

Policy title	Public Interest Disclosures (PID)
Responsible manager(s)	General Manager
Contact officer(s)	Corporate Manager Governance and Information
Directorate	Finance and Corporate Services
Approval date	29 September 2023
Outcome area	5. Our engaged community with progressive leadership
Strategy	5.2 Proactive, responsive and strategic leadership
Delivery program	5.2.2 Implement effective governance and long-term planning
Operational plan	5.2.2.1 Assist the Council in meeting its statutory obligations and roles

Purpose

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

Eurobodalla Shire Council takes reports of serious wrongdoing seriously. The integrity of Council relies upon our employees, volunteers, contractors, and subcontractors speaking up when they become aware of wrongdoing. Council is committed to building a ‘speak up’ culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

It is important to create a positive and safe environment so that employees and other public officials feel they can come forward and make reports about serious wrongdoing, and that Council will take active steps to protect and support them if they do so.

This policy documents Council’s commitment to building a speak up culture. Part of that culture is using a framework that facilitates public interest reporting of wrongdoing by:

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

In NSW, that framework is provided by the PID Act.

Policy aims

This policy sets out:

- the importance of the PID Policy and how it aligns with existing Council processes in place to detect and deal with serious wrongdoing
- that Council encourages employees and relevant volunteers, contractors, and subcontractors to report serious wrongdoing and other misconduct
- that everyone in the organisation has a responsibility to speak up and act in the public interest by doing so, and that Council will in turn ensure that reporters are protected

- that Council is committed to supporting and protecting people that report serious wrongdoing, and that detrimental action against reporters will not be tolerated
- how Council will support and protect public officials who come forward with a report of serious wrongdoing
- who to contact at Council and how to make a PID report
- how Council will deal with a PID report and its other responsibilities under the PID Act
- the protections which are available under the PID Act.

This policy supports Council’s organisational values of being collaborative, respectful, team spirited, professional, open and trusting. The PID policy is part of a suite of policies and procedures on how Council deals with complaints, integrity and conduct issues. It should be read in conjunction with Council’s Code of Conduct, relevant policies and codes of practice and internal policies and procedures.

Policy details

1	<p>Who and what this policy applies to</p> <p>This policy applies to, and is for the benefit of, all public officials in NSW, for the purpose of reporting serious wrongdoing within Eurobodalla Shire Council.</p> <p>A ‘public official’ is defined as:</p> <ul style="list-style-type: none"> - a person employed in or by an agency or otherwise in the 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 - an individual in the service of the Crown - a statutory officer - a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor, or volunteer - an employee, partner or officer of an entity that under contract, subcontract or other arrangement, provides services on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions - a judicial officer - a Member of Parliament (MP), including a Minister - a person employed under <i>the Members of Parliament Staff Act 2013</i>. <p>The General Manager, disclosure officers, and managers within Eurobodalla Shire Council have specific responsibilities under the PID Act. This policy provides information on how people in these roles will fulfil their responsibilities.</p> <p>Other public officials who work in and for the public sector, but do not work for or on behalf of Council, may also use this policy for guidance on how they can report serious wrongdoing within Council.</p>
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2	<p>Who and what does this policy not apply to?</p> <p>If you are not a public official, this policy does not apply to your complaint or report. It also does not apply to employment-related concerns, grievances, or disputes of Council employees.</p> <p><i>(Note: there are some circumstances where an employee complaint or report might be deemed to be a voluntary PID, see section 6.9 of this policy for more information).</i></p> <p>That means that this policy does not apply to:</p> <ul style="list-style-type: none"> • people who have received services from Council and want to make a complaint about those services • members of the public who believe that wrongdoing within Council has occurred • people, such as contractors, who sell or provide services to Council. For example, employees of a company that sold software products to Council. • private consultants who are engaged by Council to assist with its work, but who are not providing a service or exercising a function on behalf of Council. • Council employees who want to deal with personal work-related concerns, grievances or disputes. <p>These complaints or reports can be made to Council as follows:</p> <p><i>Complaints and reports from the public</i></p> <p>See our Complaints policy for further information, or contact Council:</p> <ul style="list-style-type: none"> • by phone - (02) 4474 1000. • online – via Council’s website www.esc.nsw.gov.au • by email – council@esc.nsw.gov.au • in person – make an appointment with the General Manager or the Public Officer at our main office, cnr Vulcan and Campbell Street, Moruya • in writing – addressed to the General Manager or the Public Officer, Eurobodalla Shire Council, PO Box 99, Moruya NSW 2537 <p><i>Employee work-related concerns, grievances, and disputes</i></p> <p>Clause 37 of the Local Government (State) Award 2023 sets out the grievance and dispute procedures to be followed under the Award. Contact a Union Representative for more information.</p> <p>We have internal policies and procedures about HR matters such as prevention of bullying and harassment, equal opportunity and diversity, performance and misconduct. These are available on the intranet, or contact People and Culture for assistance.</p>
3	<p>Legislation</p> <p>This policy provides for Eurobodalla Shire Council’s compliance with the <i>Public Interest Disclosures Act 2022 (PID Act)</i>. This policy is based on the Model Policy published by the Office of the NSW Ombudsman in July 2023, under section 45 of the PID Act.</p>

