



Public Interest Disclosure Internal Reporting Policy

Policy No: 1.4.3 (v5)

Date Adopted: 25 September 2023

Date Effective: 1 October 2023

Minute No: 2023/210

Supersedes: Public Interest Disclosure Policy 1.4.3 (v4)

Adopted 23/07/2018

Resolution Number 285/2018

Proposed Review Date: September 2025

Responsible Officer: Manager Corporate Service

Verified by General Manager..... Verified by Mayor.....

CONTENTS

CONTENTS.....	2
PURPOSE.....	3
POLICY INTENT.....	3
POLICY	
1. Organisational Commitment.....	3
2. Who Does This Policy Apply To?	4
3. What Should be Reported?	4
4. Assessment of Reports	6
5. When Will a Report be Treated as a Public Interest Disclosure?	7
6. Categories of Public Interest Disclosure?	7
7. Who Can Receive a Report Within Bourke Shire Council?.....	8
8. Who Can Receive a Report Outside of Bourke Shire Council?.....	9
9. How to Make a Report	10
10.Feedback to Individuals Who Voluntarily Report Wrongdoing.....	10
11.Maintaining Confidentiality	11
12.Managing the Risk of Reprisal and Workplace Conflict.....	13
13.Protection Against Reprisals	13
14.Support for Those Reporting Wrongdoing	15
15.Sanctions for Making False or Misleading Statements	16
16.The Rights of Persons the Subject of a Report	16
17.Reporting and oversight of Council's compliance with the PID Act	17
18.Roles and Responsibilities.....	18
19. Training and Awareness	21
20.More Information	22
21.Resources	22
22.Legislative Requirements.....	23
23.Review	23
APPENDIX A – Full listing of Council staff positions identified as Disclosure Officer.	24

PURPOSE

The purpose of this policy is to establish an internal reporting system for staff, Councillors and contractors to report wrongdoing without fear of reprisal. The policy sets who can receive reports of wrongdoing in Bourke Shire Council, what can be reported and how reports of wrongdoing will be dealt with.

Complaints cannot be made by the general public under this policy. The general public can make a complaint under Councils Complaints Management Policy.

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 2022 (PID Act).

The internal reporting system established under this policy is not to be used for staff grievances, which should be raised through Council's grievance procedures. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to the Manager Human Resources to be dealt with in accordance with the grievance procedure.

POLICY INTENT

The objectives of this policy are as follows:

- facilitate the disclosure by council officials of serious wrongdoing in or affecting council,
- promote a culture in which public interest disclosures are encouraged,
- protect council officials, witnesses and other persons from detriment or liability that might arise as a result of making public interest disclosures,
- provide a defined process for receiving and dealing with public interest disclosures,
- ensure the interests of all persons affected by public interest disclosures are taken into account in dealing with the disclosures

POLICY

1. Organisational Commitment

Bourke Shire Council is committed to:

- Creating a climate of trust and integrity, where staff, Councillors and other stakeholders are comfortable and confident about reporting wrongdoing;
- Encouraging individuals to come forward if they have witnessed what they consider to be wrongdoing within the Council;
- Keeping the identity of the person disclosing wrongdoing confidential, wherever possible and appropriate;
- Protecting individuals who make disclosures from any adverse action motivated by their report;

- Dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it;
- Keeping those who have made disclosures up to date of the progress of their report and the outcome;
- Ensuring managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy and their requirements and responsibilities under the policy, and aware of the needs of those who report wrongdoing.

2. Who Does This Policy Apply To?

This policy will apply to:

- both Council staff and Councillors;
- permanent employees, whether full-time or part-time;
- temporary or casual employees;
- consultants;
- individual contractors working for Council;
- employees of contractors providing services to Council;
- other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers;
- the policy also applies to public officials of another Council or public authority who report wrongdoing relating to Bourke Shire Council.

3. What Should be Reported?

You should report any suspected wrongdoing within Council, or any activities or incidents you see within Council that you believe are wrong.

Reports in relation to "serious wrongdoing" will be deemed as public interest disclosures and managed in accordance with the PID Act. For the purposes of the PID Act and this policy, serious wrongdoing constitutes the following:

- a) corrupt conduct,
- b) a government information contravention,
- c) a local government pecuniary interest contravention,
- d) serious maladministration,
- e) a privacy contravention,
- f) a serious and substantial waste of public money.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the Code of Conduct or Council's Grievance Procedures.

