

1. BACKGROUND

Under section 6D of the *Public Disclosures Act 1994* (the PID Act), public authorities are required to have a policy and procedures for receiving, assessing, and dealing with protected disclosures. The definition of public authorities includes Councils. This policy has been developed from the model internal reporting policy for Local Government provided by the NSW Ombudsman to ensure compliance and commitment to the legislation.

Coonamble Shire Council acknowledges the need to have a relevant Internal Reporting Policy to encourage and facilitate the disclosure, in the public interest, of cases where corrupt conduct, maladministration, serious and substantial waste and government information contravention occurs with Council.

2. PURPOSE

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 to report wrongdoing to in the 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 raise 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 this policy and the PID Act.

This policy is just one in the suite of Council's complaint handling policies and should be read in conjunction with the *Model Code of Conduct, Local Government (State) Award* and any other relevant policies.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the appropriate channels. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to appropriate department head or Human Resources to be dealt with in accordance with the *Local Government (State) Award* or *Code of Conduct*.

3. POLICY OBJECTIVE

The aim of the policy is to establish an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention and Local Government pecuniary interest contravention for staff and public officials.

Coonamble Shire Council is strongly committed to the principles underpinning the PID Act and commits itself to:

- Create a climate of trust, where people are comfortable and confident about reporting wrongdoing.
- Encourage staff to come forward if they are aware of wrongdoing within the Council.
- Keep the identity of the staff member disclosing wrongdoing confidential, where this is possible and appropriate.

- Protect staff from any adverse action resulting from them making a report.
- Deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to address it.
- Keep staff who make a report informed of their progress and the outcome.
- Encourage the reporting of wrongdoing within the Council but respect any decision to disclose wrongdoing outside the Council that is made in accordance with the provisions of the PID Act.
- Ensure managers and supervisors at all levels in the Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing.
- Review the policy periodically to ensure it is relevant and effective.
- Provide adequate resources to support this policy including encouraging reports of wrongdoing, properly manage allegations and support staff who make reports.

Under the PID Act, the General Manager as the head of the public authority is responsible for ensuring that:

- The Council has an internal reporting policy.
- The staff of the Council and Councillors are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures.
The Council complies with the policy and the Council's obligations under the PID Act.
- The policy delegates at least one staff member as being responsible for receiving Public Interest Disclosures. Clause 3.15 of the Procedures for the Administration of the *Model Code of Conduct for Local Councils in NSW* requires the Complaints Coordinator to be a Disclosures Coordinator.

4. LEGISLATION

Code of Conduct
Government Information (Public Access) Act 2009
Independent Commission Against Corruption Act 1988
Local Government Act 1993
Local Government (State) Award 2020
Privacy and Personal Information Protection Act 1998
Public Interest Disclosure Act 1994
Work Health and Safety Act 2011

5. APPLICATION/SCOPE

This policy applies to public officials who are defined under the PID Act, including:

- 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 Council official 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.

6. POLICY

6.1 What should be reported?

Staff and Councillors should report any suspected wrongdoing within the Council, or any activities or incidents they see within the Council and believe are wrong.

Reports about serious misconduct that fall into the following five categories:

- a. Corrupt conduct.
- b. Maladministration.
- c. Serious and substantial waste of public money.
- d. Breach of the *Government Information (Public Access) Act 2009* (GIPA Act).
- e. Local government pecuniary interest contravention.

Which meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies.

Even if these reports are not dealt with as public interest disclosures, Council recognises such reports may raise important issues. Council 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.
- Acting dishonestly or unfairly or breaching public trust.
- A Council official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

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.
- Refusing to grant an approval for reasons that are not related to the merits of their application.

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. For example, this could include:

- Not following a competitive tendering process for a large-scale contract.
- Having bad or no processes in place for a system involving large amounts of public funds.

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.

e. Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at Council and Council committee meetings and leave the meeting while the matter is being discussed. 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 Councillor participating in consideration of a DA for a property they or their family have an interest in.