	<p>An overview of the PID Act can be found at: https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0006/138885/overview-of-the-new-pid-act-2022-information-sheet.pdf</p> <p>More information about Public Interest Disclosures and the PID Act can be found at https://www.ombo.nsw.gov.au/Find-a-publication/publications/guidelines/public-interest-disclosures-2022</p>
4	<p>Accessibility</p> <p>In compliance with section 47 of the PID Act, this policy will be published on Council’s publicly available website www.esc.nsw.gov.au as well as on the intranet, to ensure that it is readily accessible to all public officials associated with Council.</p> <p>A copy of the PID policy will be provided to all staff, volunteers, and relevant contractors on their commencement.</p> <p>A hard copy of the policy can be requested from the Disclosure Coordinator (see Annexure A for contact details).</p>
5	<p>What does this policy include?</p> <p>Under section 43 of the PID Act the following information is provided in this policy:</p> <ul style="list-style-type: none"> • ways to make a voluntary PID to Council under the PID Act • the names and contact details for the nominated disclosure officers in Council • the roles and responsibilities of employees of Council who have particular responsibilities under the PID Act • what information report makers will receive, once they have made a voluntary PID • protections available to people who make a report of serious wrongdoing under the PID Act, and what we will do to protect them • Council’s procedures for dealing with voluntary PID reports • Council’s procedures for managing the risk of detrimental action, and reporting alleged detrimental action • Council’s record-keeping and reporting requirements • How we will ensure that Council complies with the PID Act and this policy.
6	<p>Further information about this policy and the PID Act</p> <p>For further information about this policy, how public interest disclosures will be handled and the PID Act:</p> <ul style="list-style-type: none"> - confidentially contact a PID disclosure officer within Council: see Annexure A of this policy for a list of disclosure officers, - contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or - access the NSW Ombudsman’s PID guidelines, available on its website at: https://www.ombo.nsw.gov.au/guidance-for-agencies/handling-public-interest-disclosures-whistleblowing/pid-act-2022

	For legal advice with respect to the PID Act or their obligations under the PID Act, public officials may need to seek independent legal advice.
7	How to make a report of serious wrongdoing (PID report)
7.1	<p>Reports, complaints and grievances</p> <p>When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.</p> <p>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, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow our internal complaint and grievance policies and procedures.</p> <p>It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who made the report is entitled to certain protections, and we have to make certain decisions on how we will deal with the PID and how we will protect and support the person who made the report.</p>
6.1	<p>When will a report be a PID?</p> <p>There are three types of PIDs in the PID Act. These are:</p> <ol style="list-style-type: none"> 1. Voluntary PID: a PID where a report has been made by a public official because they decided, of their own accord, to come forward and disclose what they know. 2. Mandatory PID: a PID where a 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: a PID where a person discloses information during an investigation of serious wrongdoing, following a request or requirement of the investigator. <p>This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. Information about protections is provided in section 7 of this policy.</p> <p>People who make a mandatory PID or a witness PID are still entitled to protection. More information about mandatory and witness PIDs can be found in the NSW Ombudsman’s guidelines ‘Dealing with mandatory PIDs’ and ‘Dealing with witness PIDs’.</p>
6.2	<p>Voluntary PIDs</p> <p>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.</p> <p>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:</p>

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

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

PID report makers will not be expected to prove that what they reported actually happened or is serious wrongdoing. They do have to honestly believe, on reasonable grounds, that the information they are reporting shows or tends to show serious wrongdoing. Even though they do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that a person has made a voluntary PID, they will still be entitled to the protections under the PID Act.

If a person makes a report and believes we have made an error by not identifying that they have made a voluntary PID, they should raise this with a nominated disclosure officer or their assigned contact officer for their report.

If they are still not satisfied with this outcome, they can seek an internal review, or we may seek to conciliate the matter. They may also contact the NSW Ombudsman.

Further information on rights to internal review and conciliation is found in [section 12](#) of this policy.

6.3 Who can make a voluntary PID?

Any public official can make a voluntary PID — see [section 1 'Who and what this policy applies to'](#). A person is a public official if:

- they are employed by Council
- they are a volunteer, contractor, subcontractor who provides services or exercises functions on behalf of Council, or
- they work for an entity (such as a private or non-government organisation) that is contracted by Council to provide services or exercise functions on behalf of Council, if they are involved in undertaking that contracted work.

A full list of who is a public official can be found in section 14 of the PID Act. Further guidance can be found in the Ombudsman's guideline ['Core concepts in the PID Act'](#).

Any public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside Council.

It also means that they can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) or the NSW Ombudsman. [Annexure B](#) of this policy provides a list of integrity agencies.

