

Public Interest Disclosure Reporting Policy

Policy administration

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Appendices	Appendix A – List of Disclosure Officers for Georges River Council Appendix B – List of Integrity Agencies Appendix C – Flowchart for Internal Reporting Process
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Breaches of Policy	Breaches of any policy will be dealt with and responded to in accordance with adopted codes and/or relevant legislation.

Record Keeping	All documents and information obtained in relation to the implementation of this policy will be kept in accordance with the NSW State Records Act 1998, Georges River Council's Corporate Records Policy and adopted internal procedures.
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Purpose

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

Council is committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

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

The integrity of Georges River Council (Council) relies upon our staff, volunteers, contractors, and subcontractors speaking up when they become aware of wrongdoing.

Scope

This Policy applies to all council officials as defined in the definitions table. It also applies to others who may perform public official functions, such as volunteers and consultants whose conduct and activities could be investigated by an Investigating Authority.

The Policy also applies to Public Officials of another Council or Public Authority who report wrongdoing relating to Council.

If you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 1.10 of this policy for more information).

The internal reporting system established under this Policy is not intended to be used for staff grievances, which should be raised through Council's Grievance and Complaint Resolution Administration Policy.

A complaint, that is not categorised as a PID can be made to this agency via Council's Customer Feedback and Complaints Management Policy.

This policy is designed to complement the normal communication channels between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisors, but as an alternative, they have the option of speaking with any nominated Disclosures Officer (Annexure A), the Disclosures Coordinator, any Director, the General Manager or in any other way able to make a PID in accordance with this Policy.

Definition Of Terms

Term	Meaning
Voluntary Public Interest Disclosure	A voluntary public interest disclosure is a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
Discloser	A public official who makes the public interest disclosure.
Disclosures Coordinator	The Disclosures Coordinator receives and assesses reports and is the central point of contact in Council for the discloser. Alternates to the Disclosures Coordinator are persons holding or acting in the same position.
Disclosure Officers	Disclosure Officer means a person responsible for receiving the voluntary public interest disclosures on behalf of Council. A list of Disclosure Officers is in Appendix B of this policy.
Manager	Under section 15 of the PID Act, a person's manager is any person who directly or indirectly supervises them. This means that public officials can (and in most cases will) have more than one manager. In Council, this will apply to General Manager, Directors, Managers, Coordinators, Heads of Departments and Supervisors.
PID Investigator	A Council Official with written authority to exercise any or all of the principal officer's functions and powers in connection with investigating a PID. This may be an external consultant.
Council Official	A Council Official is a Public Official within the meaning of the PID Act who is employed by or in the service of the Council. This includes councillors, members of staff of a council, contractors, administrators, community members of advisory committees, members of the Audit Risk and Improvement Committee (ARIC), members of reference panels, council committee members and delegates of council.
Public Official	Is defined in the PID Act and means an individual who is an employee of, or otherwise in the service of, a Public Authority (which includes a Council), and can also include: <ul style="list-style-type: none"> any individual having public official functions or acting in a public official capacity whose conduct and activities may be investigated by an investigating authority; an individual who is engaged by a public authority under a contract to provide services to or on behalf of the public authority;

	<ul style="list-style-type: none"> 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.
Integrity Agency	The external agencies to which a public official might wish to make a PID, outside of their own agency, as noted in Annexure B.
Investigating Authority	Includes the Chief Executive Officer of the Office of Local Government, the Independent Commission Against Corruption and the NSW Ombudsman.
Corrupt Conduct	Includes a dishonest activity in which a Georges River Council Official acts contrary to the interests of the Council and abuses their position of trust in order to achieve personal advantage or advantage for another person or organisation.
Maladministration	Maladministration is conduct that involves action or inaction of a serious nature that is in fact contrary to law, unreasonable, unjust, oppressive or improperly discriminatory, or based wholly or partly on improper motives.
Serious and substantial waste	<p>Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account, of the council. For example, this could include but is not limited to:</p> <ul style="list-style-type: none"> poor project management practices leading to projects running over time; having poor or no processes in place, for a system involving large amounts of public funds; or not following a competitive tender process for a large-scale contract.
Government Information Contravention	<p>A government information contravention is a failure to properly fulfil functions under the <i>Government Information (Public Access) Act 2009</i> (GIPA Act). For example, this could include but is not limited to:</p> <ul style="list-style-type: none"> 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.

