



POLICY NO.	CPCG4
POLICY TITLE	Public Interest Disclosure Policy
STATUS	Council
SERVICE	Governance / People & Culture
DOCUMENT ID	671136

1. 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)*.

At Hunter's Hill Council (**Council**), reports of serious wrongdoing are taken very seriously. 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 is reliant upon its Council Officials, volunteers and service providers/service partners speaking up when they become aware of wrongdoing.

This policy sets out the following:

- How Council will support and protect a person when coming forward with a report of serious wrongdoing.
- How Council will deal with the report and its other responsibilities under the PID Act.
- Who to contact if you want to make a report.
- How to make a report.
- The protections which are available to those who make a disclosure under the PID Act.

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

- Protecting those who speak up from detrimental action.
- Imposing duties on those who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act and at Council, the framework provided by the PID Act is supported by this policy, which is mandatory under the PID Act.

The PID Act outlines five categories of wrongdoing being corrupt conduct, maladministration, serious and substantial waste of public money, breach of the [Government Information \(Public Access\) Act 2009](#) (GIPA Act) and local government pecuniary interest contravention.

This policy protects people who make disclosures and ensures that people who are the subject of a disclosure receive a fair and thorough investigation. It applies to situations where a council official is aware of or suspects corrupt conduct, maladministration, serious and substantial waste, government information contravention, local government pecuniary interest contravention and/or and wrongdoings by a Councillor or Council staff.

The internal reporting process established under this policy is not intended to be used for workplace issues. If a staff member makes a report under this policy that is substantially a workplace issue, the matter will be referred to the Director People & Culture for management under the Council’s Managing Workplace Issues Procedure.

2. SCOPE

This policy applies to, and for the benefit of, all Council Officials, being “public officials” as defined under the PID Act. It also applies to the following people to whom the concept of the “public official” extends, under the PID Act:

- A person providing services or exercising functions on behalf of Council, including a service provider/service partner, or volunteer.
- 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.

The General Manager, other nominated disclosure officers and managers within Council have specific responsibilities under the PID Act. This policy also provides information about 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 Hunter’s Hill Council, may refer to this policy in order to determine who they can report wrongdoing to within Council.

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 an agency.

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. Outline provided in Section 5 of this policy.

However, you can still make a complaint to Council. This can be done by lodging a complaint in accordance with the Complaints Handling Policy.

3. DEFINITIONS

Within the Public Interest Disclosure Policy, the following terms have the following meanings:

Act	<i>Local Government Act 1993.</i>
Agency	Agency’ is defined in the PID Act as including a local government authority. Council is an agency.
Councillor	Elected representative
Council Committee Member	A person, other than a Councillor or a Council Officer, who is a member of a Council committee other than a wholly advisory committee, and a person other than a Councillor who is a member of Council’s audit, risk and improvement committee.

Council Official	Councillors, Council Officers, and delegates of Council.
Council Officer	Hunter's Hill Council members of staff (including full-time, part-time, casuals and contracted staff).
Detriment	<p>Detriment is defined in section 32(1) of the PID Act as disadvantage to a person, including:</p> <ul style="list-style-type: none"> • 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 proceeding or disciplinary action.
Detrimental action	<p>Detrimental action is defined in section 32(2) of the PID Act as 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). Detrimental action does not include:</p> <ul style="list-style-type: none"> • 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.
Integrity agency	The integrity agencies set out in Annexure B.
Manager	Any Council Officer who manages, or is in any way responsible for, any other Council Officer, Councillor, volunteer or service provider/service partner.
PID	Public interest disclosure
PID Act	<i>Public Interest Disclosures Act 2022.</i>
Public Interest Disclosure Coordinator	The Council Official responsible for coordinating Council's response to receiving and dealing with PIDs. Please refer to Annexure A for the contact details of the Public Interest Disclosure Coordinator. This Public Interest Disclosure Coordinator is a disclosure officer.
Public Official	<p>A public official is defined in the PID Act to include:</p> <ul style="list-style-type: none"> • A person employed by an agency or otherwise in service of an agency. • 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 an agency, including a contractor, subcontractor or volunteers. <p>Council Officials, volunteers and service providers/service partners who are providing services or exercising functions on behalf of Council are public officials for the purposes of the PID Act.</p>

Public officials will also include persons that fall within the definition of the public official in the PID Act that are not related to Council. For example, a person working at another council will be a public official for the purposes of making a PID.

Serious wrongdoing

As outlined in Section 5 of this Policy.