<p>6.4</p>	<p>What is serious wrongdoing?</p> <p>Reports must be of one or more of the following categories of <i>serious wrongdoing</i> to be a voluntary PID (in addition to having the other features set out here).</p> <p>Serious wrongdoing is defined in the PID Act as:</p> <ul style="list-style-type: none"> • <i>corrupt conduct</i> — such as a public official accepting a bribe • <i>serious maladministration</i> — such as an agency systemically failing to comply with proper recruitment processes when hiring staff • <i>a government information contravention</i> — such as destroying, concealing, or altering records to prevent them from being released under a Government Information Public Access (GIPA) application • <i>a local government pecuniary interest contravention</i> — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship • <i>a privacy contravention</i> — such as unlawfully accessing a person’s personal information on an agency’s database • <i>a serious and substantial waste of public money</i> — such as an agency not following a competitive tendering process when contracting with entities to undertake government work. <p>When making a report, report makers do not need to state to Council what category of serious wrongdoing they are reporting, or that they are reporting serious wrongdoing.</p>
<p>6.5</p>	<p>Who can a voluntary PID be made to?</p> <p>For a report to be a voluntary PID it must be made to certain public officials as set out below.</p>
<p>6.5.1</p>	<p>Making a report to a public official who works for Council</p> <p>A report can be made inside Council to:</p> <ol style="list-style-type: none"> 1. the General Manager. 2. 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. 3. the report maker’s manager — this is the person who directly, or indirectly, supervises the report maker. It can also be the person who they directly, or indirectly, report to. They may have more than one manager. Their manager will make sure that the report is communicated to a disclosure officer on their behalf or may accompany them while they make the report to a disclosure officer.
<p>6.5.1 Note</p>	<p>Meaning of manager</p> <p>There are different meanings of manager for different types of public officials under section 15 of the PID Act. The following list provides guidance on who a manager is:</p>

	<ul style="list-style-type: none"> • <i>for a person declared to be a public official in the PID Regulations</i> — a person declared by the regulations to be the manager of the public official for the purposes of the PID Act • <i>for a public official who is a person providing services or exercising functions on behalf of Council (including a contractor, subcontractor or volunteer) or an employee, partner or officer of an entity that provides services on behalf of Council or exercises functions of Council</i> — their manager is taken to be the public official in Council who oversees those services or functions, or who manages the relevant contract or volunteering arrangement • <i>for all other public officials</i> — this is the person to whom the public official reports directly or indirectly, or who supervises them directly or indirectly.
<p>6.5.2</p>	<p>Making a report to a recipient outside of Council</p> <p>A PID report can also be made to a public official in another agency (meaning an agency the report maker does not work for) or an integrity agency. These include:</p> <ul style="list-style-type: none"> • the <i>head of another agency</i> — this means the head of any public sector agency • an <i>integrity agency</i> — a list of integrity agencies is located at Annexure B of this policy • a <i>disclosure officer for another agency</i> — ways to contact disclosure officers for other agencies are listed in the agency’s PID policy, which can be found on their public website • a <i>Minister or a member of a Minister’s staff</i> - but the report <i>must be made in writing</i>. <p>If a report maker chooses to make a disclosure outside of Council, it is possible that their disclosure will be referred back to us, so that appropriate action can be taken.</p>
<p>6.5.3</p>	<p>Making a report to a Member of Parliament (MP) or journalist</p> <p>Voluntary PIDs reported to MPs or journalists are different to other disclosures. Public officials can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:</p> <ul style="list-style-type: none"> • They 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. • They did not make the previous disclosure anonymously. • They did not give a written waiver of their right to receive information relating to their previous disclosure. • They did not receive the following from Council: <ul style="list-style-type: none"> - notification that Council will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or - the following information at the end of the investigation period: <ul style="list-style-type: none"> ○ notice of Council’s decision to investigate the serious wrongdoing ○ a description of the results of an investigation into the serious wrongdoing

	<ul style="list-style-type: none"> ○ details of proposed or recommended corrective action as a result of the previous disclosure or investigation. <p>‘Investigation period’ means:</p> <ul style="list-style-type: none"> - after six months from the previous disclosure being made, or - after 12 months if they applied for an internal review of Council’s decision within six months of making the disclosure. <p>If all the above requirements are met, the disclosure to an MP or journalist may be a voluntary PID.</p>
<p>6.6</p>	<p>What form should a voluntary PID take?</p> <p>A voluntary PID can be made:</p> <ul style="list-style-type: none"> • in <i>writing</i> — this could be an email or letter to a person who can receive voluntary PIDs. • <i>orally</i> — a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually. • <i>anonymously</i> — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. <p>A PID will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the disclosure. Even if they choose to remain anonymous, the report maker will still be protected under the PID Act. It may be difficult, however, for us to investigate the matter(s) they have disclosed, if we cannot contact them for further information.</p>
<p>6.7</p>	<p>What should be included in a voluntary PID?</p> <p>Report makers should provide as much information as possible so we can deal with the report effectively. The type of information that should be included is:</p> <ul style="list-style-type: none"> • date, time, and location of key events • names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved • their relationship with the person(s) involved, such as whether they work closely with them • their explanation of the matter you are reporting • how they became aware of the matter they are reporting • possible witnesses • other information they have that supports their report.