Local Government Pecuniary Interest Contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the Local Government Act 1993 as amended, relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings.

A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include but is not limited to:

- a senior Council staff member recommending a family member for a Council contract and not declaring the relationship;
- a General Manager holding an undisclosed shareholding in a company competing for a Council contract;
- a Councillor participating in consideration of a Development Application for property they or their family have an interest in.

Policy Statement

1. Guiding Principles

Council strongly supports all Council Officials who make disclosures of Corrupt Conduct, Maladministration, Serious and Substantial Waste of Public Money, Government Information Contraventions and Local Government Pecuniary Interest Contraventions.

This policy has been developed in accordance with the requirements of the Public Interest Disclosures Act 2022 (PID Act), and Council is committed to ensuring the requirements of the PID Act are applied.

This policy will provide information on the following:

- ways a voluntary PID to Council can be made under the PID Act;
- the names of the nominated disclosure officers in Council;
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Council;
- what information you will receive once you have made a voluntary PID
- protections available to people who make a report of serious wrongdoing under the PID Act and what Council will do to protect disclosers
- Council's procedures for dealing with disclosures
- Council's procedures for managing the risk of detrimental action and reporting detrimental action

- Council's record-keeping and reporting requirements
- how Council will ensure it complies with the PID Act and this policy.

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

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

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

2. How to make a report of serious wrongdoing

2.1. Reports complaints and grievances

- 2.1.1. When a public official makes a report of 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.
- 2.1.2. 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 will consider whether it is a PID. If it is a PID, Council will deal with it as set out in this policy.
- 2.1.3. It is important that Council quickly recognises that Council have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and Council has certain decisions that are made on how to deal with the PID, and how to protect and support the person who has made the report.
- 2.1.4. Not all reports of serious wrongdoing are defined under the PID Act, and Council will deal with these in accordance with Council's internal policies. Grievances that are lodged will be managed under Council's Grievance and Complaint Resolution Administration Policy.
- 2.1.5. Reports by Council Officials will not be considered to be a PID if they:
 - mostly question the merits of government policy, including the policy of the governing body of the council.
 - are made with the sole or substantial motive of avoiding dismissal, or other disciplinary action.

2.2. When will a report be a PID?

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

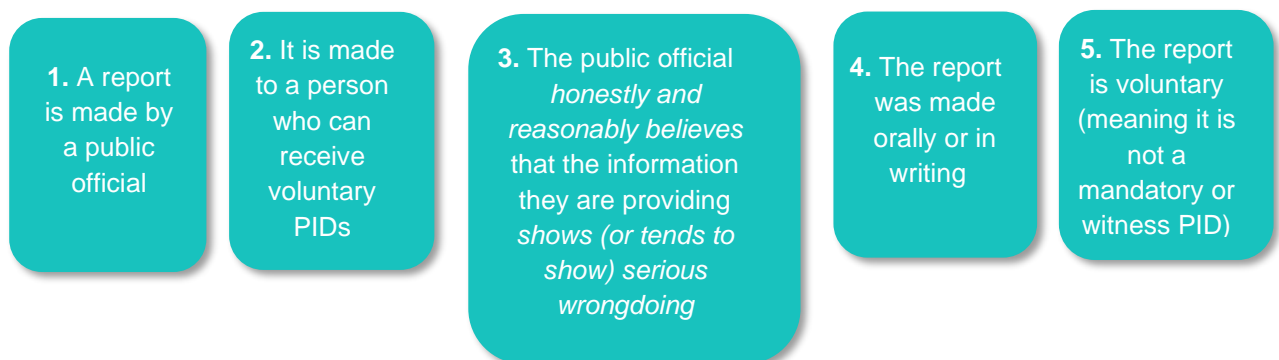
- Voluntary PID: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
- Mandatory PID: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- 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.

2.2.2. This policy mostly relates to making a voluntary PID and how Council will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in Section 3 of this policy.

2.2.3. More information about mandatory and witness PIDs can be found in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

2.2.4. Voluntary PIDs 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.

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



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

- 2.2.6. The discloser will not be expected to prove that what was reported actually happened or is serious wrongdoing. They do have to honestly believe, on reasonable grounds, that the information being reported shows or tends to show serious wrongdoing.
- 2.2.7. Even though the discloser does not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.
- 2.3. If Council makes an error and does not identify that a voluntary PID has been made, the discloser will still be entitled to the protections under the PID Act.
- 2.4. If the discloser believes Council has made an error by not identifying that a voluntary PID has been made, they should raise with a nominated disclosure officer or contact officer for the report. If still not satisfied with this outcome, the discloser can seek an internal review or Council make seek to conciliate the matter. The discloser may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 8 of this policy.