4. POLICY STATEMENT

This policy will provide public officials with information on the following:

- The ways in which a voluntary PID can be made to Council under the PID Act.
- The names and contact details of the nominated disclosure officers in Council.
- The roles and responsibilities of Council Officials who hold particular roles under the PID Act.
- What information a person will receive once they have made a voluntary PID.
- The protections available to people who make a report of serious wrongdoing under the PID Act and what Council will do to protect that person.
- Council procedures for dealing with PIDs.
- Council procedures for managing the risk of detrimental action and reporting detrimental action.
- Council's record-keeping and reporting requirements.
- How Council will ensure it complies with the PID Act and this policy.

Further information about this policy, how PIDs will be handled and the PID Act can be obtained by:

- Confidentially contacting a nominated disclosure officer within Council (please refer to Annexure A).
- Contacting the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au.
- Accessing the NSW Ombudsman's PID guidelines which are available on its website.
- Contacting the Internal Ombudsman Shared Service by phone: (02) 8757 9044 or email: internalombudsman@cityofparramatta.nsw.gov.au.

Independent legal advice should be sought where public officials require further advice regarding the PID Act or their obligations under the PID Act.

5. HOW TO MAKE A REPORT OF SERIOUS WRONGDOING

1. Reports, complaints, and grievances

When a public official, including a Council Official, or another person within the scope of this policy, as set out above, 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. These features are explained below.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, Council considers whether it is a PID. If it is a PID, Council deals with it as set out in this policy, but will also ensure that any other policy which applies is also followed. For example, the Model Code of Conduct, the Fraud and Corruption Control Policy and Procedure, and the Conflict of Interest Policy.

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

2. When will a report be a PID?

There are three types of PIDs. 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.

Public officials 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:

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|---------------|---|
| Step 1 | A report is made by a public official. |
| Step 2 | It is made to a person who can receive voluntary PIDs. |
| Step 3 | The public official honestly and reasonable believes that the information they are providing shows (or tends to show) serious wrongdoing. |
| Step 4 | The report was made orally or in writing. |
| Step 5 | The report is voluntary (meaning it is not a mandatory or witness PID). |

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

Public officials will not be expected to prove that the reported conduct actually happened or is serious wrongdoing. Public officials do have to honestly believe, on reasonable grounds, that the information they are reporting shows or tends to show serious wrongdoing.

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

If Council makes an error and does not identify that a public official has made a voluntary PID, that public official will still be entitled to the protections under the PID Act.

If a public official makes a report and believes that Council has made an error by not identifying the report as a voluntary PID, the public official should raise this with a nominated disclosure officer or the contact officer to whom the report was made. If the public official is still not satisfied with this outcome, the public official can seek an internal review or Council may seek to conciliate the matter. The public official may also contact the NSW Ombudsman.

Further information on rights to internal review and conciliation is found in this policy.

3. Who can make a voluntary PID?

Any public official can make a voluntary PID — see 'Who this policy applies to'. A public official is someone who:

- Is employed by Hunter's Hill Council.

- Is a contractor, subcontractor or volunteer who provides services, or exercises functions on behalf of Hunter’s Hill Council.
- Works for an entity (such as a non-government organisation) who is contracted by Hunter’s Hill Council to provide services or exercise functions on behalf of Hunter’s Hill Council — if that person is involved in undertaking that contracted work.

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 may receive PIDs from public officials outside Council. It also means that public officials, including Council Officials, 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.

4. 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.
- Serious maladministration — such as Council systemically failing to comply with proper recruitment processes when hiring Council Officers.
- A government information contravention — such as destroying, concealing, or altering records to prevent them from being released under the Public Access to Information Policy.
- A local government pecuniary interest contravention — such as a senior Council Official recommending a family member for a council contract and not declaring the relationship in accordance with the Conflict of Interest Policy.
- A privacy contravention — such as unlawfully accessing a person’s personal information on Council’s database in breach of the Privacy Policy.
- 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.

When a public official makes their report, they do not need to specify to Council what category of serious wrongdoing they are reporting or that they are reporting serious wrongdoing.

5. 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 recipient who works for Hunter’s Hill Council

Public officials 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.
- A Manager — this is the person who directly, or indirectly, supervises the public official. It can also be the person to whom you directly, or indirectly, report. The public official may have more than one Manager. The Manager will make sure that the report is communicated to a disclosure officer on the public official’s behalf or may accompany the public official while they make the report to a disclosure officer.