<p>6.8</p>	<p>What if report makers are not sure if their disclosure is a PID?</p> <p>Public officials should report all wrongdoing 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.</p> <p>We are then responsible for making sure the report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if the report is not a PID, it may fall within another one of our policies or procedures for dealing with reports, allegations, or complaints.</p>
<p>6.9</p>	<p>Deeming that a report is a voluntary PID</p> <p>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’.</p> <p>By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.</p> <p>If a report is made that has not met all the requirements of a voluntary PID, the report maker can refer their matter to the General Manager or their delegate to request that they consider deeming the report to be a voluntary PID.</p> <p>A decision to deem a report to be a voluntary PID is at the discretion of the General Manager or their delegate. For more information about the deeming power, see the Ombudsman’s guideline ‘Deeming that a disclosure is a voluntary PID’.</p> <p>Note: If the deeming power has been delegated to another disclosure officer by the General Manager, details of the delegate will be included in Annexure A.</p>
<p>6.9</p>	<p>Who to talk to about questions or concerns?</p> <p>Disclosure officers can be contacted confidentially to talk about PIDs and answer questions and concerns.</p> <p>Annexure A to this policy includes a list of Council’s disclosure officers and their contact details, who can provide further information in confidence so that questions and concerns can be addressed.</p>
<p>7</p>	<p>Protections</p> <p>Sections 43(3)(a)-(b) of the PID Act require Council to include information in this policy about the protections available to makers of voluntary, mandatory and witness PIDs.</p>
<p>7.1</p>	<p>How is the maker of a voluntary PID protected?</p> <p>When someone makes a voluntary PID they receive special protections under the PID Act. We are committed to taking all reasonable steps to protect people from detriment because of having made a PID. We are also committed to maintaining their confidentiality as much as possible while the PID is being dealt with.</p> <p>We will not tolerate any type of detrimental action being taken against someone because they have made a report, might make a report, or are believed to have made a report.</p> <p>The maker of a voluntary PID is protected in the following ways:</p>

<p>7.1.1</p>	<p><i>Protection from detrimental action</i></p> <ul style="list-style-type: none"> • 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 we become aware that a voluntary PID has been made by a person employed or otherwise associated with Council, that concerns serious wrongdoing relating to Council, we 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). <p>Note: 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 their PID, it is not detrimental action under the PID Act.</p>
<p>7.1.2</p>	<p><i>Immunity from civil and criminal liability</i></p> <p>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. For example, all Council employees are subject to the Code of Conduct and legislation such as the <i>Privacy and Personal Information Protection Act 1998</i>.</p> <p>Sometimes, to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued, or criminally charged for breaching confidentiality.</p>
<p>7.1.3</p>	<p><i>Confidentiality</i></p> <p>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.</p>
<p>7.1.4</p>	<p><i>Protection from liability for own past conduct</i></p> <p>The Attorney General can give the PID 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.</p>

7.2 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: <ul style="list-style-type: none"> - breaching a duty of secrecy or confidentiality, or - breaching another restriction on disclosure. 	✓	✓

8 Reporting detrimental action

If a PID maker experiences any adverse treatment or detrimental action, such as bullying or harassment, they should report this immediately.

Any experience of adverse treatment or detrimental action can be reported directly and confidentially to us by contacting a disclosure officer within Council.

	<p>A list of disclosure officers and their contact details is located at Annexure A of this policy. Detrimental action can be reported in person, in writing, by email, or phone.</p> <p>PID makers can also report adverse treatment or detrimental action to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.</p>
9	<p>General support</p> <p>Supports will be made available to anyone who has made a PID report, and they will be advised how they can access these supports.</p> <p>A disclosure officer will be allocated to the maker of the PID report who will be their key contact person, and who will take steps to protect their interests, for example, if they are at risk of detrimental action.</p> <p>We will also link the person who has made the report to wellbeing support through the Employee Assistance Program (EAP), or Uprise (an extension of our EAP, to support staff wellbeing and mental health).</p> <p>We may refer employees to the NSW Ombudsman if they have questions about the PID Act and reporting generally.</p>
10	<p>Roles and responsibilities of Council employees</p> <p>All employees of Council have roles and responsibilities under the PID Act. The different role and responsibilities are below.</p>
10.1	<p>General Manager</p> <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 that 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.
10.2	<p>Disclosure officers</p> <p>Disclosure officers are responsible for:</p> <ul style="list-style-type: none"> • receiving reports from public officials

	<ul style="list-style-type: none"> • 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. <p>The Disclosure Coordinator has additional responsibilities for:</p> <ul style="list-style-type: none"> • preparing, monitoring the effectiveness of, reviewing, and updating this PID policy • maintaining the list of disclosure officers at Annexure A • providing hard copies of this PID policy on request • conducting internal reviews relating to PIDs • referring PIDs to an external investigator, if necessary • exercising the 'deeming power', if delegated by the General Manager • receiving reports of alleged detrimental action • conducting risk assessments related to detrimental action • making referrals about alleged detrimental action • preparing and submitting yearly annual returns to the NSW Ombudsman. <p>See Annexure A for a list of our disclosure officers.</p>
<p>10.3</p>	<p>Managers</p> <p>The responsibilities of Council managers include:</p> <ul style="list-style-type: none"> • receiving PID reports from persons that report to them, or that they supervise • passing on PID reports they receive to a disclosure officer, the Disclosure Coordinator or General Manager. <p>See 'Meaning of Manager' for who is defined as a manager under this policy.</p>
<p>10.4</p>	<p>All employees</p> <p>All employees have responsibility for:</p> <ul style="list-style-type: none"> • reporting suspected serious wrongdoing or other misconduct • using 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 • treating any person dealing with or investigating reports of serious wrongdoing with respect. <p>All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.</p>
<p>11</p>	<p>How will we deal with voluntary PIDs?</p> <p>Section 43(1)(a) of the PID Act requires this policy to outline our procedures for dealing with reports that are or may be voluntary PIDs. These are set out below.</p>

11.1 Acknowledgement that we have received a voluntary PID report and keeping the person who made it informed

When we receive 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:

- 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 to access this PID policy
 - provide details of a contact person and available supports.
- If the report is a voluntary PID, we will inform the report maker as soon as possible how we intend to deal with the report. This may include:
 - that we are investigating the serious wrongdoing
 - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide details of this referral
 - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell the report maker about the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide the report maker with updates on the investigation at least every three months. During this time, if they would like more frequent updates, they should contact the contact person who was nominated when they made the report.
 - If we investigate the serious wrongdoing, we will provide the report maker with the following information once the investigation is complete:
 - a description of the results of the investigation — that is, we will tell them whether we found that serious wrongdoing took place.
 - information about any corrective action as a result of the investigations — this means we will tell them what action we took in relation to the person who engaged in the serious wrongdoing, or if the serious wrongdoing was by Council, what we have 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 we have 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 report maker. We will always balance the right of a person who makes a PID report to know the outcome of that report, with other legal obligations we have.
- If we receive an anonymous report, we may not be able to provide this information to the report maker.