6.2 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 Disclosures Coordinator is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out.

In assessing a report, the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

6.3 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.
- 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, an investigating authority or in limited circumstances to an MP or journalist.

Reports by staff are not public interest disclosures if they:

- Mostly question the merits of government policy.
- Are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

6.4 Roles and responsibilities

The role of Council

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.

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

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

To ensure 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.

The role of 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 Council's Code of Conduct. A breach of the code could result in disciplinary action.

General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring 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.

Disclosures Coordinator

The Disclosures Coordinator has a central role in Council's internal reporting system. The Disclosures Coordinator can receive and assess reports and is the primary point of contact in the Council for the reporter. The Disclosures Coordinator has a responsibility to:

- Assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager).
- Deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted code of conduct procedures.
- Coordinate the Council's response to a report.
- Acknowledge reports and provide updates and feedback to the reporter.
- Assess whether it is possible and appropriate to keep the reporter's identity confidential.
- Assess the risk of reprisal and workplace conflict related to or likely to arise out of a report and develop strategies to manage any risk identified.
- Where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report.
- Ensure the Council complies with the PID Act.
- Provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

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 Disclosures Coordinator or General Manager for full assessment.

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.
- Liaise with the Disclosures Coordinator to 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.

Executive Leaders, Managers and Supervisors

Executive Leaders, Managers and Supervisors play an important role in managing the workplace of those involved in or affected by the internal reporting process. Executive Leaders, Managers and Supervisors should be aware of the Internal Reporting Policy and are responsible for creating an 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 which 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 Disclosures Coordinator or 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 by the General Manager, notify the Mayor.

6.5 Who can receive a report within the Council?

Staff are encouraged to report general wrongdoing to their supervisor. However, the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within the Council who are authorised to receive a public interest disclosure. Managers or Supervisors who receive a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below.

If the report involves a Councillor, staff should make the report to the General Manager. If the report relates to the General Manager, staff should make the report to the Mayor.

- *General Manager*
- *Mayor*
- *Disclosures Coordinator*
- *Disclosures Officers*

Contact details of current staff and Disclosures Officers are set out in Appendix A. This list will be updated when changes occur, to keep names and contact details current.

6.6 Who can receive a report outside of Council?

Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not the only option. Staff can also make a public interest disclosure to:

a. Investigating authorities

The PID Act lists several investigating authorities in NSW that staff and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the General Manager or the Mayor.

The relevant investigating authorities for Council are:

- The Independent Commission Against Corruption (ICAC) — for disclosures about corrupt conduct.
- The Ombudsman — for disclosures about maladministration.
- The Auditor-General — for disclosures about serious and substantial waste.
- The Information Commissioner — for disclosures about a breach of the GIPA Act.
- The Office of Local Government – for disclosures about local Councils.

Contact the relevant investigating 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.

Staff should be aware that the investigating authority may well discuss any such reports with the Council. Council 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. Council will also provide appropriate support and assistance to staff or Councillors who report wrongdoing to an investigating authority, if made aware that this has occurred.

b. Members of Parliament (MP) or journalists (only in limited circumstances outlined below)

To have the protections of the PID Act, staff reporting wrongdoing to a 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, including the Mayor for reports about the General Manager.
- An investigating authority.

Also, Council or the investigating authority that received the initial 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, a report about wrongdoing to an MP or a journalist will need to be able to be proved that the reported had reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

c. Other external reporting

If reporting wrongdoing to a person or authority that is not listed above or make a report to an MP or journalist without following the steps outlined above, a reporter will not be protected under the PID Act. This may mean reporter's 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.

6.7 How to make a report

A report about wrongdoing can be in writing or verbally. Staff are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. Council's Internal Reporting Form is also available for staff or Councillors to use to make a report. The form can be found as Appendix D to this policy.

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

6.8 Can a report be anonymous?

There will be some situations where someone may not want to identify themselves when they make a report. Although these reports will still be dealt with by Council, it is best if people identify themselves. This allows Council to provide people with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent someone from being identified by the subjects of the report or colleagues. If Council does not know who made the report, it is very difficult for Council to prevent any reprisal should others identify the reporter.

