

## Public Interest Disclosures and Internal Reporting

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**Branch** Corporate Governance

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| Terminology and formatting updated. Reviewed to accord with July 2020 model Code for Internal Reporting from Ombudsman NSW. Schedule document 'Nominated Disclosures Officers' included   | August 2020     |
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| Adopted by Council                 | 27 April 2023    |
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| <b>Notes</b>                       |                  |
|                                    |                  |

# POLICY

## PURPOSE

To ensure the 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.

## BACKGROUND AND RELATED LEGISLATION

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

Council takes all reports of wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

Council is strongly committed to creating a culture where reports of wrongdoing can be dealt with effectively. The aims of this policy are to:

- create a climate of trust, where people are comfortable and confident about reporting wrongdoing
- encourage individuals to come forward if they are aware of wrongdoing within Council
- keep the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate
- protect the person from any adverse action resulting from them making a report
- deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keep the individual who makes a report informed of their progress and the outcome
- encourage the reporting of wrongdoing within the Council, but respect any decision to disclose wrongdoing outside the Council that is made in accordance with the provision of the PID Act
- ensure Managers and Supervisors at all levels in the Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- review 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
  - provide training about how to make reports and the benefits of internal reports to Council and the public interest generally
  - properly assess and investigate or otherwise deal with allegations
  - properly manage any workplace issues that the allegations identify or that result from a report
  - appropriately address any identifies problems.

Under the PID Act, the Chief Executive Officer, as the head of the public authority is responsible for ensuring that:

- the Council has an internal reporting policy

- the staff of the Council and Councillors are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures
- the Council complies with the policy and the Council's obligations under the PID Act
- the policy delegates at least one staff member as being responsible for receiving public interest disclosures. Clause 3.15 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW requires the complaints coordinator to be a disclosures coordinator. The NSW Ombudsman recommends Councils nominate more than one person as being responsible for receiving public interest disclosures.

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 from staff and councillors and deal with them appropriately. Once wrongdoing has been reported, the 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.

Council must report on its obligations under the PID Act and provide statistical information about public interest disclosures in Council's annual report and to the NSW Ombudsman every six months.

## **SCOPE**

The integrity of our agency relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy will provide you with information on the following:

- ways you can 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 people who hold particular roles under the PID Act and who are employees of Council
- what information you will receive once you have made a voluntary PID
- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
- Council procedures for dealing with disclosures
- Council procedures for managing the risk of detrimental action and reporting detrimental action
- Council record-keeping and reporting requirements
- how Council will ensure it complies with the PID Act and this policy.

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

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

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

This policy should be read in conjunction with the Council Code of Conduct and PID Act. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

## DEFINITIONS

To assist in interpretation, the following definitions apply:

| Term                       | Definition   |
|----------------------------|--|
| Public Interest Disclosure | <ul style="list-style-type: none"> <li>• <i>Voluntary PID</i>: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.</li> <li>• <i>Mandatory PID</i>: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.</li> <li>• <i>Witness PID</i>: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.</li> </ul>  |
| Public official            | <p>You are a public official if you are:</p> <ul style="list-style-type: none"> <li>• a person employed in or by an agency or otherwise in the service of an agency:               <ul style="list-style-type: none"> <li>○ both Council staff and Councillors</li> <li>○ permanent employees, whether full-time or part-time</li> <li>○ temporary or casual employees</li> <li>○ consultants</li> <li>○ individual contractors working for Council</li> <li>○ employees of contractors providing services to Council</li> <li>○ other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.</li> </ul> </li> <li>• 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</li> <li>• an individual in the service of the Crown</li> <li>• a statutory officer</li> <li>• a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer</li> <li>• an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions</li> <li>• a judicial officer</li> <li>• a Member of Parliament (<b>MP</b>), including a Minister</li> </ul> |

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|  | <ul style="list-style-type: none"><li>• a person employed under the <i>Members of Parliament Staff Act 2013</i>.</li></ul> |
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## POLICY

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.

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:

- Code of Conduct Policy;
- Fraud and Corruption Prevention Policy;
- Complaints Management Policy;
- Grievance Resolution Policy.

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and there are certain decisions that need to be made on how the matter will be dealt with and how the person who has made the report will be protected and supported.

You can report wrongdoing in writing or verbally, however 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 ask the person making the report to sign this record. The reporter should keep a copy of this record.