3. Who can make a voluntary PID?

- 3.1. Any public official, as defined in the definitions table, can make a PID.
- 3.2. A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means we may receive PIDs from public officials outside of Council. It also means that you can make a PID to any agency, including an integrity agency as listed in Annexure B to this policy.
- 3.3. What is serious wrongdoing?
- 3.3.1. 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 an agency systemically failing to comply with proper recruitment processes when hiring staff
 - *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
 - *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship

- *a privacy contravention* — such as unlawfully accessing a person’s personal information on an agency’s database
- *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

3.4. Other wrongdoing

3.4.1. All other wrongdoing or suspected wrongdoing should be reported to your supervisor to be dealt with in line with Council’s policies. This might include but is not limited to:

- a) harassment or unlawful discrimination;
- b) conduct that is inconsistent with Council’s Code of Conduct;
- c) practices that endanger the health, welfare or safety of staff or the public.

3.4.2. Code of Conduct complaints that also meet certain criteria will be treated as a PID under the PID Act, regardless of whether the complainant specifically requests that it be dealt with as a PID.

3.4.3. Even if these reports are not dealt with as a PID, Council will consider each matter and make every attempt to protect the reporter from reprisal.

3.4.4. Where there has been a valid perception of wrongdoing but following investigation, no wrongdoing is found in fact, the person reporting their concerns will be briefed on the outcome of any investigation.

3.5. Who can I make a voluntary PID to at Council?

3.5.1. You make a report at Council directly to the General Manager or to your manager (as defined in the definitions table), or any Disclosure Officer as listed in Annexure A to this policy.

3.5.2. Additionally, you can make a report to:

- the head of another public service agency
- an integrity agency – as listed in Annexure B
- a disclosure officer at another agency
- a Minister or a member of a Minister’s staff (in writing only)

- 3.5.3. If you choose to make a disclosure outside of Council, please note that your disclosure may be referred back to Council so that appropriate action may be taken.
- 3.5.4. You may be able to make a report to a Member of Parliament or a Journalist in certain circumstances. Please refer to the Ombudsman NSW for information on this process.

3.6. What form should a voluntary report take?

3.6.1. A voluntary PID can be made:

- Via Council's [Internal Report Form](#) (this can be done anonymously)
- 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 Council Disclosure Officer. 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 discloser chooses to remain anonymous, they will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) disclosed if Council cannot contact you the discloser for further information.

3.7. What should I include in my report?

3.7.1. The report should provide as much information as possible so Council can deal with the report effectively. The type of information included should be:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- the discloser's relationship with the person(s) involved, such as whether working closely with them
- an explanation of the matter being reported
- how the discloser became aware of the matter being reported
- possible witnesses
- other information that supports the report.

3.8. What if I am not sure if my report is a PID?

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

3.8.2. Council is then responsible for making sure the report is handled appropriately under the PID Act, or if it is not a PID, in line with other internal procedures.

3.9. Deeming that a report is a voluntary PID

3.9.1. The General Manager, or their delegate 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'.

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

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

3.9.4. A decision to deem a report to be a voluntary PID is at the discretion of the General Manager.

3.10. Who do I talk to if I have questions or concerns?

3.10.1. If you have any questions or concerns about the PID process you can discuss the matter with any Disclosure Office listed in Annexure A, or the Disclosure Coordinator at PID@georgesrivercouncil.nsw.gov.au

4. Protections

4.1. How is the maker of a voluntary PID protected

4.1.1. The discloser of a voluntary PID receives special protections under the PID Act.

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

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

4.1.4. The discloser of a voluntary PID is protected in the following ways:

4.2. Detrimental Action

4.2.1. 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.

4.2.2. Once Council is aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, a risk assessment will be undertaken, and steps taken to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.

4.2.3. 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.

4.2.4. A person may seek compensation where unlawful detrimental action has been taken against them.

4.2.5. 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).

4.2.6. 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.

4.3. Immunity from civil and criminal liability

4.3.1. 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.

