



Parliamentary
Counsel's Office

Policy

Public Interest Disclosures

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1. Purpose and context of the policy

The purpose of this policy is to establish an internal reporting system for staff to report wrongdoing without fear of reprisal. The policy sets out to whom wrongdoing can be reported at Parliamentary Counsel's Office (PCO), what can be reported and how reports of wrongdoing will be dealt with by PCO.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (PID Act).

This policy is just one in the suite of PCO's complaint handling policies. Other policies include:

- Grievance and Dispute Resolution Procedures
- Policy for Preventing and Dealing with Harassment and Bullying

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the PCO's Grievance and Dispute Resolution Procedures. If a staff member makes a report under this policy that is substantially a grievance, the matter will be referred to the Executive Director to be dealt with in accordance with PCO's grievance policy.

2. Organisational commitment

PCO has a strong commitment to:

- creating a climate of trust, where staff are comfortable and confident about reporting wrongdoing,
- encouraging staff to come forward if they are aware of or suspect wrongdoing within PCO,
- keeping confidential the identity of the staff member disclosing wrongdoing, where this is possible and appropriate,
- protecting staff from any adverse action resulting from making a report,
- dealing with reports thoroughly and, impartially and if some form of wrongdoing has been found, taking appropriate action to address it,
- keeping staff who make reports informed of the progress and outcome of the report,
- encouraging staff to report wrongdoing internally within PCO but respecting any decision to disclose wrongdoing externally in accordance with the provisions of the PID Act,
- ensuring supervisors at all levels understand the benefits of reporting wrongdoing, are familiar with this policy, and are aware of the needs and concerns of those who report wrongdoing,
- reassessing/reviewing the policy periodically to ensure it is relevant and effective,
- provide adequate resources to:
 - *encourage reports of wrongdoing*
 - *protect and support those who make them*
- providing training for staff about how to make reports and the benefits of internal reports to PCO and the public interest generally,

- properly assessing and investigating or otherwise dealing with allegations,
- properly managing any workplace issues that the allegations identify or that result from a report,
- appropriately addressing any identified problems.

Under the PID Act, the head of a public authority (the Parliamentary Counsel for PCO) is responsible for ensuring that:

- the authority has an internal reporting policy
- the staff of the authority are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures
- the authority complies with the policy and the authority's obligations under the PID Act
- the policy delegates at least one employee as being responsible for receiving public interest disclosures.

3. Who does this policy apply to?

This policy will apply to:

- ongoing employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors and their employees working for PCO.

The policy may also apply to other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, including volunteers and contractors and to public officials of another public authority who report wrongdoing relating to PCO.

4. Roles and responsibilities

a) The role of staff

Staff play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All staff are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing,
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality,
- treat any employee or person dealing with a report of wrongdoing with courtesy and respect, and
- respect the rights of officers who are the subject of reports.

Staff must not:

- victimise or harass anyone who has made a report,
- make false or misleading reports of wrongdoing.

Additionally, the behaviour of all staff involved in the internal reporting process are obliged to adhere to PCO's Code of Conduct. A breach of the Code could result in disciplinary action.

b) The role of the Parliamentary Counsel's Office

PCO has a responsibility to establish and maintain a working environment that encourages employees to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential, where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

PCO will assess all reports of wrongdoing it receives from employees and deal with them appropriately. Once an employee reports wrongdoing, PCO takes 'ownership' of the matter. This means it is up to PCO to decide whether a report should be investigated, and if so, how it should be investigated and by whom. PCO will deal with all reports of wrongdoing fairly and reasonably and respect the rights of any officers the subject of a report.

PCO must report on its obligations under the *PID Act*. PCO provides statistical information about public interest disclosures in its annual report and to the NSW Ombudsman every six months. To ensure PCO complies with the *PID Act* and deals with all reports of wrongdoing properly, all employees with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

c) Roles of key positions

Parliamentary Counsel

The Parliamentary Counsel has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture and ensuring PCO complies with the *PID Act*. The Parliamentary Counsel receives reports from employees and has a responsibility to:

- assess reports received by, or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate remedial action where wrongdoing is substantiated, or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the *PID Act* to the Commissioner of Police or the ICAC.