6.9 Feedback to staff and Councillors who report wrongdoing

Staff and Councillors who report wrongdoing will be told what is happening in response to their report.

a. Acknowledgement

The PID Act stipulates that acknowledgment in writing, with a copy of this policy is provided to the reporter within forty-five (45) days of the report being made.

Council will endeavour to contact the reporter in writing within ten (10) days to confirm that the report has been received and to advise:

- The timeframe within which further updates will be received.
- The name and contact details of the people who can person what is happening or handle any concerns they may have.
- A copy of this policy.

After a decision is made about how the report will be dealt with, Council will send a letter, providing:

- Information about the action that will be taken in response to the report.
- The likely timeframes for any investigation or other action.
- Information about the internal and external resources or services available that staff and Councillors can access for support.

Please note, if the report meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of the reporter's day to day functions, a reporter will not receive an acknowledgement letter or a copy of this policy.

b. Progress updates

While report is being dealt with, such as by investigation or making other enquiries, a reporter will be given:

- Information about the progress of the investigation or other enquiries and reasons for any delay.
- Advice of any decision by Council not to proceed with the matter.
- Advice if a reporter's identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

c. Feedback

Once the matter has been finalised, a reporter will be given:

- Enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to the disclosure and any problem that was identified.
- Advice about whether a reporter is likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

6.10 Maintaining confidentiality

Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate Council will take steps to keep a reporter's identity, and the fact they have reported wrongdoing, confidential. Council will discuss with a reporter whether it is possible to keep their identity confidential.

If confidentiality cannot be maintained, Council will develop a plan to support and protect reporters from reprisal in consultation with them.

If staff and Councillors report wrongdoing, it is important that they only discuss the report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator, and the Mayor. The fewer people who know about the report, before and after it is made, the more likely it will be that Council can protect a reporter 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.

6.11 Managing the risk of reprisal and workplace conflict

When a staff member or Councillor reports wrongdoing, Council will undertake a thorough risk assessment to identify the risk 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, 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.

These courses of action are not punishment and will only be taken in consultation with the reporter.

6.12 Protection against reprisals

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 staff and Councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a 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 did 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 Local Government Act 1993 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 Council has reasonable grounds to take such action.

a. Responding to allegations of reprisal

If a reporter believes that detrimental action has been or is being taken against them or someone else in reprisal for reporting wrongdoing, they should tell their Manager, Supervisor, Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, a person alternatively report this to the Mayor.

All staff must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the General Manager, the Mayor can alternatively be notified.

If Council becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, Council 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 a reporter alleges reprisal, they will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation. If a reporter has reported

wrongdoing and are experiencing reprisal which they believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing reported). Contact details for these investigating authorities are included at the end of this policy.

b. Protection against legal action

If staff or Councillors make a public interest disclosure in accordance with the PID Act, they will not be subject to any liability, and no action, claim or demand can be taken against them for having made the public interest disclosure. A reporter will not have breached any confidentiality or secrecy obligations and they will have the defence of absolute privilege in defamation.

6.12 Support for those reporting wrongdoing

Council will make sure that staff and Councillors who have reported wrongdoing, regardless of whether their report is treated as 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 or counselling services. Contact details of Council's Employee Assistance Program can be found in Appendix C. 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 Disclosures Coordinator.

6.13 Sanctions for making false or misleading statements

It is important 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. Council will not support staff or Councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

6.14 The rights of persons the subject of a report

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.

The subject of the report will be advised of the allegations made against them at an appropriate time and before any adverse findings. At this time they will be:

- Advised of the details of the allegation.
- Advised of their 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 them.
- Told the outcome of any investigation, including any decision made about whether or not further action will be taken against them.

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.

6.15 More information

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

7. DEFINITIONS

"journalist" means a person engaged in the occupation of writing or editing material intended for publication in the print or electronic news media.