4.4. Confidentiality

4.4.1. 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.

4.5. Protection from liability for own past conduct

4.5.1. The Attorney General can give the maker an undertaking that 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.

4.6. Protections for people who make mandatory or witness PIDs

4.6.1. All persons making a PID receive protections regardless of whether the PID is a mandatory PID or a witness PID and as listed 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: <ul style="list-style-type: none">• breaching a duty of secrecy or confidentiality,or• breaching another restriction on disclosure.	✓	✓

5. Reporting Detrimental action

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

6. General Support

Council will make sure that reporters of wrongdoing, regardless of whether they have made a Public Interest Disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

Council also have staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

All supervisors must notify the Disclosures Coordinator if they believe a reporter is suffering any detrimental action as a result of disclosing wrongdoing.

The Employee Assistance Program is a free service that provides wellbeing support to any Council employees and can be contacted on 1800 818 728. It can also be accessed through the online portal: [EAP Online Portal](#).

7. How we deal with voluntary PIDs

7.1. How we will acknowledge the report and keep you informed

7.1.1. When a disclosure officer in Council receives a report which appears to be a voluntary PID, the discloser will receive an acknowledgement of the receipt of their report.

This acknowledgement will:

- state that the report will be assessed to identify whether it is a PID
- state that the PID Act applies to how Council deals with the report
- provide clear information on how you can access this PID policy
- provide details of a contact person and available supports.

7.1.2. If Council decide not to investigate a report and to not refer the matter to another agency, Council must let the discloser know the reasons for this and notify the NSW Ombudsman.

- 7.1.3. If the report is a voluntary PID, Council will inform the discloser as soon as possible how Council intends to deal with the report. This may include:
- that Council are investigating the serious wrongdoing
 - that Council will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If Council do this, Council will provide details of this referral
 - if Council decide to not investigate the report and to not refer it to another agency for it to be investigated, Council will inform the discloser the reasons for this decision. Council will also notify the NSW Ombudsman of this decision.
- 7.1.4. If Council decide to investigate the serious wrongdoing, the discloser will be provided updates on the investigation at least every three months. During this time, if more frequent updates are required, the discloser needs to contact the initial contact person who was nominated when the report was made.
- 7.1.5. If Council investigate the serious wrongdoing, Council will provide the discloser with the following information once the investigation is complete:
- 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 action Council took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by Council, then what Council has put in place to address that serious wrongdoing.

7.2. How we manage a voluntary PID

- 7.2.1. In most cases in most cases 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.
- 7.2.2. There may also be circumstances where Council may decide 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.

- 7.2.3. Before referring a matter, Council will discuss the referral with the other agency, and Council will provide the discloser with details of the referral.
- 7.2.4. An overview of the process we undertake is outlined in Annexure 3 – Flowchart.

8. How we protect the confidentiality of the discloser

8.1. Can a report be anonymous?

- 8.1.1. A report can be made anonymously, although it is important to realise that an anonymous disclosure may not prevent you from being identified.
- 8.1.2. Council understands that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.
- 8.1.3. Under the PID Act, information tending to identify a person as the discloser of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.
- 8.1.4. 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 discloser of the voluntary PID because of their voluntary self-identification as the discloser
 - 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
- 8.1.5. Council will not disclose identifying information unless it is necessary and authorised under the PID Act.
- 8.1.6. Council will put in place steps to keep the identifying information of the discloser and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while Council progress the investigation, but Council will do all that Council practically can do to not unnecessarily disclose information from which the discloser can be identified. Council will:
- limit the number of people who are aware of the discloser's identify or information that could identify them
 - if Council must disclose information that may identify the discloser of the PID, Council will still not disclose the actual identify of the discloser of the PID, unless the consent is given to do so
 - ensure that any person who does not know the identity of the discloser of a PID is reminded that they have a legal obligation to do so
 - ensure that any person who does not know the identity of the discloser of PID is reminded that they have a legal obligation to keep their identify confidential
 - ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the discloser
 - provide information to the discloser of the PID about the importance of maintaining confidentiality and advising them how best to protect their identify, for example, by telling them not to discuss their report with other staff.
- 8.1.7. If confidentiality cannot be maintained or is unlikely to be maintained, Council will:
- advise the person whose identify may become known
 - update the agency's risk assessment and risk management plan
 - implement strategies to minimise the risk of detrimental action
 - provide additional supports to the person 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.

