



Public Interest Disclosure Policy

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Note: Document Control continued at Appendix A

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 General Manager

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 Date

Acknowledgement of Country

Glen Innes Severn Council acknowledges and pays respect to the Ngorabul people as the traditional custodians of this land, their elders past, present and emerging and to Torres Strait Islander people and all First Nations people.

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Purpose

All agencies in NSW are required to have a Public Interest Disclosure (**PID**) Policy under section 42 of the *Public Interest Disclosures Act 2022 (PID Act)*.

Glen Innes Severn Council (**Council**) takes reports of serious wrongdoing genuinely. Council is committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of Council relies upon Council staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing. Reporting wrongdoing is a normal part of working for Council.

This policy sets out:

- how council will support and protect you if you come forward with a report of serious wrongdoing;
- how Council will deal with the report and Council's other responsibilities under the *PID Act*;
- who to contact if you want to make a report;
- how to make a report; and
- the protections which are available to you under the *PID Act*.

This policy also documents Council's commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action; and
- to take appropriate action to investigate or otherwise deal with reports of wrongdoing.

In NSW, that framework is the *PID Act*.

Accessibility

This policy is available publicly on Council's website at www.gisc.nsw.gov.au and is also available on Council's Intranet and internal Policy Register (Monitor).

The policy is made known to all staff of Council on their commencement. A hard copy of the policy can be requested from the Governance Administration Officer.

Applicability

This policy applies to, and for the benefit of, all public officials of Council. You are a public official if you are:

- a person employed by Council or otherwise in the service of Council;
- a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate;

- a person providing services or exercising functions on behalf of Council, including a contractor, subcontractor, volunteer and members of committees of Council.
- an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of Council or exercises functions of Council, and are involved in providing those services or exercising those functions;
- a Councillor;
- a statutory officer;
- a judicial officer;
- an employee, contractor, subcontractor or volunteer of another government agency;
- a Member of Parliament (**MP**), including a Minister; and
- a person employed under the *Members of Parliament Staff Act 2013*.

The General Manager, other nominated disclosure officers and managers within Council have specific responsibilities under the *PID Act*. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Council may use this policy if they want information on who they can report wrongdoing to within Council.

Who does this Policy not apply to?

This policy does not apply to:

- people who have received services from Council and want to make a complaint about those services;
- people, such as contractors, who provide services to Council. For example, employees of a company that sold computer software to Council.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 1(i) of this policy for more information).

However, you can still make a complaint to Council. See Council's Complaints Management Policy located at www.gisc.nsw.gov.au for details on the various ways a complaint may be made or you may contact Council at:

Email: council@gisc.nsw.gov.au

Telephone: 02 6730 2300

In Person: 265 Grey Street, Glen Innes NSW 2370

What is contained in this Policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to Council under the *PID Act*;
- the names and contact details for the nominated disclosure officers in Council;
- the roles and responsibilities of people who hold roles under the *PID Act* and who are employees of Council;
- what information you will receive once you have made a voluntary PID;
- protections available to people who make a report of serious wrongdoing under the *PID Act* and what Council will do to protect you;

- Council's procedures for dealing with disclosures;
- Council's procedures for managing the risk of detrimental action and reporting detrimental action
- Council's record-keeping and reporting requirements; and
- how Council will ensure it complies with the *PID Act* and this policy.

If you require further information about this policy, how public interest disclosures will be handled and the *PID Act* you can:

- confidentially contact a nominated disclosure officer within Council;
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au; or
- access the NSW Ombudsman's PID guidelines which are available on its website at www.ombo.nsw.gov.au.

If you require legal advice with respect to the *PID Act* or your obligations under the *PID Act*, you may need to seek independent legal advice.

1. How to make a report of serious wrongdoing

(a) Reports, complaints and grievances

When a public official, reports suspected or possible wrongdoing in the public sector their report will be a PID if it has certain features which are set out in the *PID Act*.