11.2 How we will deal with voluntary PIDs

Once a report that may be a voluntary PID is received we 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.

Once a disclosure officer receives a PID it may continue to be dealt with by that person, or it may be referred to another suitable disclosure officer, the Disclosure Coordinator or General Manager. They will assess the report and may allocate it to a suitable person or to an external investigator, if necessary. The assessment also may be quality checked by the Disclosure Coordinator, Legal Counsel or General Manager.

Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our internal grievance handling process or through an alternate process.

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

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

We can, but do not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID

Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

The PID Act states that agencies must provide reasons to the maker of a purported PID if the agency has ceased dealing with the report as a voluntary PID.

A purported PID is one that is made to one of the recipients of voluntary PIDs set out in the PID Act, and it is not a witness or mandatory PID and the maker has stated it is a voluntary PID.

We will always notify report makers if we have ceased to deal with their matter as a voluntary PID and explain why.

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases we 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 (or agency) involved have engaged in serious wrongdoing.
- There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- In some circumstances we may decide to engage an external investigator. If this is required, we will engage the investigator and the Disclosure Coordinator or

	<p>another disclosure officer will remain in contact with both the external investigator and the PID report maker.</p> <ul style="list-style-type: none"> • There may also be circumstances where we 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 <i>Independent Commission Against Corruption Act 1988</i>. • Before referring a matter, we will discuss the referral with the other agency, and we will provide the report maker with details of the referral and a contact person within the other agency. • If we decide not to investigate a report and to not refer the matter to another agency, we must let the report maker know the reasons for this and notify the NSW Ombudsman.
<p>11.3</p>	<p>How we will protect the confidentiality of the maker of a voluntary PID</p> <p>We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.</p> <p>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.</p> <p>Section 43(1)(e) of the PID Act requires this PID policy to outline the procedures for maintaining confidentiality in relation to voluntary PIDs and protecting the PID maker's identity.</p> <p><i>The steps we will follow to maintain confidentiality include:</i></p> <ul style="list-style-type: none"> • We will limit the number of people who are aware of the PID maker's identity or information that could identify them. • If we must disclose information that may identify the PID maker, we will still not disclose the actual identity of the PID maker, without their consent to do so. • We will ensure that any person who does know the identity of a PID maker is reminded that they have a legal obligation to keep their identity confidential. • We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the PID maker. • We will undertake a risk assessment to determine if anyone is aware of the PID 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 PID maker 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 staff. <p>There are however certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:</p> <ul style="list-style-type: none"> • 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.

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

We will put in place steps to maintain confidentiality of the identifying information of the PID maker and the fact that a report has been made.

It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified.

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

- advise the person whose identity may become known
- update the 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 any 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.

11.4 **How Council will assess and minimise the risk of detrimental action**

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

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

Detriment to a person includes:

- injury, damage, or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job

- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

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

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

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

- the Disclosure Coordinator in conjunction with the Corporate Manager People and Culture will be responsible for undertaking a risk assessment
- a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
- the Disclosure Coordinator will complete approvals for risk assessment and the risk management plan
- we will communicate with the PID maker to identify risks of potential detrimental action, and discuss protection options that will be offered to the PID maker, which may include (for example) remote working or approved leave for the duration of the investigation
- we will advise the PID maker what supports will be provided.

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

11.5 How we will deal with allegations of a detrimental action offence

If we become aware of an allegation that a detrimental action offence has occurred or may occur, we 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)

	<ul style="list-style-type: none"> • notify the NSW Ombudsman about the allegation of a detrimental action offence being committed. <p>A person who has been the victim of detrimental action can speak to their allocated disclosure officer, the Disclosure Coordinator, the Corporate Manager People and Culture, the Legal Counsel, or the General Manager.</p> <p>The Disclosure Coordinator is responsible for making referrals about alleged detrimental action offences.</p> <p>The person whom the alleged detrimental action has been taken against will be updated, and offered supports.</p>
<p>11.6</p>	<p>What we will do if an investigation finds that serious wrongdoing has occurred</p> <p>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.</p> <p>Corrective action can include:</p> <ul style="list-style-type: none"> • a formal apology • improving internal policies to adequately prevent and respond to similar instances of wrongdoing • providing additional education and training to staff where required • taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand) • payment of compensation to people who have been affected by serious wrongdoing or other misconduct. <p>Under section 43(1)(f) of the PID Act, we must provide the following information about taking corrective action:</p> <ul style="list-style-type: none"> • who will receive the findings of an investigation (this may change depending on the complexity of the investigation, and may be set out in an investigation plan) • what steps will be taken to address any recommendations in the findings • who will be responsible for ensuring corrective action takes place • how the PID maker will be notified of the proposed or recommended corrective action.
<p>12</p>	<p>Review and dispute resolution</p>
<p>12.1</p>	<p>Internal review</p> <p>People who make voluntary PIDs can seek an internal review of the following decisions made by us:</p> <ul style="list-style-type: none"> • that we are not required to deal with the report as a voluntary PID • to stop dealing with the report because we decided it was not a voluntary PID • to not investigate the serious wrongdoing and not refer the report to another agency