8.2. How we manage and minimise the risk of detrimental action

8.2.1. The PID Coordinator will assess and manage the risk to reporters as well as anyone else who might be involved with a PID. A Risk Assessment will be undertaken for each PID, using guidance provided by the NSW Ombudsman.

8.3. How we deal with allegations of detrimental action

8.3.1. Council will act to protect reporters of wrongdoing from any reprisals

8.3.2. When a report of reprisal is received, Council will ensure a thorough risk assessment is conducted. This will identify any risks to the reporter, as well as strategies to deal with those risks.

8.3.3. Council will keep the reporter informed of the progress of any investigation and the outcome.

8.3.4. If a discloser of a PID experiences adverse treatment or detrimental action, such as bullying or harassment, this should be reported immediately. Reports of adverse treatment or detrimental action can be made to the Disclosures Coordinator.

8.3.5. The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the action of the General Manager, the Mayor may issue similar directions.

8.3.6. In the case of staff, these may include but are not limited to:

- issuing warnings to those alleged to have taken reprisal action against the individual who made the disclosure;
- relocating the member of staff who made the disclosure or an officer the subject of the allegations within the current workplace;
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegations to another position for which they are qualified;
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

- 8.3.7. In relation to staff who make reports, such directions will only be made if the member of staff agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.
- 8.3.8. If any person reports wrongdoing and feels that reprisal action has occurred and is not being dealt with effectively, that person should contact the Office of Local Government, NSW Ombudsman or the Independent Commission Against Corruption (ICAC) – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this Policy.
- 8.3.9. Reports can be made of any experience of adverse treatment or detrimental action directly to Council, or to an integrity agency. A list of integrity agencies is located at Appendix B of this policy.
- 8.3.10. Council has a requirement to provide support for council officials who have made a report. The key contact person with any questions relating to a PID is the Disclosures Coordinator: PID@georgesriver.nsw.gov.au.
- 8.3.11. If Council becomes aware of an allegation that a detrimental action offence has occurred or may occur, Council will:
- take all steps possible to stop the action and protect the person(s)
 - take appropriate disciplinary action against anyone that has taken detrimental action
 - refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
 - notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

8.4. What we will do if the investigation finds serious wrongdoing has occurred

- 8.4.1. Corrective action could include taking disciplinary action against someone, referral to an external body, such as the NSW Police Force, and changing the practices, policies and procedures that Council have in place which led to the serious wrongdoing.

9. Review and Dispute Resolution

9.1. Internal review

- 9.1.1. 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/agency name] 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.
- 9.1.2. Council will ensure internal reviews are conducted in compliance with the PID Act.
- 9.1.3. To make an application for an internal review, the discloser must apply in writing within 28 days of being informed of Council's decision. The application should state the reasons why the discloser considers Council's decision should not have been made. A discloser may also submit any other relevant material with their application.

9.2. Dispute resolution

- 9.2.1. 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.

10. Other Council obligations

10.1. Record Keeping requirements

- 10.1.1. 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.
- 10.1.2. Council will store personal and health information securely, for no longer than as required and will dispose of appropriately. This will be done in

accordance with the General Retention and Disposal Authority for Local Government Records issued by State Records Authority of NSW.

- 10.1.3. Electronic information regarding Public Interest Disclosures, including reports, will be stored in a restricted access file only permitting access by the PID Coordinator, ensuring the highest level of confidentiality.

10.2. Reporting of voluntary PIDs and annual return to the Ombudsman

- 10.2.1. 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 promotes a culture in the workplace where PIDs are encouraged

- 10.2.2. The Disclosures Coordinator is responsible for collecting information about voluntary PIDs and the information captured in the annual return, as well as submitting the information for the annual return. That information is stored in Council's record management system.

Roles and Responsibilities

Position	Responsibility
The General Manager	<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 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. • Undertake any training requirements as required by the Ombudsman NSW or in accordance with the PID Act.
The Mayor	<p>The Mayor can receive reports from Council Officials about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:</p> <ul style="list-style-type: none"> • 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; • in making this assessment seek guidance from the Disclosures Coordinator, General Manager (if appropriate) or an Investigating Authority (i.e. NSW Ombudsman, ICAC, Chief Executive of the Office of Local Government); • deal with reports made under Council’s Code of Conduct in accordance with the 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; • protect principles of natural justice for the subject(s) of any investigation; • refer criminal matters to NSW Police; • refer actual or suspected corrupt conduct to the ICAC (under section 11 of the ICAC Act); • refer any evidence of a reprisal offence under section 34 of the PID Act to the Commissioner of Police or the ICAC.