Even if these reports are not dealt with as public interest disclosures, Council recognises that such reports may raise important issues. Council will respond to all reports and make every attempt to protect the individual member making the report from reprisal.

Provided below is more detail on the six categories of serious wrongdoing.

a) Corrupt conduct

Corrupt conduct has the same meaning as in the Independent Commission Against Corruption Act 1988 and the full definition should be taken from the ICAC Act. However, in general corrupt conduct is:

- any conduct of any person that adversely affects, either directly or indirectly, the honest or impartial exercise of official functions by any council official/s, or by council, or
- any conduct of a council official that constitutes or involves the dishonest or partial exercise of any of their official functions, or
- any conduct of a council official or former council official that constitutes or involves a breach of public trust, or
- any conduct of a council official or former council official that involves the misuse of information or material that they have acquired in the course of their official functions, whether or not for their benefit or for the benefit of any other person.

b) Government information contravention

Government information contravention means a failure, other than a trivial failure, by council or a council official to exercise functions in accordance with;

- the Government Information (Public Access) Act 2009, or
- the State Records Act 1998.

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.

c) Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the Local Government Act 1993 and the Council's Code of Conduct 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 awarding a tender when they or their family have an interest in a supplier bidding for that work.

d) Serious maladministration

Serious maladministration is conduct, other than conduct of a trivial nature, of council or a council official relating to a matter of administration that is unlawful, or unreasonable, unjust, oppressive or improperly discriminatory, or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful;
- refusing to grant an approval for reasons that are not related to the merits of their application.

e) Privacy contravention

A privacy contravention means a failure, other than a trivial failure, by an agency or public official to exercise functions in accordance with;

- the Privacy and Personal Information Protection Act 1998, or
- the Health Records and Information Privacy Act 2002.

f) 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 a substantial amount of 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.

4. 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 Public Interest Disclosures Coordinator (being the Manager Corporate Services or their appointed alternate) is responsible for assessing reports, in consultation with the General Manager where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report, the

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

5. When Will a Report be Treated as a Public Interest Disclosure?

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

- the disclosure must be about one of the following six categories of serious wrongdoing – corrupt conduct, a government information contravention, a local government pecuniary interest contravention, serious maladministration, a privacy contravention or serious and substantial waste of public money.
- the person making the disclosure must honestly believe, and on reasonable grounds, that the disclosure shows or tends to show wrongdoing;
- the disclosure has to be made to either the General Manager or, for reports about the General Manager, to the Mayor, a position nominated in this policy (see section 7), or in limited circumstances to an MP or journalist (see section 8);
- a disclosure that is made in written correspondence that is sent to Council's registered address, email address or other usual address for the receipt of electronic communications, but is not addressed to a specific individual, will be deemed to have been sent to the General Manager and be treated as a public interest disclosure if the other criteria are met.

Disclosures are not public interest disclosures if they:

- mostly question the merits of Council policy;
- concern only a grievance about a matter relating to the employment or former employment of an individual

A person making a report does not need to identify that the disclosure is a public interest disclosure, or that it is made under the PID Act, for it to be treated as a public interest disclosure.

6. Categories of Public Interest Disclosure?

Under the PID Act and this policy, there are three categories of public interest disclosure:

- a witness public interest disclosure, or
- a mandatory public interest disclosure, or
- a voluntary public interest disclosure, or

A **witness public interest disclosure** means a disclosure of information, in an investigation of serious wrongdoing, at the request of or in response to a requirement of a person investigating the serious wrongdoing on behalf of Council.

A **mandatory public interest disclosure** means a disclosure that occurs while the maker is meeting the ordinary requirements of their role or function or under some legal or statutory obligation imposed.

A **voluntary public interest disclosure** is made when a disclosure complies with the requirements of the PID Act and this policy and the disclosure is made by a council official, where the maker of the disclosure believes, on honest and on reasonable grounds, that the disclosure shows or tends to show serious wrongdoing, and is made to one of the following:

- a. The General Manager, or Mayor (only for reports relating to the General Manager),
- b. Another disclosure officer for Council identified by this policy,
- c. A manager of the person making the disclosure,
- d. Subject to section 28 of the PID Act and as outlined in this policy – to a member of Parliament or a journalist.

