Tel. typewriter (TTY): (02) 8281 5773  
Facsimile: (02) 9264 5364  
Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)  
Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)  
Address: Level 7, 255 Elizabeth Street,  
SYDNEY NSW 2000

### For disclosures about maladministration:

NSW Ombudsman  
Phone: (02) 9286 1000  
Toll free (outside Sydney metro): 1800 451 524  
Tel. typewriter (TTY): (02) 9264 8050  
Facsimile: (02) 9283 2911  
Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)  
Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
Address: Level 24, 580 George Street,  
SYDNEY NSW 2000

### For disclosures about breaches of the GIPA Act:

Information Commissioner  
Information and Privacy Commission  
Toll free: 1800 463 626  
Facsimile: (02) 8114 3756  
Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)  
Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)  
Address: Level 11, 1 Castlereagh Street,  
SYDNEY NSW 2000

### For disclosures about Council:

Office of Local Government  
Phone: (02) 4428 4100  
Tel. typewriter (TTY): (02) 4428 4209  
Facsimile: (02) 4428 4199  
Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)  
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# MODEL INTERNAL REPORTING SYSTEM - COUNCILS