Making a report to a recipient outside of Council

Public officials can also make their report to a public official in another agency (meaning an agency that the public official does not work for) or an integrity agency. These include:

- The head of another agency — this means the head of any public service agency listed under Schedule 1 of the *Government Sector Employment Act 2013*, such as the Information Commission of the Information and Privacy Commission or the Ombudsman from the Ombudsman Office.
- 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 are set out in an agency's PID policy which can be found on the agency's public website.
- 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 back 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. Public officials can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- The public official 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.
- The public official did not make the previous disclosure anonymously.
- The public official did not give a written waiver of your right to receive information relating to their previous disclosure.
- The public official 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.
 - 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.
 - Details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means either:

- After six months from the previous disclosure being made.
- After twelve months if the public official applied for an internal review of the Council's decision within six months of making the disclosure.

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

What form should a voluntary PID take?

A public official, including a Council Officer, 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 their name or anything that might identify the public official 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 the public official chooses to remain anonymous, the public official will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) that the public official has disclosed if Council cannot contact the public official for further information.

What should a public official include in their report?

A public official should provide as much information as possible so that Council can deal with the report effectively. The type of information a public official should include is:

- The date, time, and location of key events.
- The names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved.
- The public official's relationship with the person(s) involved, such as whether the public official works closely with them.
- The public official's explanation of the matter that they are reporting.
- How the public official became aware of the matter that they are reporting.
- Possible witnesses.
- Other information that the public official has that supports their report.

What if the public official is not sure if the report is a PID?

Public officials should report all wrongdoing that they become aware of regardless of whether they 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 that the report is handled appropriately under the PID Act, or if it is not a PID, in line with other procedures. Even if the public official's report is not a PID, it may fall within another one of the Council's policies for dealing with reports, allegations, or complaints.

Deeming that a report is a voluntary PID

The Public Interest Disclosure 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 a public official makes a report that has not met all the requirements of a voluntary PID, the public official can refer the matter to the Public Interest Disclosure Coordinator to request that they consider deeming the report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the Public Interest Disclosure Coordinator. For more information about the deeming power, see the Ombudsman's guideline ['Deeming that a disclosure is a voluntary PID'](#).

Who can public officials talk to if they have questions or concerns?

If a public official, including Council Officials, have any questions or concerns, the public official should contact a nominated disclosure officer listed in Annexure A by email, phone or in person. If a public official wishes for their discussion to be confidential, the public official should mark any communications as confidential, for example, in the subject line of their email.

6. PROTECTIONS

How is the maker of a voluntary PID protected?

When a public official makes a voluntary PID, the public official will receive special protections under the PID Act.

Council is committed to taking all reasonable steps to protect public officials from detriment as a result of having made a PID. Council is also committed to maintaining confidentiality as much as possible while the PID is being dealt with.

Council will not tolerate any type of detrimental action being taken against public officials because they 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, in order 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.

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 as a result 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 either: <ul style="list-style-type: none"> • Breaching a duty of secrecy or confidentiality. • Breaching another restriction on disclosure. 	✓	✓

7. REPORT OF DETRIMENTAL ACTION

If a public official experiences adverse treatment or detrimental action, such as bullying or harassment, based on the suspicion, belief or awareness that the public official has made, may have made or may make a PID, the public official should report this immediately. Public officials can report any experience of adverse treatment or detrimental action directly to a disclosure officer, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

8. GENERAL SUPPORT

Council is committed to the wellbeing of all public officials making PIDs. Council will assign a key contact person to a public official and make other arrangements on a case-by-case basis where the public official is at risk of detrimental action.

9. ROLES & RESPONSIBILITIES OF COUNCIL OFFICIALS

The following have particular responsibilities under the PID Act:

The General Manager	<p>The General Manager is responsible for:</p> <ul style="list-style-type: none">• Fostering a workplace culture where reporting is encouraged.• Receiving disclosures from public officials.• Ensuring there is a system in place for assessing disclosures.• Ensuring Council complies with this policy and the PID Act.• Ensuring that Council has appropriate systems for:<ul style="list-style-type: none">- 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.- Complying with yearly reporting obligations to the NSW Ombudsman.
Public Interest Disclosures Coordinator	<p>The Director People & Culture is Council's Public Interest Disclosures Coordinator who can receive reports of serious wrongdoing or assist with determining if a complaint meets the requirements of a PID. The contact details can be found in Annexure A of this policy.</p> <p>The Public Interest Disclosures Coordinator is responsible for:</p> <ul style="list-style-type: none">• Receiving reports from public officials.• Receiving reports when they are passed on to them by Managers.• Coordinating investigations and reviews of serious wrongdoing as required.• Supporting the General Manager and disclosure officers to respond appropriately.• Providing training and advice as required to public officials.• Fulfill the Council's reporting requirements to the NSW Ombudsman.
Disclosures Officers	<p>Disclosure officers are responsible for:</p> <ul style="list-style-type: none">• 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 appropriate complaint unit (if relevant).• Ensuring that any oral reports that have been received are recorded in writing.
Managers	<p>The responsibilities of Managers include:</p> <ul style="list-style-type: none">• Receiving reports from persons that report to them or that they supervise.• Passing on reports they receive to a disclosure officer.