Some internal complaints or internal grievances may also be PIDs, if they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, Council will consider whether it is a PID. If it is a PID, Council will deal with it as set out in this policy, but Council will also make sure it follows the Complaints Management Policy, Grievance Resolution Policy, Fraud and Corruption Prevention Policy, Fraud Control Plan and/or the Code of Conduct as relevant.

It is important that Council quickly recognises that it has received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and Council has certain decisions that it must make on how it will deal with the PID and how it will protect and support the person who has made the report.

(b) When will a report be a PID?

There are three types of PIDs in the *PID Act*. These are:

1. Voluntary PID

This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.

2. Mandatory PID

This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

3. Witness PID

This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how Council will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this policy.

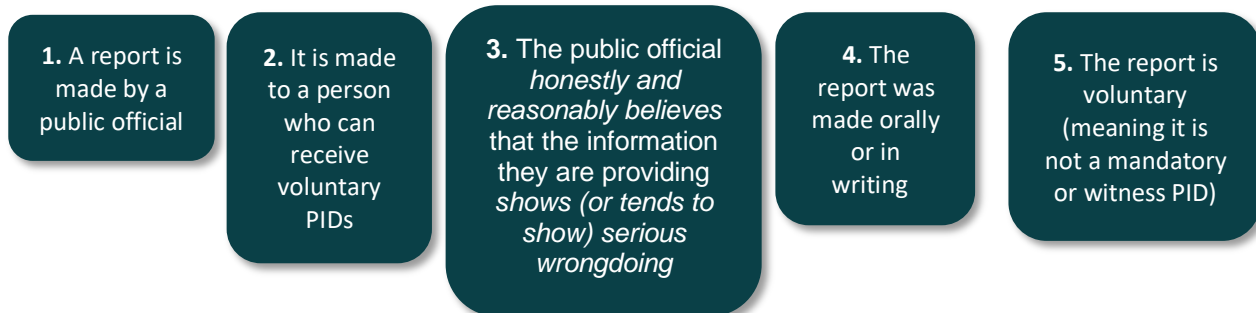
You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal

obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the *PID Act*:



If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If Council make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the *PID Act*.

If you make a report and believe Council has made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or Council may seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this policy.

(c) Who can make a voluntary PID?

Any public official can make a voluntary PID — see ‘Applicability’ for definitions of a ‘public official’.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that Council can receive PIDs from public officials outside of Council. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (**ICAC**) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

(d) What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the *PID Act* as:

- *corrupt conduct* — such as a public official accepting a bribe, stealing Council tools, acting dishonestly or partially in the exercise of their official functions, misusing confidential information, or repeatedly lying on their timesheet;
- *serious maladministration* — such as an agency systemically failing to comply with proper recruitment processes when hiring staff, or creating policy and procedures that are discriminatory or are contrary to governing legislation.
- *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access (**GIPA**) access application;
- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship as a conflict of interest;
- *a privacy contravention* — such as unlawfully accessing a person's personal information on an agency's database; or
- *a serious and substantial waste of public money* — such as an agency not following a competitive tendering process when contracting with entities to undertake government work, incurring costs which might otherwise have been avoided, or a failure to maintain public property in a way that results in far greater expense being incurred in the future.

When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

You may also refer to the NSW Ombudsman's Guideline – *What is serious wrongdoing?*

(e) Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

Making a report to a public official who works for Council

You can make a report inside Council to:

- The General Manager;
- a disclosure officer for Council— a list of disclosure officers for Council and their contact details can be found at *Annexure A* of this policy;
- your manager — this is the person who directly, or indirectly, supervises you and may include your Team Leader, Supervisor, Coordinator, Manager, Director or General Manager depending on your position at Council. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer;
- the senior most officer at a permanent worksite where two or more staff ordinary work from. These Council Officers are also listed, along with the worksite location at *Annexure A* of this policy.