	<ul style="list-style-type: none"> • to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation. <p>We will ensure internal reviews are conducted in compliance with the PID Act.</p> <p>To make an application for an internal review, the PID maker must apply in writing within 28 days of being informed of our decision. The application should state the reasons why they consider our decision should not have been made. They may also submit any other relevant material with their application.</p> <p>Internal review applications should be sent to the Disclosure Coordinator (see Annexure A for contact details).</p> <p>The Disclosure Coordinator will conduct the internal review. They will set a timeframe for completion of the review within 10 working days of receipt.</p> <p>In some circumstances, it may be necessary for the internal review to be conducted by an alternate disclosure officer. If that is necessary, we will advise the person seeking the internal review which disclosure officer will conduct the review.</p>
<p>12.2</p>	<p>Voluntary dispute resolution</p> <p>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.</p> <p>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.</p>
<p>13</p>	<p>Other obligations</p>
<p>13.1</p>	<p>Record-keeping requirements</p> <p>Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that we comply with our obligations under the <i>State Records Act 1998</i>.</p> <p>All reports, investigations and communications regarding reports made in accordance with the PID Act will be stored in our records management system with strict security access levels applied, to ensure that only disclosure officers and the General Manager or their delegate can access this information.</p>
<p>13.2</p>	<p>Reporting of voluntary PIDs and annual return to the Ombudsman</p> <p>Each year we will provide an annual return to the NSW Ombudsman which includes:</p> <ul style="list-style-type: none"> • 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. <p>We will also notify the Ombudsman of receipt of any allegations of detrimental action, as necessary.</p>

13.3	<p>How we will ensure compliance with this policy and the PID Act</p> <p>It is important for Council to have mechanisms in place for monitoring the effectiveness of its PID policy and for ensuring compliance with the PID Act.</p> <p>These mechanisms are set out in more detail under Implementation, below.</p>
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Implementation

Requirements	Responsibility
<p>1</p> <p>Oversight arrangements</p> <p>The Disclosure Coordinator will have delegated responsibility for oversight of this policy and associated procedures and ensuring compliance with the PID Act.</p> <p>The deeming provisions of section 80 of the PID Act will be delegated by the General Manager to the Disclosure Coordinator.</p>	<p>Disclosure Coordinator</p>
<p>2</p> <p>Compliance measures</p> <p>Council will conduct regular audits and reporting of compliance with the PID Act.</p> <p>Appropriate measures will be taken to address non-compliance.</p> <p>Reports about compliance with the PID Act and this policy may be provided to the Audit Risk and Improvement Committee (ARIC).</p>	<p>Disclosure Coordinator</p> <p>ARIC</p>
<p>3</p> <p>Protections</p> <p>Council must conduct a risk assessment to assess the risk of detrimental action against a PID maker, whilst they are handling the PID and prior to referring the PID to another agency.</p> <p>Council will also take proactive action to protect a PID maker from detrimental action.</p>	<p>Disclosure Coordinator</p> <p>Corporate Manager</p> <p>People and Culture</p>
<p>3</p> <p>Reporting to the NSW Ombudsman (annual return)</p> <p>Council will report data about the voluntary PIDs received on a yearly basis (annual return) to the NSW Ombudsman. Council will also notify the NSW Ombudsman when certain events happen, such as receipt of an allegation of detrimental action.</p> <p>The NSW Ombudsman will provide a PID portal for reporting and notifications to be submitted.</p> <p>The Disclosure Coordinator will be responsible for collecting information about voluntary PIDs and the other information captured in the annual return to be submitted to the NSW Ombudsman each year.</p> <p>The Disclosure Coordinator will prepare and submit the annual return and ensure that the information is stored securely in Council’s records management system with restricted security access.</p>	<p>Disclosure Coordinator</p>

<p>4</p>	<p>Training and awareness</p> <p>Council will provide this policy and appropriate training (as required) to the General Manager, disclosure officers, managers, and employees, volunteers, contractors and subcontractors associated with Council.</p> <p>The training will be provided within a reasonable time after the person becomes associated with Council and no later than the day that is the later of:</p> <ul style="list-style-type: none"> - 6 months after the commencement of the PID Act (1 October 2023) or - the day that is 3 months after the person commences in the relevant role. <p>Council will use the NSW Ombudsman’s eLearning modules or face to face training packages, to ensure that this training is delivered to employees, volunteers, contractors, and subcontractors associated with Council.</p> <p>This policy and relevant guidance material will also be available on the intranet and Council’s website.</p>	<p>Disclosure Coordinator People and Culture</p>
<p>6</p>	<p>Staff</p> <p>Under supervision, all applicable Council staff will be responsible for ensuring that Council policies and procedures are implemented appropriately within their work area, after they have received relevant training to do so.</p>	<p>Council officers</p>
<p>7</p>	<p>Concerns about this policy</p> <p>Concerns communicated to Council in relation to this policy will be recorded on Council’s records system and handled in accordance with Council’s relevant policy. These records will be used to analyse the history of concerns and help determine follow up actions.</p> <p>If an error, omission, or issue is found in this policy, please contact the Public Officer.</p>	<p>Public Officer</p>
<p>8</p>	<p>Complaints about this policy</p> <p>Complaints received in relation to this policy will be lodged with the Public Officer and handled in accordance with Council’s Complaints policy.</p>	<p>Public Officer</p>
<p>9</p>	<p>Consultation</p> <p>Any consultation deemed necessary will occur as required with key stakeholders, which may include the NSW Ombudsman, other agencies, legislative bodies, or by reference to relevant legislation and industry guidelines. This policy will not be publicly exhibited for community input prior to adoption, because the making of PID reports is by public officials and not by members of the public.</p>	<p>As applicable</p>