Disclosures Co-ordinator

The Disclosures Co-ordinator has a central role in PCO's internal reporting system. The Disclosures Co-ordinator can receive and assess reports and is the primary point of contact at PCO for the reporter. The Disclosures Co-ordinator at PCO is the Executive Director.

The Disclosures Co-ordinator has a responsibility to:

- assess reports to determine whether a report should be treated as a public interest disclosure and to decide how each report will be dealt with
- co-ordinate PCO'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 co-ordinate support to employees involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure PCO complies with the *PID Act*
- provide six-monthly reports to the NSW Ombudsman in accordance with the *PID Act*.

Disclosures Officer

The Disclosures Officer is an additional point of contact within the internal reporting system. The Officer can provide advice about the system and the internal reporting policy, receive reports of wrongdoing, and assist employees to make reports. The Disclosures Officer at PCO is the person with day-to-day responsibility for risk and governance.

The Disclosures Officer has a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure staff can make reports privately and discreetly when requested, if necessary, away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out a preliminary assessment and forward reports to the Disclosures Co-ordinator or Parliamentary Counsel for full assessment.

Supervisors

Supervisors play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage employees to report known or suspected wrongdoing within the organisation and support employees when they do
- identify reports made to them in the course of their work that could be public interest disclosures and assist the employee to make the report to an officer authorised to receive public interest disclosures under this policy
- implement local management strategies, in consultation with the Disclosures Co-ordinator, to minimise the risk of reprisal or workplace conflict in relation to a report

- notify the Disclosures Co-ordinator or Parliamentary Counsel immediately if they believe an employee is being subjected to reprisal as a result of reporting wrongdoing.

5. What should be reported?

Any suspected wrongdoing within PCO, or any activities or incidents within PCO that an employee believes are wrong.

Reports about five categories of serious misconduct—corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention—which otherwise meet the criteria of a public interest disclosure, will be dealt with under the *PID Act* and according to this policy. See below for details about these types of conduct.

More information about what can be reported under the *PID Act* can be found in the NSW Ombudsman's *Guideline B2: What should be reported?*

a) Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a public official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

b) Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this could include:

- making a decision and/or taking action that is unlawful
- failing to make a decision in accordance with official policy for no appropriate reason.

c) Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money. For example, this could include:

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

d) Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009 (GIPA Act)* is a failure to properly fulfil functions under that Act. For example, this could include:

- destroying, concealing, or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

e) Local government pecuniary interest contravention

This section may be relevant to a non-local government authority such as PCO. For example if a staff member makes a report about the conduct of a council officer with whom they interact.

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a councillor participating in consideration of a DA for a property they or their family have an interest in.

6. Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Co-ordinator is responsible for assessing reports, in consultation with the Parliamentary Counsel where appropriate. All reports will be assessed on the information available to the Disclosures Co-ordinator at the time. It is up to the Disclosures Co-ordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Co-ordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

7. When will a report be treated as a public interest disclosure?

PCO will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the *PID Act*. These requirements are:

- The report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the *GIPA Act*, or local government pecuniary interest contravention.
- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to either the principal officer (the Parliamentary Counsel), a position nominated in this policy (see section 8), an investigating authority or, in limited circumstances, to an MP or journalist (see section 9).

Reports by staff are **not** public interest disclosures if they:

- mostly question the merits of government policy (see section 17)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 18).

8. Who can receive a report within PCO?

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

The following positions are the only staff within PCO who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the employee to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

- The Parliamentary Counsel
- Disclosures Co-Ordinator
- Disclosures Officer

9. Who can receive a report outside of PCO?

Staff are encouraged to report wrongdoing within PCO but internal reporting is not the only option. A public interest disclosure can also be made to:

- An investigating authority.
- A Member of Parliament (MP) or a journalist, but only in the limited circumstances outlined below.

a) Investigating authorities

The *PID Act* lists a number of investigating authorities in NSW that staff can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example any report about the Parliamentary Counsel.

The relevant investigating authorities for PCO are:

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

Employees should contact the relevant investigation authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this policy.

Employees should be aware that the investigating authority may well discuss any such reports with PCO. PCO will make every effort to assist and co-operate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. PCO will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority, if PCO is made aware that this has occurred.

b) Members of Parliament or journalists

To have the protections of the *PID Act*, employees reporting wrongdoing to a MP or a journalist must have already made substantially the same report to one of the following:

- the Parliamentary Counsel
- a person nominated in this policy
- an investigating authority.