Making a report to a recipient outside of Council

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* — this means the head of any public service agency;
- an *integrity agency* — a list of integrity agencies is located at Annexure B of this policy;
- a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is in an agency's PID policy which can be found on their public website; or
- a *Minister or a member of a Minister's staff* but the report *must be made in writing*.

If you choose to make a disclosure outside of Council it is possible that your disclosure will be referred to Council so that appropriate action can be taken.

Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from Council:
 - notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency; or
 - the following information at the end of the investigation period:
 - notice of Council's decision to investigate the serious wrongdoing;
 - a description of the results of an investigation into the serious wrongdoing; or
 - details of proposed or recommended corrective action because of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made; or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

(f) What form should a voluntary PID take?

You can make a voluntary PID:

- *in writing* — this could be an email or letter to a person who can receive voluntary PIDs.
- *orally* — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.

- *anonymously* — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the *PID Act*. It may be difficult, however, for Council to investigate the matter(s) you have disclosed if Council cannot contact you for further information.

(g) What should I include in my report?

You should provide as much information as possible so Council can deal with the report effectively. The type of information you should include is:

- date, time and location of key events;
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved;
- your relationship with the person(s) involved, such as whether you work closely with them;
- your explanation of the matter you are reporting;
- how you became aware of the matter you are reporting;
- possible witnesses; and
- other information you have that supports your report.

(h) What if I am not sure if my report is a PID?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Council to understand what is or may be occurring.

Council is then responsible for making sure your report is handled appropriately under the *PID Act*, or if it is not a PID, in line with Council's other procedures. Even if your report is not a PID, it may fall within another one of Council's policies for dealing with reports, allegations or complaints.

(i) Deeming that a report is a voluntary PID

The Disclosures Coordinator can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the *PID Act*.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the Disclosures Coordinator to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the Disclosures Coordinator.

For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

(j) Who can I talk to if I have questions or concerns?

You can talk to a disclosure officer or you may directly contact the Disclosures Coordinator. The disclosure officer or Disclosures Coordinator can agree to meet with you privately at a location outside the office if you are concerned about confidentiality. Ensure that you inform the disclosure officer or Disclosures Coordinator of your concerns for confidentiality and they will employ suitable strategies ensuring, where possible, your confidentiality is maintained.

2. Protections

(a) How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the *PID Act*.

Council is committed to taking all reasonable steps to protect you from detriment because of having made a PID. Further, Council is committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

Council will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

Protection from detrimental action

- A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
- Once Council becomes aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
- It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the *PID Act*.

Immunity from civil and criminal liability

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

Confidentiality

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the *PID Act*.

Protection from liability for own past conduct

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

(b) Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the *PID Act*.

A mandatory PID

This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

A witness PID

This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered because of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> • breaching a duty of secrecy or confidentiality, or • breaching another restriction on disclosure. 	✓	✓

3. Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Council, or to an integrity agency. A list of integrity agencies is located at *Annexure B* of this policy.

You can report detrimental action to the disclosure officer you made the initial report to or you may report detrimental action to the Disclosures Coordinator via the following channels:

Phone: 02 6730 2319

Email: governance@gisc.nsw.gov.au

4. General Support

You may contact the Disclosures Coordinator at any time for general support in relation to making a PID or if you have made a PID. The Disclosures Coordinator will take all reasonable steps to provide you with the support you need including taking steps to protect you from the risk of detrimental action.

You may also contact a disclosures officer for general support including the officer you made the PID too.

You may also find support through Council's Employee Assistance Program (**EAP**) which you can access from Council's Intranet Homepage.

Further, you may find information about the PID Act and reporting in general at www.ombo.nsw.gov.au.

5. Roles and Responsibilities

Certain people within Council have responsibilities under the *PID Act*.

General manager

(a) *The General Manager and Director of Corporate and Community Services are responsible for:*

- fostering a workplace culture where reporting is encouraged;
- receiving disclosures from public officials;
- ensuring there is a system in place for assessing disclosures;
- ensuring that Council complies with this policy and the *PID Act*;
- ensuring that Council has appropriate systems for:
 - overseeing internal compliance with the *PID Act*,
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action;
 - implementing corrective action if serious wrongdoing is found to have occurred;
 - complying with reporting obligations regarding allegations or findings of detrimental action; and
 - complying with yearly reporting obligations to the NSW Ombudsman.