"public authority" means any public authority whose conduct or activities may be investigated by an investigating authority, and includes (without limitation) each of the following-

- (a) A Public Service agency,
- (b) A State owned corporation and any subsidiary of a State owned corporation,
- (c) A local government authority,
- (d) The NSW Police Force, PIC and PIC Inspector,
- (e) The Department of Parliamentary Services, the Department of the Legislative Assembly and the Department of the Legislative Council.

"public interest disclosure" means a disclosure satisfying the applicable requirements of Part 2 of the *Public Disclosures Act 1994*.

"public official" means

- (a) An individual who is an employee of or otherwise in the service of a public authority, and includes (without limitation) each of the following-
 - (i) A Public Service employee,
 - (ii) A member of Parliament, but not for the purposes of a disclosure made by the member,
 - (iii) A person employed by either or both of the President of the Legislative Council or the Speaker of the Legislative Assembly,
 - (iv) Any other individual having public official functions or acting in a public official capacity whose conduct and activities may be investigated by an investigating authority,
 - (v) An individual in the service of the Crown, or
 - (a1) A person employed under the *Members of Parliament Staff Act 2013*, or
 - (b) An individual who is engaged by a public authority under a contract to provide services to or on behalf of the public authority, or
 - (c) If a corporation is engaged by a public authority under a contract to provide services to or on behalf of the public authority, an employee or officer of the corporation who provides or is to provide the contracted services or any part of those services.
- (Refer to PID Act for further information).

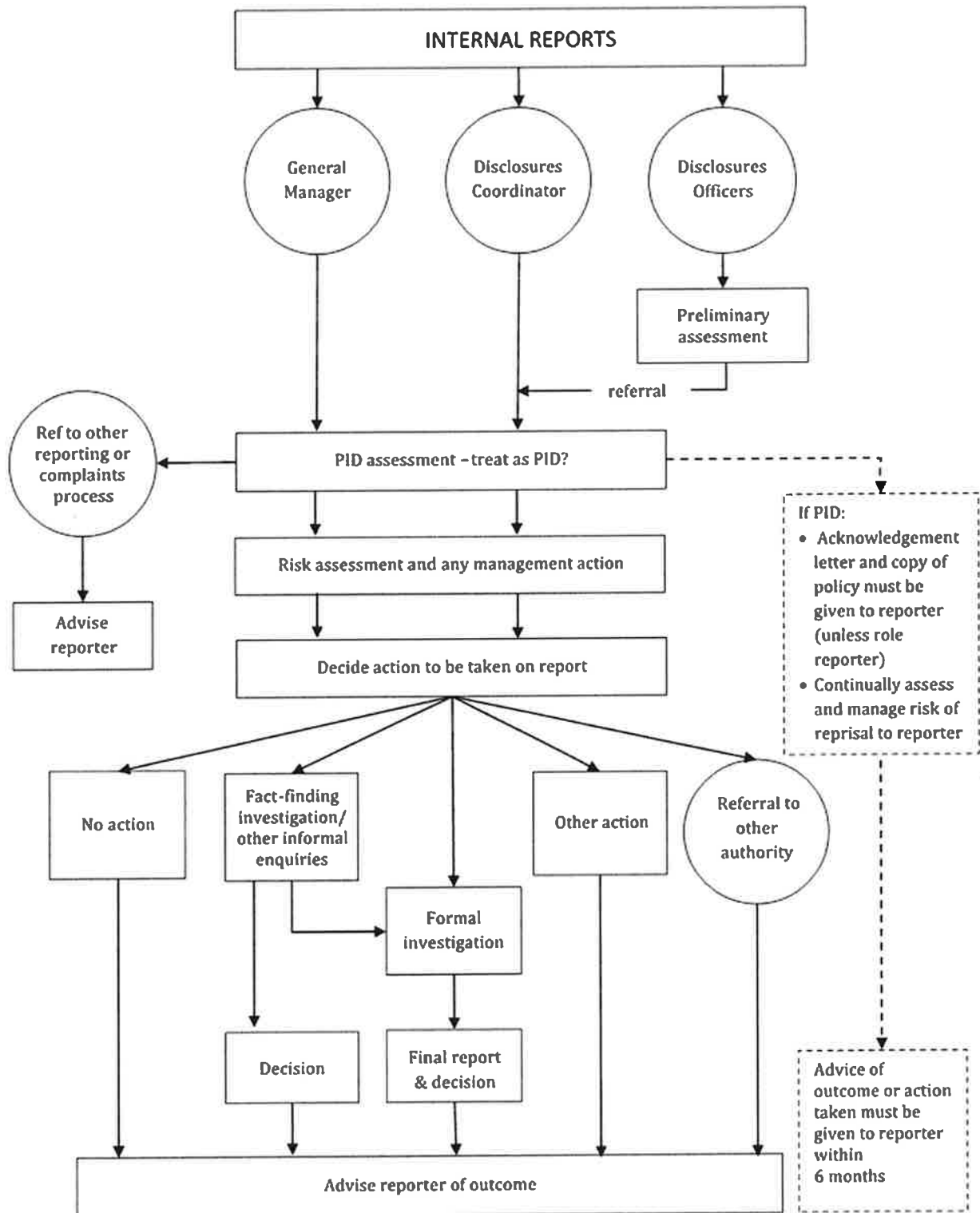
"reporter" means the person making a Public Interest Disclosure report.