Also, PCO or the investigating authority that received the initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly—to be protected under the *PID Act*—if a wrongdoing is reported to an MP or a journalist the employee reporting the matter will need to be able to prove that they have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true (see section 19).

c) Other external reporting

If wrongdoing is reported to a person or authority that is not listed above, or a report is made to an MP or journalist without following the steps outlined above, the employee reporting the matter will not be protected under the *PID Act*. This may mean that the employee will be in breach of legal obligations or PCO's *Code of Conduct* by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside PCO, employees should contact the Disclosures Co-ordinator or the NSW Ombudsman's Public Interest Disclosures Unit. The contact details are provided at the end of this policy.

10. How to make a report

Wrongdoing can be reported in writing or verbally. Employees are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. An Internal Report form is available for staff to use to make a report (see section 23).

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

11. Can a report be anonymous?

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

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

12. Feedback to staff who report wrongdoing

Employees who report wrongdoing will be told what is happening in response to their report.

a) Acknowledgement

When a report is made, the *Disclosures Co-ordinator* will contact the reporter to confirm that the report has been received and to advise:

- the timeframe within which the reporter will receive further updates
- the name and contact details of the people who can tell the reporter what is happening or handle any concerns they may have.

After a decision is made about how the report will be dealt with, the Disclosures Co-ordinator will send an acknowledgment letter to the reporter, providing:

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

PCO will provide this information to the reporter **within ten working days** from the date the person made the report. PCO will also advise the reporter if the report will be treated as a public interest disclosure and provide the reporter with a copy of this policy at that time, as required by the *PID Act*.

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

b) Progress updates

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

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

c) Feedback

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

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

13. Maintaining confidentiality

PCO realises reporters may want their identity and the fact that they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing. Where possible and appropriate PCO will take steps to keep the identity of a reporter, and the fact they have reported wrongdoing, confidential. PCO will discuss with the reporter whether it is possible to keep their identity confidential.

If confidentiality cannot be maintained, a plan will be developed, in consultation with the reporter, to support and protect the reporter from reprisal.

If a person reports wrongdoing, it is important that the reporter only discusses the report with those responsible for dealing with it. This will include the Disclosures Co-ordinator and the Parliamentary Counsel. The fewer people who know about the report, before and after it is made, the more likely it is that PCO can protect the reporter from any reprisal.

Any employees involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

14. Managing the risk of reprisal and workplace conflict

When an employee reports wrongdoing, PCO management will undertake a thorough risk assessment to identify the risk to the reporter of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, PCO may:

- relocate the reporter or the employee who is the subject of the allegation within the current workplace
- assign the reporter or the employee who is the subject of the allegation to another role for which they are qualified
- grant the reporter or the employee who is the subject of the allegation leave of absence during the investigation of the disclosure.

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

15. Protection against reprisals

PCO will not tolerate any reprisal against employees who report wrongdoing or are believed to have reported wrongdoing.

The *PID Act* provides protection for employees who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also misconduct which may result in *disciplinary action*.

It is important for employees to understand the nature and limitations of the protection provided by the *PID Act*. The *PID Act* protects employees from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect employees from disciplinary or other management action where PCO has reasonable grounds to take such action.

a) Responding to allegations of reprisal

If a reporter believes that detrimental action has been or is being taken against them or someone else in reprisal for reporting wrongdoing, the reporter should tell their supervisor, the Disclosures Co-ordinator, or the *Parliamentary Counsel* immediately.

All supervisors must notify the Disclosures Co-ordinator or the *Parliamentary Counsel* if they suspect that reprisal against an employee is occurring or has occurred, or if any such allegations are made to them.

If PCO becomes aware of, or suspects, that reprisal is being or has been taken against a person who has made a disclosure, PCO will:

- assess the report of reprisal to decide whether it should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any evidence of an offence under section 20 of the *PID Act* to the ICAC or NSW Police Force.

If a person alleges reprisal, the person will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation.

If a person alleges reprisal, the person will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation.