(b) *Disclosures Coordinator*

The Disclosures Coordinator who is the Manager of Governance, Risk and Corporate Planning has all delegated responsibilities under the *PID Act* that may be delegated by the General Manager and is responsible for:

- fostering a workplace culture where reporting is encouraged;
- receiving disclosures from public officials;
- ensuring there is a system in place for assessing disclosures;
- ensuring that Council complies with this policy and the *PID Act*;
- ensuring that Council has appropriate systems for:
 - overseeing internal compliance with the *PID Act*,
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action;
 - implementing corrective action if serious wrongdoing is found to have occurred;
 - complying with reporting obligations regarding allegations or findings of detrimental action; and
 - complying with yearly reporting obligations to the NSW Ombudsman.
- receiving all PID reports made via the various avenues and plays a central role in:
 - assessing reports;
 - deciding if and where the suspected wrongdoing needs reporting to and reporting to those integrity agencies;

- liaising with the integrity bodies;
- carrying out preliminary and formal investigations if deemed appropriate or coordinating with other parties to carry out investigations;
- presenting preliminary and final reports to Council;
- providing support to those who have made PIDs including developing strategies to maintain confidentiality and protect against detrimental action;
- referring PIDs made to Council against other agencies in accordance with the *PID Act*; and
- providing training and support to public officials, disclosure officers, and managers.

(c) Disclosure officers

Disclosure officers are responsible for:

- receiving reports from public officials;
- receiving reports when they are passed on to them by managers;
- ensuring reports are dealt with appropriately, including by referring the matter to the Disclosures Coordinator; and
- ensuring that any oral reports that have been received are recorded in writing.

(d) Managers / Supervisors

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise; and
- passing on reports they receive to a disclosure officer.

(e) All employees

All employees must:

- report suspected serious wrongdoing or other misconduct;
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council;
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

6. How Council will deal with voluntary PIDs

(a) How Council will acknowledge that it has received a report and keep the person who made it informed

When a disclosure officer in Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment via email from the Disclosures Coordinator that the report has been received. This acknowledgement will:
 - state that the report will be assessed to identify whether it is a PID;
 - state that the *PID Act* applies to how Council deals with the report;
 - provide clear information on how you can access this PID policy;
 - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, the Disclosures Coordinator will inform you as soon as possible how Council intends to deal with the report. This may include:
 - that Council are investigating the serious wrongdoing;
 - that Council will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If Council does this, Council will provide you with details of this referral
 - If Council decides to not investigate the report and to not refer it to another agency for it to be investigated, Council will tell you about the reasons for this decision. Council will also notify the NSW Ombudsman of this decision.
- If Council decides to investigate the serious wrongdoing, the Disclosures Coordinator will provide you with updates on the investigation at least every two months. During this time, if you would like more frequent updates, you should contact the Disclosures Coordinator.
 - If Council investigates the serious wrongdoing, the Disclosures Coordinator will provide you with the following information once the investigation is complete:
 - a description of the results of the investigation — that is, Council will tell you whether it found that serious wrongdoing took place.
 - information about any corrective action because of the investigation/s — this means Council will tell you what action it took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by Council, what Council has put in place to address that serious wrongdoing.
 - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that Council has in place which led to the serious wrongdoing.
- There may be some details about both the findings made because of the investigation and the corrective action taken that cannot be revealed to you. Council will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations Council has.
- If you have made an anonymous report, in many cases Council may not be able to provide this information to you.

(b) How Council will deal with voluntary PIDs

Once a report that may be a voluntary PID is received it will be passed on to the Disclosures Coordinator (unless it is about the Disclosures Coordinator in which case it will be referred to the General Manager), who will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, Council will ensure that it complies with the requirements in the *PID Act*.

Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with Council's Complaints Management Policy or Grievance Resolution Policy, or through an alternate process.

If the report is not a voluntary PID, Council will let you know that the *PID Act* does not apply to the report and how it will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. Council can, but does not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID

Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID). The Disclosures Coordinator will advise the maker of the PID of this and the reasons for the decision.

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases Council will investigate to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where Council believes an investigation is not warranted — for example, if the conduct has previously been investigated.
- In some cases, an informal investigation may take place first to assess if sufficient evidence is available to warrant a full investigation.
- There may also be circumstances where Council decides that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, Council will discuss the referral with the other agency, and Council will provide you with details of the referral and a contact person within the other agency.

- Council may decide to use internal resources to investigate a matter such as using Council's Fraud Control Officer, Complaints Officer, Right to Information Officer or Manager of Administration and Human Resources.
- In some cases, Council may use an external investigator.
- If Council decides not to investigate a report and to not refer the matter to another agency, Council must let you know the reasons for this and notify the NSW Ombudsman.

(c) How Council will protect the confidentiality of the maker of a voluntary PID

Council understands that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the *PID Act*, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the *PID Act* that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure;
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker;
- when the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment;
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure;
- where the information has previously been lawfully published;
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information;
- when the information is disclosed for the purposes of proceedings before a court or tribunal;
- when the disclosure of the information is necessary to deal with the disclosure effectively; or
- if it is otherwise in the public interest to disclose the identifying information.

Council will not disclose identifying information unless it is necessary and authorised under the *PID Act*.

Council will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for Council to maintain complete confidentiality while it progresses the investigation, but Council will do all that it practically can to not unnecessarily disclose information from which the maker of the report can be identified.

Council will do this by:

- limiting the number of people who are aware of your PID or information that could identify you.
- if Council must disclose information that may identify you as the maker of a PID, Council will still not disclose your actual identity unless Council has your consent to do so.
- Council will ensure that any person who does know your identity as the maker of a PID is reminded that they have a legal obligation to keep your identity confidential.
- Council will ensure that only authorised persons have access to emails, files or other documentation that contain information about you as the maker of a PID.
- Council will undertake an assessment to determine if anyone is aware of your identity as the maker of a PID and if those persons have a motive to cause detrimental action to be taken against you or impede the progress of the investigation.
- Council will provide information you as the maker of the PID about the importance of maintaining confidentiality and advising you how best to protect your identity, for example, by telling you not to discuss your report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, Council will:

- advising you as the maker of a PID if your identity may become known;
- implement strategies to minimise the risk of detrimental action;
- provide additional support to you as the maker of a PID; and
- remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and will also be a disciplinary matter.

(d) How Council will assess and minimise the risk of detrimental action

Council will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

Council will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

Council will take steps to assess and minimise the risk of detrimental action by:

- explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter);
- a risk assessment will be undertaken (generally by the Manager Governance, Risk and Corporate Planning);
- the Disclosures Coordinator will communicate the results of the risk assessment and what controls are to be put in place to mitigate the risk, listing the protections that will be offered, that is, Council will discuss protection options with the maker of the PID, which may include:
 - remote working, or

- approved leave for the duration of the investigation; and
- outlining what other supports will be provided.

Further information on assessing the risk of detrimental action is found in the Ombudsman's guideline 'Agencies — assessing and managing the risk of detrimental action'.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied).

Detriment to a person includes:

- injury, damage or loss;
- property damage;
- reputational damage;
- intimidation, bullying or harassment;
- unfavourable treatment in relation to another person's job;
- discrimination, prejudice or adverse treatment;
- disciplinary proceedings or disciplinary action; or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct;
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct;
- the lawful making of adverse comment, resulting from investigative action;
- the prosecution of a person for a criminal offence;
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

(e) How Council will deal with allegations of a detrimental action offence

If Council becomes aware of an allegation that a detrimental action offence has occurred or may occur, Council will:

- take all steps possible to stop the action and protect the person(s);
- take appropriate disciplinary action against anyone that has taken detrimental action;
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable);
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

The Disclosures Coordinator will be responsible for making referrals about alleged detrimental action offences.