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| Reviewed – no changes | 25 May 2017 | General Manager |
| Adopted by Council | 14 June 2017 | Council Resolution # 2593 |
| Reviewed in line with model policy. | 14 July 2021 | Council Resolution 2021/152 |
| Adopted by Council | | |
| Annexure Attached: | | |
| A - Current Contact Details and Disclosures Officers B - Flowchart of Internal Reporting Process C - Resources D - Internal Report Form E - Initial Assessment of Internal Report | | |
|  Hein Basson General Manager | | |
| 15-7-2021. | | |

Appendix A: Current Contact Details and Disclosures Officers

| Role | Position | Name | Contact Details |
|--------------------------------|--|-------------------|---|
| General Manager | General Manager | Hein Basson | gm@coonambleshire.nsw.gov.au PH: 02 6827 1908 M: 0408 669 931 |
| Mayor | Mayor | Cr Ahmad Karanouh | mayor@coonamblehire.nsw.gov.au PH: 02 6822 2288 M: 0427 887 666 |
| Disclosures Coordinator | Manager – People, Risk & Improvement | Amanda Nixon | a.nixon@coonambleshire.nsw.gov.au PH: 02 6827 1900 M: 0497 000 439 |
| Disclosures Officer | Executive Leader – Corporate & Sustainability | Bruce Quarmby | b.quarmby@coonambleshire.nsw.gov.au PH: 02 6827 1911 M: 0427 221 449 |
| Disclosures Officer | Executive Leader – Infrastructure | Kaylene Atkins | kookie@coonambleshire.nsw.gov.au PH: 02 6827 1903 M: 0427 271 903 |
| Disclosures Officer | Executive Leader – Environment, Strategic Planning & Community | Noreen Vu | n.vu@coonambleshire.nsw.gov.au PH: 02 6827 19 M: 0418 513 671 |

Appendix B: Flowchart of Internal Reporting Process



Appendix C: Resources

The contact details for external investigating authorities that staff 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
Web: www.icac.nsw.gov.au
Address: Level 7, 255 Elizabeth Street, Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 19, Darling Park Tower, 201 Sussex Street, Sydney NSW 2000

For disclosures about breaches of the GIPA Act:

Information & Privacy Commissioner
Toll free: 1800 472 679
Facsimile: 02 8114 3756
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: Level 17, 201 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
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney NSW 2000

For disclosures about local Councils:

Office of Local Government
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: olg@olg.nsw.gov.au
Web: www.olg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

Employee Assistance Program

Lifeworks
PH 1300 361 008

Free confidential service for Council staff and Councillors. Both telephone and face to face appointments available.