	<ul style="list-style-type: none"> • Undertake any training requirements as required by the Ombudsman NSW or in accordance with the PID Act.
Disclosures Coordinator	<ul style="list-style-type: none"> • The Disclosures Coordinator has a central role in Council’s internal reporting system and is responsible for: • 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; • deal with complaints made under the Council’s Code of Conduct in accordance with the Council’s adopted Code of Conduct procedures; • coordinate 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 people involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report; • assist Council to ensure compliance with the PID Act; • Undertake any training requirements as required by the Ombudsman NSW or in accordance with the PID Act.
Disclosure Officers	<p>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 and have a responsibility 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. • Undertake any training requirements as required by the Ombudsman NSW or in accordance with the PID Act.
Directors, Line Managers and Supervisors	<p>Supervisors and Line Managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process.</p> <p>Supervisors and Line Managers should be aware of the internal reporting system and are responsible for creating a local work environment where people feel comfortable and confident about reporting wrongdoing.</p>

	<p>They have a responsibility to:</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. • Undertake any training requirements as required by the Ombudsman NSW or in accordance with the PID Act.
All Council Officials	<p>Council officials must:</p> <ul style="list-style-type: none"> • report suspected wrongdoing or other misconduct • use their best endeavours to assist in an investigation or 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 • not take any detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

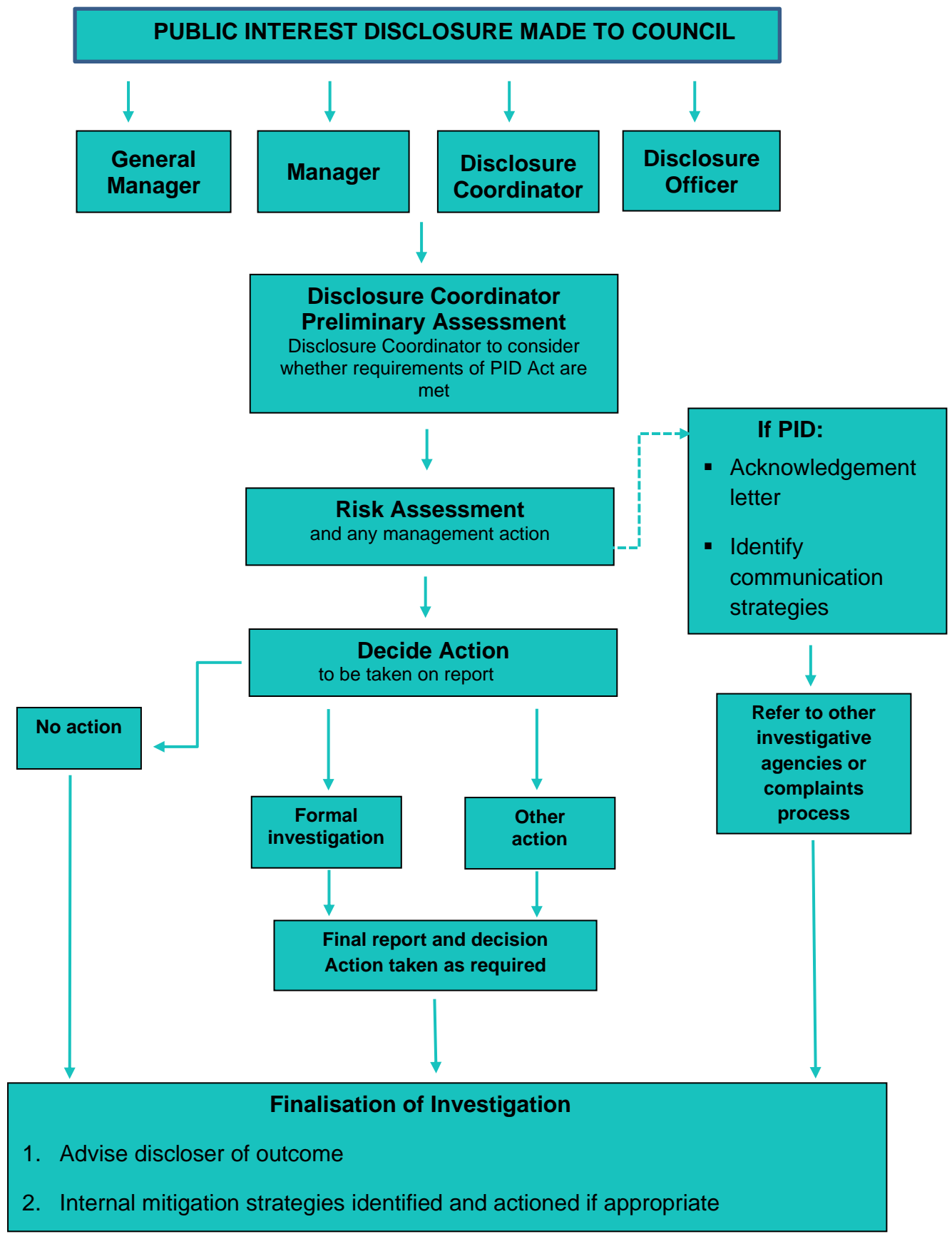
Appendix A — List of disclosure officers for Georges River Council