All Council Officials

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

10. HOW WILL COUNCIL DEAL WITH VOLUNTARY PIDS

How Council will acknowledge that we have received a report and keep the person who made it informed

When a disclosure officer 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:

- The public official will receive an acknowledgment that the report has been received. This acknowledgment 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 this PID policy can be accessed.
 - Provide details of a contact person and available supports.
- If the report is a voluntary PID, Council will inform the public official as soon as possible how Council intends to deal with the report. This may include:
 - That Council is 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 the public official 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 the public official the reasons for this decision. Council will also notify the NSW Ombudsman of this decision.
- If Council decides to investigate the serious wrongdoing, Council will provide the public official with updates on the investigation at least every three months. During this time, if the public official would like more frequent updates, the public official should contact the contact person who was nominated when the public official made the report.
 - If Council investigates the serious wrongdoing, Council will provide the public official with the following information once the investigation is complete:
 - A description of the results of the investigation — that is, whether Council found that serious wrongdoing took place.
 - Information about any corrective action as a result of the investigation/s — this means Council will tell the public official what action it took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, 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 as a result of the investigation and the corrective action taken that cannot be revealed to the Council Official. 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 the public official has made an anonymous report, in many cases Council may not be able to provide this information to the public official.

How Council will deal with voluntary PIDs

Once a report that may be a voluntary PID is received, Council 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, we will ensure that we comply with the requirements in the PID Act.

Step 1: Initial Assessment

The disclosure officer who received the report of serious wrongdoing will conduct an initial assessment to determine if the report meets the criteria for a PID. The disclosure officer must provide the Public Interest Disclosure Coordinator with their findings about whether the report is a voluntary PID. If it is determined that the report does not meet the requirements for it to be classified as a PID, the disclosure officer will inform the public official that made the report. Public officials who disagree with this decision may raise it with the disclosure officer, request an internal review in accordance with Section 11 or request that the matter be conciliated. Council can, but does not have to, request the NSW Ombudsman to conciliate the matter.

Step 2: Risk assessment

Once it has been determined that a voluntary PID has been made, the disclosure officer and the Public Interest Disclosure Coordinator must complete a risk assessment to determine whether there are any risks to the public official who made the report. This may involve speaking to the public official (if the report was not made anonymously) to identify whether other persons may know or suspect that the public official was going to make or has made a voluntary PID, and to determine any specific concerns of the maker of the PID.

A risk treatment plan will be developed in accordance with Council's Risk Management Procedure.

Step 3: Determine necessary action

If the report is a voluntary PID, the disclosure officer and the Public Interest Disclosure Coordinator will prioritise putting in place the necessary measures to reduce the risk of detrimental action against the public official who made the voluntary PID. These measures may include:

- Issuing warnings to those alleged to have taken detrimental action against the public official who made the PID.
- Relocating, within the current workplace, the public official who made the PID or the person alleged to have taken detrimental action.
- Transferring the public official who made the PID or the person alleged to have taken detrimental action to another position for which they are qualified.
- Granting the public official who made the PID or the person the subject of the disclosure a leave of absence during the investigation of the PID.

The Public Interest Disclosure Coordinator will regularly consider the risk to the maker of the PID and implement additional measures as necessary.

Generally, the Council will conduct an investigation 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. Investigations will be conducted in accordance with the relevant policies and procedures, such as the Model Code of Conduct, the Procedures for the Administration of the Code of Conduct or the Fraud and Corruption Control Policy and Procedure.

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 will provide the public official who made the PID with details of the referral and a contact person within the other agency.

If Council decides not to investigate a report and to not refer the matter to another agency, Council will let the public official who made the PID know the reasons for this and notify the NSW Ombudsman.

Step 4: Preparation of report to General Manager

A confidential report on any matter that is investigated is prepared by the investigator and promptly submitted to the General Manager.