Review

This policy will be reviewed every 4 years. It may also be reviewed and updated as necessary if required by legislation; or in accordance with guidance provided by the NSW Ombudsman; or when Council’s related policies, functions, organisation structure or activities change; or when technological advances or new systems change the way that Council manages its Public Interest Disclosures and compliance with the PID Act.

This policy will be monitored and reviewed by the Disclosure Coordinator, who will consider whether it is effectively meeting its purpose or requires amendment, and the policy will be approved and endorsed by the General Manager.

Reviews of the effectiveness of this Policy could include the following:

Performance indicator	Data source(s)
Number of PID reports received	Council records
Annual Return to NSW Ombudsman	Council reporting
Internal or external review	Audit
Incidents of non-compliance and measures taken	Internal reporting
Delivery Program/ Operational Plan outcomes achieved	Council reporting

Governance

This policy should be read in conjunction with any related legislation, codes of practice, relevant internal policies, and guidelines.

Related legislation and policies

Name	Link
Public Interest Disclosures Act 2022	https://legislation.nsw.gov.au/view/whole/html/inforce/curr/ent/act-2022-014
Code of Conduct	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0010/226288/Code-of-Conduct-Attchment-2.pdf
Code of Conduct Policy	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0006/145959/Code-of-Conduct-Policy.pdf
Complaints Policy	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0008/138563/ECM_4625898_Complaints-Policy.pdf
Conflict of Interest – Dealing with Development Applications Policy	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0018/234900/Conflict-of-interest-policy-dealing-with-Council-related-development-applications.pdf
Fraud Control Policy	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0007/138580/ECM_4625915_Fraud-Control-Policy.pdf
Related Parties Disclosure Policy	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0015/150603/ECM_4625947_Related-Parties-Disclosures-Policy.pdf

Corruption Prevention Code of Practice	https://www.esc.nsw.gov.au/_data/assets/pdf_file/0019/152371/Corruption-Prevention-Code-of-Practice-2019.pdf
Internal (HR) policies and procedures	Council Intranet
<i>Local Government Act 1993</i>	www.legislation.nsw.gov.au/maintop/view/inforce/act+30+1993+cd+0+N
<i>Local Government (State) Award 2023</i>	https://www.industrialrelations.nsw.gov.au/assets/2023/Local-Government-State-Award-1-July-2023-C9651.pdf

Related external references

Name	Link
PID guidance for agencies (NSW Ombudsman)	https://www.ombo.nsw.gov.au/guidance-for-agencies/handling-public-interest-disclosures-whistleblowing
NSW Ombudsman	www.ombo.nsw.gov.au PID Unit email: pidadvice@ombo.nsw.gov.au
Office of Local Government	www.olg.nsw.gov.au
Independent Commission Against Corruption (ICAC)	www.icac.nsw.gov.au
NSW Information and Privacy Commissioner	www.ipc.nsw.gov.au
NSW Audit Office	www.audit.nsw.gov.au

Supporting documents and guidelines

Name	Link
Annexure A	Names and contact details of Disclosure Officers for Council
Annexure B	List of Integrity Agencies
Guidelines and Resources (NSW Ombudsman)	https://www.ombo.nsw.gov.au/guidance-for-agencies/handling-public-interest-disclosures-whistleblowing/pid-act-2022
Overview of the New PID Act 2022	https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0006/138885/overview-of-the-new-pid-act-2022-information-sheet.pdf
Guideline: Core Concepts in the PID Act	https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0003/138990/Core-concepts-in-the-PID-Act.pdf

Guideline: What is a Public Interest Disclosure?	https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0009/138996/What-is-a-public-interest-disclosure.pdf
Guideline: What is serious wrongdoing?	https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0008/138995/What-is-serious-wrongdoing.pdf
Guideline: Dealing with voluntary PIDs	https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0010/138997/dealing-with-voluntary-pids.pdf
Guideline: Dealing with mandatory PIDs	https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0011/138989/dealing-with-a-mandatory-pid.pdf
Guideline: Dealing with witness PIDs	https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0004/138991/dealing-with-witness-pids.pdf
Guideline: Dealing with anonymous voluntary PIDs	https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0011/138998/dealing-with-anonymous-voluntary-pids.pdf
Guideline: Deeming that a disclosure is a voluntary PID	https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0010/138988/deeming-that-a-disclosure-is-a-voluntary-pid.pdf
Guideline: Protections under the PID Act	https://www.ombo.nsw.gov.au/_data/assets/pdf_file/0007/138994/protections-under-the-pid-act.pdf
Guideline: Developing your PID Policy (includes Model Policy)	https://www.ombo.nsw.gov.au/Find-a-publication/publications/guidelines/public-interest-disclosures-2022/developing-your-public-interest-disclosure-policy
Guide to PIDs and the <i>Government Information (Public Access) Act 2009</i> (GIPA Act)	https://www.ombo.nsw.gov.au/guidance-for-agencies/handling-public-interest-disclosures-whistleblowing/pids-and-the-government-information-public-access-act
Templates, fact sheets, process maps and FAQs	(add link when published by NSW Ombudsman)