Anyone who believes that they are a victim of detrimental action should speak with the Disclosures Coordinator, the investigator or the disclosures officer the original PID was made to.

The Disclosures Coordinator will keep you updated of any action taken against someone who has engaged in a detrimental action offence and provide additional support as required.

(f) What Council will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology;
- improving internal policies, risk management processes and controls, to adequately prevent and respond to similar instances of wrongdoing;
- providing additional education and training to staff where required;
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand);
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

Findings of serious wrongdoing will be reported to Manex including recommendations to prevent future occurrences. Steps taken to address any recommendations in the findings will be endorsed by Manex and actioned through the appropriate channels. The Disclosures Coordinator will provide oversight to ensure corrective actions take place and such actions will be tasked through Council's risk management system (ERM).

The Disclosures Coordinator will also provide the maker of the PID with information pertaining to what corrective actions will be taken.

7. Review and dispute resolution

(a) Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Council:

- that Council is not required to deal with the report as a voluntary PID;
- to stop dealing with the report because Council decided it was not a voluntary PID;
- to not investigate the serious wrongdoing and not refer the report to another agency;
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Council will ensure internal reviews are conducted in compliance with the *PID Act*.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Council's decision. The application should state the reasons why you consider Council's decision should not have been made. You may also submit any other relevant material with your application. Applications should be submitted to the Disclosures Coordinator.

Internal Reviews will be carried out by the Disclosures Coordinator or a member of the Management Executive Team (Manex) and are to be carried out within 30 working days of the request for review being made to the Disclosures Coordinator.

(b) Voluntary dispute resolution

If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, Council may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

8. Other Council obligations

(a) Record-keeping requirements

Council must keep full and accurate records with respect to all information received in connection with the *PID Act*. This ensures that Council complies with its obligations under the *State Records Act 1998*.

Council's records management system (ECM) is used for storing all Council records and has access level settings that can be applied to confidential information, such as PIDs.

(b) Reporting of voluntary PIDs and Council's annual return to the Ombudsman

Each year Council provides an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Council during each return period (yearly with the start date being 1 July);
- action taken by Council to deal with voluntary PIDs during the return period; and
- how Council promoted a culture in the workplace where PIDs are encouraged.

This data is collected, stored, collated and submitted by the Disclosures Coordinator and is also reported in Council's Annual Report. None of this data contains confidential information or information that would identify anyone.

(c) How Council will ensure compliance with the PID Act and this policy

Council uses a digital system, *Reliansys Compliance*, to ensure legislative and policy compliance at Council. This system captures all obligations and assigns them to a responsible officer with yearly compliance assurance reports generated and reported to Manex, Council's Audit, Risk and Improvement Committee (ARIC) and Council's governing body.

The system automatically escalates any noncompliance to managers/supervisors.

This system is monitored by Governance and is a part of Council's legislative compliance framework as detailed in Council's Legislative Compliance Policy. Any noncompliance is to be reported on and plans generated to address noncompliance issues.

Legislation And Supporting Documents

Relevant Legislation, Regulations and Industry Standards include:

- *Public Interests Disclosures Act 2022;*
- *Local Government Act 1993;*
- *Independent Commission Against Corruption Act 1988;*
- *Government Information (Public Access) Act 2009;*
- *Privacy and Personal Information Protection Act 1998; and*
- *State Records Act 1998.*

Relevant Council Policies and Procedures include:

- Code of Conduct for Council Staff;
- Code of Conduct for Councillors;
- Code of Conduct for Council Committee Members, Delegates and Advisers;
- Procedures for the Administration of the Code of Conduct;
- Fraud and Corruption Prevention Policy;
- Fraud Control Plan;
- Grievance Resolution Policy and Procedures;
- Workplace Discrimination and Bullying / Harassment Policy;
- Complaints Management Policy and Procedures;
- Legislative Compliance Policy;
- Risk Appetite Statements; and
- Risk Management Policy.