7. Who Can Receive a Report Within Bourke Shire Council?

The PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within Council who are authorised to receive a public interest disclosure (Disclosure Officers). Any non-identified council official who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 18).

If your report involves a Councillor, you should make it to the General Manager. If your report relates to the General Manager, you should make it to the Mayor.

Mayor (for reports about the General Manager only)

General Manager

Manager Economic Development

Manager Environmental Services

Manager Roads

Manager Works Services

Manager Human Resources

Human Resources Officer

Disclosure Officer procedure upon receipt of a Report

- If a verbal complaint is made document in writing the details of the complaint, and have the document signed and dated by the reporter, if possible;
- Discuss with the reporter any concerns they may have about reprisal or workplace conflict;
- Carry out a preliminary assessment and forward their reports to the Disclosures Coordinator for full assessment. The Disclosure Officer may seek the assistance of the Disclosure Coordinator to undertake the preliminary

assessment if required. Where appropriate the Disclosures Coordinator may take responsibility for the preliminary assessment to ensure appropriate process and due diligence are applied.

Disclosure Coordinator procedure upon receipt of a Referral

- Assess reports to determine whether or not a report should be treated as a public interest disclosure;
- Coordinate Council's response to a report;
- Acknowledge reports and provide updates and feedback to the reporter;
- Assess whether it is possible and appropriate to keep the reporter's identity confidential;
- Assess and document the risk of reprisal and workplace conflict related to, or likely to arise out of a report, and develop strategies to manage any risk identified;
- where required, provide or coordinate support to individuals involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report.

8. Who Can Receive a Report Outside of Bourke Shire Council?

Staff and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. In very limited circumstances you can also make a public interest disclosure to a Member of Parliament or a journalist, but only as outlined below:

a) Members of Parliament or Journalists

To have the protection of the PID Act, individuals reporting wrongdoing to a Member of Parliament (MP), or a journalist must have already made substantially the same report to a person nominated under this policy to receive such reports.

In addition:

- The previous disclosure must be substantially true;
- You did not make the previous disclosure anonymously;
- You did not give a written waiver of your right to receive information relating to your previous disclosure;
- You did not receive the following from Bourke Shire Council:
 - notification that Bourke Shire 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:
 - o notice of Bourke Shire Council's decision to investigate the serious wrongdoing
 - o a description of the results of an investigation into the serious wrongdoing
 - o details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

b) Other external reporting

Council has not made arrangements for an external agency to receive voluntary PID's under section 81(3)(a) of the Act. If you report wrongdoing to a person or authority that is not listed above or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about externally reporting wrongdoing, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

9. How to Make a Report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and will ask the person making the report to sign this record. If the reporter agrees to sign the record, they will be provided with a copy of this record.

Can a Report be Anonymous?

A disclosure, if made anonymously, may still be a voluntary public interest disclosure if it meets the other criteria outlined in this policy.

There will be some situations where you may not want to identify yourself when you make a report. These reports will still be dealt with by Council. However, reporters should note that Council cannot provide a reporter 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, if a report is made anonymously.

10. Feedback to Individuals Who Voluntarily Report Wrongdoing

Staff, Councillors and other identified stakeholders who voluntarily report wrongdoing will be told what is happening in response to their report.

a) Acknowledgement

When you make a report, Council will contact you in writing as soon as is practicable, however no later than within 21 days of receipt of your report, to

provide you with a copy of this Policy and to confirm that your report has been received, and to advise:

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

After a decision is made about how your report will be dealt with, Council will send you an acknowledgment letter, providing:

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

Please note, if you make a report which meets the requirements of the PID Act but the report was made as a witness public interest disclosure or a mandatory public interest disclosure, you may not receive an acknowledgement letter or a copy of this policy.

b) Progress Updates

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

- information about the progress of the investigation or other enquiries and reasons for any delay;
 - advice of any decision by Council not to proceed with the matter;
 - advice if your 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 you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified;
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.
- Council will notify you in writing of the action taken in relation to your disclosure as soon as a decision has been made, but no later than six months after your disclosure.

11. Maintaining Confidentiality

Council is committed to preserving the confidentiality of disclosures. Information tending to identify a person as the maker of a voluntary public interest disclosure (identifying information) may not be disclosed by Council or a council official.