Definitions

Word/Term	Definition
Public official	Local councils, State Government departments and all Public Service agencies identified in the <i>Government Sector Employment Act 2013</i> are agencies under the PID Act 2022, and accordingly any employees, contractors, subcontractors and volunteers of any of any of those agencies will be a 'public official' for the purposes of the PID Act.

Disclosure officer	<p>Disclosure officers are those identified as ‘disclosure officers’ in this PID policy. In addition to those identified in this PID Policy, the following people are also disclosure officers under the PID Act:</p> <ul style="list-style-type: none"> - the head of an agency (e.g. Council’s General Manager) - the most senior ongoing employee who ordinarily works at a permanently maintained worksite where more than 1 employee works, and - the members of any unelected governing body within an agency.
Public interest disclosure (PID)	<p>When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.</p>
Voluntary PID	<p>A PID where the report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know. Most of the obligations on agencies in the PID Act relate specifically to voluntary PIDs.</p>
Mandatory PID	<p>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.</p>
Witness PID	<p>a PID where a person discloses information in the course of an investigation of serious wrongdoing following a request or requirement of the investigator.</p>
Detrimental action	<p>Detrimental action against a person is an act or omission that causes, comprises, involves, or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment includes, but is not limited to actions such as intimidation, bullying and reputational damage.</p>
Protections	<p>The protections against detrimental action and immunity from civil and criminal liability for breaching a duty of secrecy or confidentiality when making a PID, which apply to all 3 types of PID.</p>
Deeming provision	<p>Section 29 of the PID Act contains a deeming provision which gives the head of an agency a delegable power to deem a report to be a voluntary PID, even if it does not have all 5 features of a PID. By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.</p>

Version history

Version	Approval date	Approved by	Min No	File No	Change
1	29 September 2023	General Manager		S004-T00014	New Policy commenced as required by new PID Act 2022 (replaces and rescinds previous Public Interest Disclosures (Internal Reporting) policy, last adopted 9 May 2017)

Internal use only

Responsible officer	Disclosure Coordinator			Approved by	General Manager
Minute #		Report #		Effective date	29 September 2023
File	S004-T00014	Review date	Minimum 18 months	Pages	30

ANNEXURE A - Disclosure Officers for Eurobodalla Shire Council

Disclosure Officers for Eurobodalla Shire Council		
M: PO Box 99 Moruya NSW 2537 P: 02 4474 1000 E: Disclosures@esc.nsw.gov.au		
Council Administration Building Officers located at: 89 Vulcan Street Moruya NSW 2537		
Organisation Position	Directorate and Divisions	Officer Name
Responsible Officer	General Manager	Warwick Winn
Disclosure Coordinator	Corporate Manager Governance and Information	Jeff Phillips
Executive Manager	Coordination and Communication	Kellee Pisanos
Legal Counsel	Executive	Kate Stevenson
Corporate Manager	People and Culture	Julie-Anne Hoban
Director	Finance and Corporate Services	Stephanie Speedy
Corporate Managers	Chief Information Officer	Vacant
	Chief Financial Officer	Jacquie Sullivan
	Governance and Information	Jeff Phillips
Director	Community Arts and Recreation	Kathy Arthur
Divisional Managers	Community Development and Participation	Kim Bush
	Recreation Services	Carl Ginger
Director	Planning and Sustainability	Lindsay Usher
Divisional Managers	Development Services	Gary Bruce
	Environmental Services	Deb Lenson
	Property Services	Andrew Greenway
	Waste Services	Nathan Ladmore
	Strategy and Sustainability	Elizabeth Rankin
Director	Infrastructure Services	Graham Attenborough
Divisional Managers	Works	Tony Swallow
	Water and Sewer	Brett Corven
	Technical Service	Tom Franzen

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)	T: 1800 451 524 Monday to Friday, 9am-3pm M: Level 24/580 George Street, Sydney NSW 2000 E: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	T: 02 9275 7100 W: GPO Box 12, Sydney NSW 2001 E: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	T: 02 8281 5999 T: 1800 463 909 toll free outside of Sydney, Monday to Friday, 9am-3pm F: 02 9264 5364 W: GPO Box 500, Sydney NSW 2001 E: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	T: 02 9228 3023 W: PO Box 5341, Sydney NSW 2001 E: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	T: 02 9321 6700 or 1800 657 079 W: GPO Box 3880, Sydney NSW 2001 E: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	T: 02 9228 3023 W: GPO Box 5341, Sydney NSW 2001 E: oilc_executive@oilc.nsw.gov.au
Office of Local Government	Local government pecuniary interest contraventions	E: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	T: 1800 472 679 W: GPO Box 7011, Sydney NSW 2001 E: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	T: 1800 472 679 W: GPO Box 7011, Sydney NSW 2001 E: ipcinfo@ipc.nsw.gov.au