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

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

- Advise the person whose identity may become known.
- Implement additional strategies to minimise the risk of detrimental action.
- Provide additional supports to the public official who has made the PID.
- 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 may also be a disciplinary matter.

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, the General Manager 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 Public Interest Disclosure Coordinator will assist the General Manager with these actions and update the maker of the PID and provide additional support.

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 to adequately prevent and respond to similar instances of wrongdoing.
- Providing additional education and training to Council Officials 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.

11. REVIEW & DISPUTE RESOLUTION

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.

Public officials seeking an internal review must apply in writing to the General Manager within 28 days of being informed of Council's decision. The application should state the reasons why Council's decision should not have been made. Any other relevant material may also be submitted with the application.

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, we 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.

12. OTHER AGENCY OBLIGATIONS

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*. The Public Interest Disclosure Coordinator will keep a confidential record of all the details of the PID, including its subject matter and how it was dealt with.

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.
- How Council promoted a culture in the workplace where PIDs are encouraged.

The Public Interest Disclosure Coordinator will be responsible for preparing the annual return.

RELATED POLICIES & PROCEDURES

- Conflict of Interest Policy
- Internal Reporting Procedure

- Internal Reporting Form
- Fraud & Corruption Prevention Policy
- Fraud & Corruption Prevention Guidelines & Plan
- Model Code of Conduct Policy
- Managing Workplace Issues Procedure
- Risk Management Policy
- Risk Management Procedures

BREACHES OF THIS POLICY

Breaches of this policy may result in an investigation of the alleged breach in line with relevant Council policies including the Model Code of Conduct.

Any alleged criminal offence or allegation of corrupt conduct will be referred to the relevant external agency

POLICY AUTHORITY

Mitchell Murphy - General Manager

GETTING HELP

Rosanna Guerra - Director People & Culture

REVIEW

From time-to-time circumstances may change leading to the need for minor administrative changes to this document. Where an update does not materially alter this document, such a change may be made, including branding, Council Officer titles or department changes and legislative name or title changes which are considered minor in nature and not required to be formally endorsed.

This policy will be formally reviewed every three years from the date of adoption or as required.

ADOPTED BY COUNCIL/EXECUTIVE:

DATE: 23 October 2023
RESOLUTION NO: 208/23

VERSION CONTROL TABLE

Date	Version	Res. No.	Key Changes	Author
24.03.1997	1.0	5389/97	Adoption of Policy	B Smith
26.06.2006	1.1	263/06	Amendments to comply with Act	B Smith

14.09.2009	1.2	285/09	Amended to reflect latest Ombudsman guidelines. Directions as to where information can be obtained, amend clause 11(a) on reprisals, obligations on feedback to staff and maintenance of confidentiality	B Smith
25.07.2011	1.3	248/11	Change in Act title and disclosure & other amendments	B Smith
14.11.2011	1.4	393/11	Amendments to legislation. Refer DLG Circular 11-31. Changes in title of Act to Public Disclosure Act.	B. Smith
18.12.23	1.5	253/23	Amendments to legislation. Refer DLG Circular. Changes in title of Act to Public Disclosure Act.	R. Guerra, Director People & Culture

ANNEXURE A – DISCLOSURE OFFICERS FOR HUNTER’S HILL COUNCIL

Role	Position
PID Coordinator	Director People & Culture
Disclosures Officer	Director Finance Procurement & Projects
Disclosures Officer	Manager Risk & Compliance
Disclosures Officer	People & Culture Officer

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)	<p>Telephone: 1800 451 524 between 9am to 3pm, Monday to Friday</p> <p>Writing: Level 24, 580 George Street, Sydney NSW 2000</p> <p>Email: info@ombo.nsw.gov.au</p>
The Auditor-General	Serious and substantial waste of public money by auditable agencies	<p>Telephone: 02 9275 7100</p> <p>Writing: GPO Box 12, Sydney NSW 2001</p> <p>Email: governance@audit.nsw.gov.au</p>
Independent Commission Against Corruption	Corrupt conduct	<p>Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday</p> <p>Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364</p> <p>Email: icac@icac.nsw.gov.au</p>
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	<p>Telephone: 02 9228 3023</p> <p>Writing: PO Box 5341, Sydney NSW 2001</p> <p>Email: oiicac_executive@oiicac.nsw.gov.au</p>
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	<p>Telephone: 02 9321 6700 or 1800 657 079</p> <p>Writing: GPO Box 3880, Sydney NSW 2001</p> <p>Email: contactus@lecc.nsw.gov.au</p>

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: olecc_executive@olecc.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