Appendix D: Internal Report Form

To be completed by an internal reporter and submitted to nominated Disclosures Officer

| Details of reporter <i>(You can make an anonymous report by leaving this section blank)</i> | | |
|---|------------------------------|--|
| Name: | | |
| Position: | | |
| Division/Unit: | | Preferred method of contact |
| Telephone: | | <input type="checkbox"/> Telephone |
| Email: | | <input type="checkbox"/> Email |
| Postal address: | | <input type="checkbox"/> Post |
| Details of the wrongdoing being reported | | |
| Description: | | |
| <ul style="list-style-type: none"> • <i>What happened?</i> • <i>Where did this happen?</i> • <i>When did this happen?</i> • <i>Is it still happening?</i> <p><i>[Attach an additional page if required]</i></p> | | |
| How did you become aware of this? | | |
| Name and position of people involved in the wrongdoing: | Name Position | |
| | | |
| | | |
| Attach any additional relevant information or indicate where supporting evidence may be found: | Supporting evidence Attached | |
| | | <input type="checkbox"/> |
| | | <input type="checkbox"/> |
| Name and position of other people who may have additional information: | Name Position | |
| | | |
| | | |
| Statement | | |
| I honestly believe that the above information shows or tends to show wrongdoing. | | |
| _____ Signature of reporter <i>(Do not sign if you want to make an anonymous report)</i> | | _____ Date report submitted <i>(Essential information)</i> |

Appendix E: Initial Assessment of Internal Report

To be completed by a nominated Disclosures Officer

| Public Interest Disclosures – General Criteria | | Comments |
|--|--|--|
| 1 | Is the reporter a public official? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Anonymous | Under the <i>Public Interest Disclosures (PID) Act 1994</i> , A <i>public official</i> includes employees, volunteers, individual contractors, certain employees of contracting companies and any other person performing a public official function for your public authority. If the reporter is not a <i>public official</i> the report is not likely to be a PID. If the reporter is anonymous, the content of the report may tend to indicate that the reporter is a public official. In such cases it is always best to assume the reporter is a public official until there is evidence to indicate the reporter is not a public official. |
| 2 | Is the report about the conduct of a public official or a public authority? <input type="checkbox"/> Yes <input type="checkbox"/> No | If the report is not about the conduct of a <i>public official</i> or <i>public authority</i> the report is not likely to be a PID. |
| 3 | Is the report about one of these categories of conduct? <input type="checkbox"/> Maladministration <input type="checkbox"/> Waste of public money <input type="checkbox"/> Breach of the GIPA Act <input type="checkbox"/> LG pecuniary interest contravention <input type="checkbox"/> Corrupt conduct | Generally speaking, a grievance, such as a complaint about bullying, is not about one of these categories of conduct. If the report is not about one of these categories of conduct it is not likely to be a PID and does not need to be forwarded to the disclosures coordinator for assessment. For line managers/supervisors: PIDs must be made to a person authorised to receive PIDs under the public authority's internal reporting policy (for example a nominated disclosure officer). If you are not authorised to receive PIDs but suspect the report could be a PID, you should direct staff member to a nominated disclosures officer or show support and go with them. |
| Contact details of reporter | | |
| Name: | | Preferred method of contact |
| Telephone: | | |
| Email: | | |
| Postal address: | | |
| | | <input type="checkbox"/> Telephone <input type="checkbox"/> Email <input type="checkbox"/> Post |
| Assessment and comments | | |
| Based on this initial assessment , could this report be a Public Interest Disclosure (PID)? <input type="checkbox"/> Yes <input type="checkbox"/> No Reasons for this initial assessment: _____ Signature of nominated Disclosures Officer Date: | If yes , <input type="checkbox"/> Forward this report to the Disclosures Coordinator for formal assessment. Date forwarded: | |
| | If no , the following steps will be taken: <input type="checkbox"/> Referred to: For: Date referred: <input type="checkbox"/> Complainant notified. Date notified: | |