The preservation of confidentiality of the facts of a disclosure will be subject to:

- a. the need to conduct an assessment of fact;
- b. the provisions of the PID Act for confidentiality;
- c. taking any consequential necessary actions; and
- d. putting in place any necessary care plans for relevant staff

All information received in relation to a disclosure must not be released without the consent of the Disclosure Coordinator, General Manager or Public Officer. This includes:

- a. the identity of the discloser;
- b. the identity of any person or persons who may be the subject of the disclosure; and
- c. the facts of the disclosure.

For all matters managed under this policy, wherever possible, only the following council officers will be made aware of a disclosure:

- General Manager
- Officer receiving disclosure (Disclosure Officer)
- Disclosures Coordinator
- Manager Human Resources

Where confidentiality cannot be maintained or officers other than those listed above need to be involved, the Disclosures Coordinator will seek the discloser's consent to release any details required to undertake an assessment or investigation; and develop a plan, in consultation with the Manager People and Culture/Public Officer and the discloser, to support and protect a discloser from reprisal.

Notwithstanding the above, the identifying information of a person making a voluntary public interest disclosure, may be disclosed if:

- (a) the person consents in writing to the disclosure of the identifying information, or
- (b) it is generally known the person is the maker of the voluntary public interest disclosure as a result of the person's voluntary self-identification as the maker, or
- (c) after consulting the person, Council reasonably considers it necessary to disclose the identifying information to protect a person from detriment, or
- (d) it is necessary the identifying information be disclosed to a person whose interests are affected by the disclosure, or
- (e) the identifying information has previously been lawfully published, or
- (f) the identifying information is disclosed to a medical practitioner or psychologist for the purposes of the practitioner or psychologist providing medical or psychiatric care, treatment or counselling to the individual disclosing the information, or

(g) the identifying information is disclosed for the purposes of proceedings before a court or tribunal, or

(h) the disclosure of the identifying information is necessary to deal with the disclosure effectively, or

(i) it is otherwise in the public interest to disclose the identifying information.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that Council can protect you from any reprisal. If you breach the confidential nature of the process, Council may not be able to keep your identity confidential.

Any persons 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 managing the report.

12. Managing the Risk of Reprisal and Workplace Conflict

When an individual reports wrongdoing, Council 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, Council may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified;
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

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

13. Protection Against Reprisals

Council will not tolerate any reprisal against any individual who reports wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff, Councillors and other stakeholders who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that

person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

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

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

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of Council's Code of Conduct which may result in disciplinary action. In the case of Councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

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

a. Responding to Allegations of Reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. In the case of an allegation of reprisal by the General Manager, you can alternatively report this to the Mayor.

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

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

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue;
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff;

- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter;
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure;
- refer any breach of Part 8 of Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government;
- refer any evidence of an offence under Section 34 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to your allegation.

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

b. Protection Against Civil and Criminal Liability

The person making a public interest disclosure, in relation to the making of the disclosure—

(a) does not incur civil liability, including liability for breaching a duty of secrecy or confidentiality or another restriction on disclosure applicable to the person, whether or not imposed by an Act, and

(b) does not incur criminal liability, including liability for breaching a law or code of conduct imposing a duty of confidentiality or other restriction in relation to the disclosure of information, and

(c) is not liable to disciplinary action.

However, this protection does not extend to protect the reporter against liability for past conduct they themselves have undertaken.

14. Support for Those Reporting Wrongdoing

It takes courage to report wrongdoing, however support is available. Council offers a number of services that can help and support you if you have report wrongdoing.

Care Plans

The Disclosures Coordinator, in consultation with the Manager Human Resources, should put in place a care plan to manage any potential ongoing risk to the complainant. For example, if the complainant is currently required to interact directly with the respondent in the workplace, alternative arrangements may be put in place so that contact is avoided.

Employee Assistance Program

Staff and their immediate family members can access free confidential counselling or support at any time by contacting Councils Employee Assistance Program provider, Bourke Community Health. Council has engaged Bourke Community Health to provide the services of an Employee Assistance Program which includes independent and confidential professional support to employees and their immediate family members and offers individual face-to-face or telephone counselling. To make an appointment with Bourke Community Health, call 02 6870 2700.