All documents may be located either on Council's website at www.gisc.nsw.gov.au, or for internal procedures, on Council's Intranet.

Variation And Review

The Public Interest Disclosure Policy will be reviewed every three of years, or earlier if deemed necessary, to ensure that it meets the requirements of legislation and the needs of Council. The term of the Policy does not expire on the review date, but will continue in force until superseded, rescinded or varied either by legislation or a new resolution of Council.

Annexure A — Names and contact details of disclosure officers for Council

Officer	Location	Contact Information
Disclosures Coordinator		
Manager Governance, Risk and Corporate Planning	Town Hall, 265 Grey Street, Glen Innes	02 6730 2319 dmcintyre@gisc.nsw.gov.au
Disclosure Officers		
Director of Corporate and Community Services	Town Hall, 265 Grey Street, Glen Innes	02 6730 2317
Work Health and Safety Coordinator	Town Hall, 265 Grey Street, Glen Innes	02 6730 2305 ablunt@gisc.nsw.gov.au
Governance Administration Officer	Town Hall, 265 Grey Street, Glen Innes	02 6730 2331 smurray@gisc.nsw.gov.au
Manager Recreation and Open Spaces	136 Church Street, Glen Innes	02 6730 2364 garchibald@gisc.nsw.gov.au
Acting Works Coordinator	Works Depot, 105 Lang Street, Glen Innes	0419 425 183 leliot@gisc.nsw.gov.au

Other Officers who are also disclosure officers under the *PID Act*

Officer	Location
Head of Council	
General Manager	Town Hall, 265 Grey Street, Glen Innes
Most senior officers at permanent worksites	
Director Infrastructure Services	Infrastructure Services – 136 Church Street, Glen Innes
Director Place and Growth	Development and Planning - 136 Church Street, Glen Innes
Manager Community Services	Life Choices Support Services, 134 Church Street, Glen Innes
Manager Growth and Development	Visitor Information Centre, 152 Church Street, Glen Innes; and Highlands Hub, 167 Grey Street, Glen Innes
Quarry Manager	Glen Innes Aggregates, 99 Shannon Vale Road, Glen Innes
Coordinator Integrated Water Services	Sewerage Treatment Plant and Water Treatment Plant
Youth Worker	Youth Booth, 152 Wentworth Street, Glen Innes
Coordinator Children, Youth and Family Services	OOSH, 185 West Avenue, Glen Innes
Officer	Location

Works Coordinator	Works Depot, 105 Lang Street, Glen Innes
Team Leader – Recreation and Open Spaces	Parks Depot, 105 Lang Street, Glen Innes
Workshop Supervisor	Workshop, 105 Lang Street, Glen Innes
Manager Library and Learning Centre	Learning and Library Centre, 71 Grey Street, Glen Innes
Coordinator Recreation Facilities	Glen Innes Indoor Sports Centre; and Glen Innes Aquatic Centre
Directors / Managers / Supervisors / Team Leaders	

Annexure B — List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box 5341, Sydney NSW 2001 Email: oiiecc_executive@oiiecc.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au

Appendix A

Document Control Continued

PREVIOUS VERSIONS:	DATE:	RESOLUTION NO:	DESCRIPTION OF AMENDMENTS:	AUTHOR / EDITOR:	REVIEW / SIGN OFF:
3	26/02/2015	15.02/15	Minor amendments	MAHR	Council
2	28/02/2013	19.02/13	Amendments to bring the Policy in line with amendments to the <i>PID Act 1994</i> following its revision in 2011.	MAHR	Council
1	26/03/2009	10.03/09	Was titled, Internal Reporting Policy and based on the <i>Protected Disclosures Act 1994</i> , before the Act was revised and renamed <i>Public Interest Disclosures Act 1994</i> in 2011.	MAHR	Council