If a person has reported wrongdoing and is experiencing reprisal that they believe is not being dealt with effectively, they should contact the Ombudsman or the ICAC (depending on the type of wrongdoing reported). Contact details for these investigating authorities are included at the end of this policy.

b) Protection against legal action

If a person makes a public interest disclosure in accordance with the *PID Act*, the person will not be subject to any liability, and no action, claim or demand can be taken against the person for having made the public interest disclosure. The person will not have breached any confidentiality or secrecy obligations and will have the defence of absolute privilege in defamation.

16. Support for those reporting wrongdoing

PCO will make sure that employees who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other employees involved in the internal reporting process where appropriate. Reporters and other employees involved in the process can discuss their support options with the Disclosures Co-ordinator.

PCO's Employee Assistance Program, is provided through Converge International and the contact details are available on Gulbarra (PCO's in-house wiki).

17. Sanctions for making false or misleading statements

It is important all staff are aware that it is a criminal offence under the *PID Act* to wilfully make a false or misleading statement when reporting wrongdoing. PCO will not support employees who wilfully make false or misleading reports. Such conduct may also be a breach of the Code of Conduct resulting in disciplinary action.

18. The rights of persons the subject of a report

PCO is committed to ensuring employees who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

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

- advised of the details of the allegation
- advised of their rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against them
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against them.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by PCO. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

19. PCO Procedures

This section details the PCO's procedures for managing disclosures and providing feedback. The Disclosures Co-ordinator will oversee the management and investigation of any disclosures, unless the matter pertains to their own conduct in which case the Parliamentary Counsel will manage the matter.

Note: There are templates, guidelines and facts sheets for parts of the following process at www.ombo.nsw.gov.au

After a public interest disclosure is received, the following procedures will be initiated:

1.	<p>Where a verbal disclosure is made, the person receiving the disclosure will make a written record of the disclosure and ask the reporter to sign and date it.</p> <p>Under the Act, written acknowledgement of receipt of the disclosure and a copy of this Policy are required to be provided to the reporter within 45 days. PCO will attempt to get this information to the reporter within ten working days from the date the report is made. The acknowledgement will notify the person that they should maintain the confidentiality of the disclosure.</p> <p>PCO will also provide the reporter with:</p> <ul style="list-style-type: none"> • the timeframe for when they will receive further updates • the name and contact details of the people who can tell them what is happening.
2	<p>The matter will be referred to the Disclosure Co-ordinator who will consider whether or not the disclosure meets the requirements for protection under the Act and may consult with the Parliamentary Counsel in this regard. See section 13 of this document for the confidentiality obligations.</p> <p>An initial assessment of the disclosure will be undertaken to assess if further action needs to be commenced. At this stage the disclosure may be declined if it is assessed that it:</p> <ul style="list-style-type: none"> • mostly questions the merits of government policy • is made with the sole or substantial motive of avoiding dismissal or other disciplinary action. • does not satisfy the requirements of a public interest disclosure and should be dealt with more appropriately under another policy of the PCO (eg. Grievance Resolution policy or Work Health and Safety policy).
3	<p>If the matter is initially assessed by the Disclosure Co-ordinator and/or Parliamentary Counsel to be a public interest disclosure, a risk assessment will be conducted. This will help to identify any risks to the reporter, as well as strategies to deal with those risks.</p> <p>The Parliamentary Counsel and the Disclosure Co-ordinator will determine how the matter is to be actioned. Depending on the circumstances, appropriate action may include:</p> <ol style="list-style-type: none"> a) Nomination of an appropriate person to take responsibility for dealing with the disclosure b) Preliminary or informal investigation c) Formal investigation d) Prosecution or disciplinary action e) Referral to an investigating authority for investigation or other appropriate action f) Referral to the Commissioner of Police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct). <p>Procedural fairness will generally require that officers who are the subject of disclosures be informed of the substance of the claims against them and be given a reasonable opportunity to respond.</p>
4	<p>After a decision is made about how the report will be dealt with, the reporter will be given:</p> <ul style="list-style-type: none"> • information about the action that will be taken in response to the report