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

15. Sanctions for Making False or Misleading Statements

It is important all staff and Councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Such conduct may also be a breach of the code of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

16 The Rights of Persons the Subject of a Report

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

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time, you will be:

- advised of the details of the allegation;
- advised of your 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 you;
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

Being the subject of an allegation of wrongdoing can be particularly damaging to the wellbeing to the person subject to the report. Council offers a number of services that can help and support you if you subject to a report wrongdoing.

Care Plans

The Disclosures Coordinator should put in place a care plan to manage any potential ongoing welfare risks to the subject person.

Employee Assistance Program

Staff and their immediate family members can access free confidential counselling or support at any time by contacting Councils Employee Assistance Program provider, Bourke Community Health. Council has engaged Bourke Community Health to provide the services of an Employee Assistance Program which includes independent and confidential professional support to employees and their immediate family members and offers individual face-to-face or telephone counselling. To make an appointment with Bourke Community Health, call 02 6870 2700.

17. Reporting and oversight of Council's compliance with the PID Act

External Reporting

Council must report on its obligations under the PID Act and provide statistical information about public interest disclosures in its annual report, and to the NSW Ombudsman every six months. Councils Public Interest Disclosures Coordinator (Manager Corporate Services) has the responsibility for reporting relevant information to the NSW Ombudsman.

Council shall include the following information in an annual return to the NSW Ombudsman in relation to each voluntary public interest disclosure received or dealt with by Council during the return period—

- a) how Council received the disclosure, including the date on which it was received,
- b) whether the disclosure was a purported public interest disclosure,
- c) the nature of the serious wrongdoing the disclosure was about,
- d) if applicable—the relationship between the maker of the disclosure and the Council official whose serious wrongdoing the disclosure was about,
- e) whether the serious wrongdoing involved one Council official or more than one Council official,
- f) action taken by Council to deal with the disclosure, including the date on which Council ceased to deal with the disclosure,
- g) if Council investigated the serious wrongdoing—a description of the results of the investigation,

- h) if applicable—the corrective action taken, proposed to be taken or recommended to be taken by Council.

Internal oversight

Council's Public Interest Disclosures Coordinator (Manager Corporate Services) has the opportunity to meet with Council's Audit and Risk Management Committee in a confidential session, in the absence of other staff. The Public Interest Disclosures Coordinator, without specifying details of any individual matter, may discuss any and all matters relating to Council's compliance with the Public Interest Disclosures Act.

18. Roles and Responsibilities

a. The Role of Council Staff and Councillors

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

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

Staff and Councillors must not:

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

Additionally, the behaviour of all Council staff and Councillors involved in the public interest disclosures must adhere to the Bourke Shire Council Code of Conduct. A breach of the Code could result in disciplinary action.

b. The Role of Bourke Shire Council

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

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

deal with all reports of wrongdoing fairly and reasonably and respect the rights of any person the subject of a report.

To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

c. Responsibilities of Key Positions

General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Council complies with the PID Act. The General Manager can receive reports from staff, Councillors and other identified persons, and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with;
- deal with reports made under Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures;
- ensure there are strategies in place to support reporters, protect them 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 New South Wales Independent Commission Against Corruption (ICAC);
- refer any evidence of a reprisal offence under section 34 of the PID Act to NSW Police or the ICAC.

Public Interest Disclosures Coordinator

Council's Public Interest Disclosures Coordinator (Manager Corporate Services) has a vital role in Council's internal reporting system. The Disclosures Coordinator can receive and assess reports and is the primary point of contact in Council for the reporter. The Disclosures Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the General Manager);
- deal with reports made under Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures;
- coordinate Council's response to a report;
- acknowledge reports and provide updates and feedback to the reporter;
- assess whether it is possible and appropriate to keep the reporter's identity confidential;

- assess and document the risk of reprisal and workplace conflict related to, or likely to arise out of a report, and develop strategies to manage any risk identified;
- where required, provide or coordinate support to individuals involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- ensure Council complies with the PID Act;
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

Manager Human Resources

The Manager Human Resources (MHR) has been appointed as Council's (Alternate) Disclosures Coordinator. The Manager HR will assume the responsibilities of the Disclosures Coordinator outlined above during periods of absence of the Disclosures Coordinator or as directed by the General Manager.