Role	Position
The General Manager	<p>dtuxford@georgesriver.nsw.gov.au</p> <p>If you are making a report about the General Manager, you should make your report to the Mayor.</p> <p>The Mayor: Phone 02 9330 6122</p>
Disclosures Coordinator	<p>Head of Corporate Governance and Risk</p> <p>PID@GeorgesRiver.nsw.gov.au</p>
Disclosure Officers	<p>All Directors</p> <p>General Counsel - Civic Centre</p> <p>Chief Audit Executive - Civic Centre</p> <p>Head of Corporate Governance & Risk – Civic Centre</p> <p>Chief People Officer – Civic Centre</p> <p>Manager, Office of the General Manager – Civic Centre</p> <p>Coordinator Library Operations – Hurstville Library</p> <p>Coordinator Library Programs and Operations – Kogarah Library</p> <p>Branch Librarian – Penshurst Library</p> <p>Team Leader Library Customer Experience– Oatley Library</p> <p>Team Leader Library Customer Experience – South Hurstville Library</p> <p>Coordinator Cultural Services – Hurstville Museum and Gallery</p> <p>Coordinator City Presentation, City Services – Mortdale Depot</p> <p>Manager City Operational Services, Engineering Operations – Carlton Depot</p> <p>Coordinator Ocean Street Kindergarten – Ocean Street Kindergarten</p> <p>Coordinator Jack High Child Care – Jack High Child Care Centre</p> <p>Coordinator Oatley West Early Learning Centre – Oatley West Early Learning Centre</p> <p>Coordinator South Hurstville Kindergarten – South Hurstville Kindergarten</p> <p>Coordinator Penshurst – Penshurst Long Day Care</p> <p>Coordinator Carss Park – Carss Park Narani Child Care Centre</p> <p>Head of Events and Operations, Premium Facilities – Jubilee Stadium</p>
External notifications	<p>Georges River Council - Online Forms (nsw.gov.au)</p>

Appendix B — List of integrity agencies

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

Appendix C — Flowchart for Internal Reporting Process



Version Control and Change History

Version	Amendment Details	Policy Owner	Period Active
KCC	Former Kogarah Council Policy discontinued	Kogarah Governance	24/06/2013 – 02/07/2017
HCC	Former Hurstville Council Policy discontinued	Hurstville Governance	06/05/2015 – 02/07/2017
1.0	Complete new Georges River Council Public Interest Disclosure Reporting Policy Council Resolution CCL122-17	Manager Governance and Risk Management	03/07/2017 – 25/02/2018
2.0	Minor Amendment to Appendix 1 – Removal of Administrator’s details and inclusion of Mayor’s contact details.	Manager Governance and Risk Management	26/02/2018 – 22/06/2020
3.0	Amendments as outlined in Finance and Governance Committee and Council reports dated June 2020.	Manager Governance and Risk Management	22/06/2020 – 7/06/2023
3.1	Minor Amendment – removal of Disclosure Officer names	Director, BACs	7/06/2023 – 1/10/2023
4.0	Revised Public Interest Disclosure Policy – based on the changes to Public Interest Disclosures Act 2022 and the Ombudsman NSW’s guidelines	Head of Corporate Governance and Risk	05/12/2023 – Ongoing