	<ul style="list-style-type: none"> • likely timeframes for any investigation • information about the resources available within <i>PCO</i> to handle any concerns the reporter may have • information about external agencies and services the reporter can access for support. <p>This information will be given to the reporter within 10 working days from the date the report was made.</p>
5	<p>During any investigation, the reporter will be given:</p> <ul style="list-style-type: none"> • information about the ongoing nature of the investigation • information about the progress of the investigation and reasons for any delay • advice if the reporter's identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.
6	<p>A confidential report on any matter that is investigated will be prepared by the person designated to undertake the investigation and submitted to the Parliamentary Counsel as quickly as possible.</p> <p>The Disclosure co-ordinator will be responsible for keeping the reporter informed as to any action taken or proposed to be taken in respect of the disclosure.</p>
7	<p>The result of any decisions and/or further action in relation to the disclosure will be made known to the reporter as quickly as possible and within the six months required by the Act.</p> <p>At the end of any investigation, the reporter will be given:</p> <ul style="list-style-type: none"> • enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to the disclosure and any problem that was identified • advice about whether the reporter will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.
8	<p>If a decision is taken not to investigate the matter or refer it to an investigating authority, the reporter will be notified of that decision.</p>

Behaviour of all staff involved in the PID process needs to adhere to the PCO's Code of Conduct. A breach of the Code could result in disciplinary action.

20. Information and resources

Employees can seek further advice and guidance from the Disclosures Co-ordinator.

The contact details for external investigating authorities that employees can make a public interest disclosure to or seek advice from are listed below.

Note - All contact details are correct at date of publication.

For disclosures about corrupt conduct:

Independent Commission Against Corruption
(ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

Email: icac@icac.nsw.gov.au

Web: www.icac.nsw.gov.au

Address: Level 21, 133 Castlereagh Street,
Sydney NSW 2000

**For disclosures about serious and substantial
waste:**

Auditor-General of the NSW Audit Office

Phone: 02 9275 7100

Facsimile: 02 9275 7200

Email: mail@audit.nsw.gov.au

Web: www.audit.nsw.gov.au

Address: Level 15, 1 Margaret Street, Sydney
NSW 2000

For disclosures about maladministration:

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

Address: Level 24, 580 George Street, Sydney
NSW 2000

For disclosures about breaches of the GIPA Act:

Information Commissioner

Toll free: 1800 472 679

Facsimile: 02 8114 3756

Email: ipcinfo@ipc.nsw.gov.au

Web: www.ipc.nsw.gov.au

Address: Level 11, 1 Castlereagh Street, Sydney
NSW 2000

21. Internal reporting form

(This form is available on Gulbarra).

Public Interest Disclosure Internal Report Form



To be completed by an internal reporter and submitted to a nominated disclosures officer.
(Refer to your public authority's Internal Reporting Policy for further details)

Details of reporter <i>(You can make an anonymous report by leaving this section blank)</i>									
Name:									
Role:	Preferred method of contact								
Telephone:	<input type="checkbox"/> Telephone								
Email:	<input type="checkbox"/> Email								
Postal address:	<input type="checkbox"/> Post								
Details of the wrongdoing being reported									
Description: <ul style="list-style-type: none"> • What happened? • Where did this happen? • When did this happen? • Is it still happening? <i>(Attach an additional page if required)</i>									
How did you become aware of this?									
Name and role of people involved in the wrongdoing:	<table border="1"> <thead> <tr> <th>Name</th> <th>Role</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Name	Role						
Name	Role								
Attach any additional relevant information or indicate where supporting evidence may be found:	<table border="1"> <thead> <tr> <th>Supporting evidence</th> <th>Attached</th> </tr> </thead> <tbody> <tr> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	Supporting evidence	Attached		<input type="checkbox"/>		<input type="checkbox"/>		<input type="checkbox"/>
Supporting evidence	Attached								
	<input type="checkbox"/>								
	<input type="checkbox"/>								
	<input type="checkbox"/>								
Name and role of other people who may have additional information:	<table border="1"> <thead> <tr> <th>Name</th> <th>Role</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Name	Role						
Name	Role								
Statement									
I honestly believe that the above information shows or tends to show wrongdoing.									
Signature of reporter <i>(Do not sign if you want to make an anonymous report)</i>	Date report submitted <i>(Essential information)</i>								

22. Review

This policy will be reviewed by PCO every two years *or* if there are any changes to legislation, policies or procedures that result in a need for amendment.