Disclosures Officers

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing, and assist individuals to make reports.

Disclosures Officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter;
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary, away from the workplace;
- discuss with the reporter any concerns they may have about reprisal or workplace conflict;
- conduct preliminary assessment and forward reports to the Disclosures Coordinator or General Manager for full assessment.

Mayor

The Mayor can receive reports about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with;
- deal with reports made under Council's Code of Conduct in accordance with Council's adopted Code of Conduct procedures;
- refer reports to an investigating authority, where appropriate;
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report;
- refer actual or suspected corrupt conduct to the ICAC;
- refer any evidence of a reprisal offence under section 34 of the PID Act to NSW Police or the ICAC.

Supervisors

Supervisors who are not identified as Disclosure Officers still play a key role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors should be aware of the Public Interest Disclosures 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 staff to report known or suspected wrongdoing within the organisation and support them when they do;
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy;
- ensure that individuals who report suspected wrongdoing are assisted in making that report directly to a Disclosures Officer or the Disclosures Coordinator, to ensure protection from reprisal pursuant to the PID Act.
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report;
- notify the Disclosures Coordinator or General Manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

19. Training and Awareness

To ensure that Council creates a culture that facilitates the disclosure by council officials of serious wrongdoing within Council, a comprehensive and ongoing public interest disclosure training and awareness program will be implemented.

Refresher training will be provided at least every 3 years.

General awareness training

Council will ensure that all Council officials are made aware of the following:

- a) how to make a voluntary public interest disclosure, and
- b) the details of, and how to access, Council's Public Interest Disclosure policy, and
- c) the fact a person who is dissatisfied with the way in which a voluntary public interest disclosure has been dealt with by Council may be entitled to take further action under the PID Act.

Council will do the following as soon as reasonably practicable after a new Council official is appointed to their role/functions:

- a) give the Council official a copy of Council's Public Interest Disclosure policy;

- b) direct the Council official to the page of Council's public website or intranet, on which Council's Public Interest Disclosure policy is published.

Responsible officers training

Council will ensure that the following Council officials are made aware of the official's responsibilities under the PID Act and Council's Public Interest Disclosure policy:

- a) General Manager;
- b) Mayor;
- c) Disclosure officers identified by Council as Disclosure Officers in accordance with this policy;
- d) Public Interest Disclosures Coordinator (and their alternate).

Council will ensure that any Council official appointed to an above-mentioned role will be given the relevant training within a reasonable time after the person is appointed to the role, however no later than 3 months after the person commences in the role.

20. More Information

Staff can seek more information around public interest disclosures and advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

21. Resources

The contact details for external oversight authorities that staff receive external and independent advice from are listed below.

For information about corrupt conduct:

Independent Commission Against Corruption (ICAC).

Phone:	02 8281 5999
Toll Free:	1800 463 909
Email:	icac@icac.nsw.gov.au
Web:	www.icac.nsw.gov.au
Address:	Level 7 255 Elizabeth St Sydney NSW 2000

For information about maladministration:

NSW Ombudsman.

Phone:	02 9286 1000
Toll Free:	1800 451 524
Email:	nswombo@ombo.nsw.gov.au
Web:	www.ombo.nsw.gov.au
Address:	Level 24 580 George St Sydney NSW 2000

For information about breaches of the GIPA Act:

Information and Privacy Commissioner.

Toll Free:	1800 472 679
Email:	ipcinfo@ipc.nsw.gov.au
Web:	www.ipc.nsw.gov.au
Address:	Level 17 201 Elizabeth St Sydney NSW 2000

For information about local councils

Office of Local Government.

Phone:	02 4428 4100
Email:	olg@olg.nsw.gov.au
Web:	www.olg.nsw.gov.au
Address:	5 O'Keefe Avenue Nowra NSW 2541

22. Legislative Requirements

The Public Interest Disclosures (PID) Act 2022 (the PID Act) prescribes a framework for the disclosure and investigation of wrongdoing and maladministration in the public sector. Under section 42 of the PID Act, Bourke Shire Council is required to have in place a policy and procedures for receiving, assessing and dealing with public interest disclosures (PIDs).

23. Review

This Management policy will be reviewed every two years from the date of each adoption of the policy, or more frequently as required.