There are three types of PIDs in the PID Act voluntary PID, mandatory PID and witness PID. This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

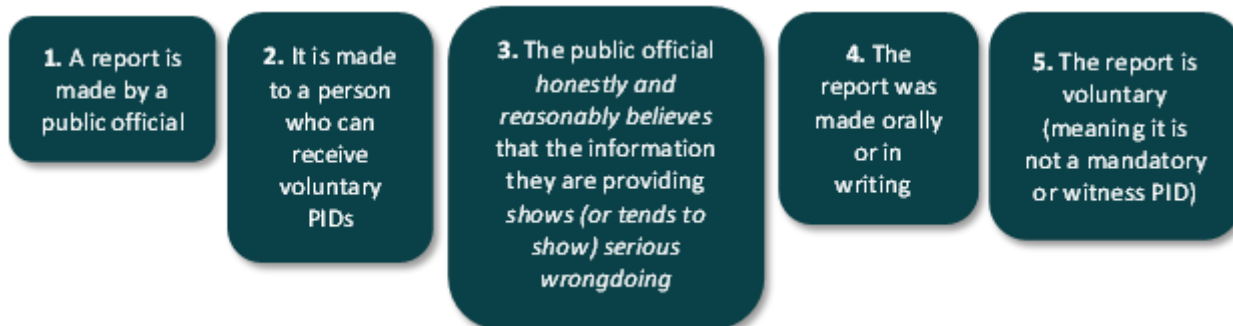
Council will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- the 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 Chief Executive Officer or, for reports about the Chief Executive Officer, the Mayor, a position nominated in this policy.

Reports by staff are not public interest disclosures if they mostly question the merits of government policy or are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’. They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

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



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

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds that the information you are reporting shows or tends to show serious wrongdoing. Even though you 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 you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review, or we make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this policy.

Any public official can make a voluntary PID. A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman.

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe
- *serious maladministration* — such as an agency systemically failing to comply with proper recruitment processes when hiring staff
- *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application

- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- *a privacy contravention* — such as unlawfully accessing a person’s personal information on an agency’s database
- *a serious and substantial waste of public money* — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.
- *Maladministration* – 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.
- *Breach of the GIPA Act* – breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

When you make your report, you do not need to state to Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing. All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include harassment and/or unlawful discrimination or practices that endanger the health or safety of staff or the public.

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

For a report to be a voluntary PID, it must be made to certain public officials. You can make a report inside Council to:

- CEO or Mayor (for reports about the Chief Executive Officer only)
- a Disclosure Officer for Council — a list of Disclosure Officers for Council and their contact details can be found at Appendix 1 of this policy
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* — this means the head of any public service agency
- an *integrity agency* — a list of integrity agencies is located at Appendix 2 of this policy
- a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is located in an agency’s PID policy which can be found on their public website
- a *Minister or a member of a Minister’s staff* but the report *must be made in writing*.

If you choose to make a disclosure outside of Council, it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You 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.



- 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 Council:
  - 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:
    - notice of Council decision to investigate the serious wrongdoing
    - a description of the results of an investigation into the serious wrongdoing
    - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- 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.

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

You can make a voluntary PID:

- *in writing* — this could be an email or letter to a person who can receive voluntary PIDs.
- *orally* — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- *anonymously* — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

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

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

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of Council’s policies for dealing with reports, allegations or complaints.

The Chief Executive Officer can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the ‘deeming power’.

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

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

When you make a voluntary PID you receive special protections under the PID Act, and we are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

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

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential. Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency. There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or Council reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act. We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for 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.

The maker of a voluntary PID is also protected in the following ways:

- *Protection from detrimental action*
  - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation, or dismissal.
  - Once we become aware that a voluntary PID by a person employed or otherwise associated with Council that concerns serious wrongdoing relating to Council has been made, Council will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.

- It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*  
Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.
- *Confidentiality*  
Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.
- *Protection from liability for own past conduct*  
The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Council, or to an integrity agency. If Council becomes aware of an allegation of detrimental action it will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

The Manager Corporate Governance is responsible for making referral about alleged detrimental action offences.

### **Report process**

When a report has been received it will be assessed to determine if it is a voluntary PID. If the report is classified as a voluntary PID the person who made the report will receive the following:

- An acknowledgement that the report has been received. The acknowledgement will state that the report will be assessed to identify if it is a PID, state that the PID Act applies to how Council deals with the report, provide clear information on how you can access this PID policy and provide you with details of a contact person and available supports (such as the *Employee Assistance Program*).

- If the report is a voluntary PID, we will inform you of how we intend to deal with the report and this may include that we are investigating the serious wrongdoing, that we are referring the report to another agency or if we have decided not to investigate or refer the report.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. You are also able to liaise with your contact person should you require more frequent updates. You will be provided with the following information upon completion of the investigation:
  - description of the investigation results
  - information about corrective action/s which can include:
    - a formal apology
    - improving internal policies to 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
    - payment of compensation to people who have been affected by serious wrongdoing or other conduct

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 you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have. If you have made an anonymous report, in many cases we may not be able to provide this information to you.

People who make voluntary PIDs can seek internal review of the following decisions made by Dubbo Regional Council:

- that Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Council decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Council will ensure internal reviews are conducted in compliance with the PID Act. If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of Council's decision to the Manager Corporate Governance via Governance department email [governance@dubbo.nsw.gov.au](mailto:governance@dubbo.nsw.gov.au). The application should state the reasons why you consider Council's decision should not have been made and you may also submit any other relevant material with your application. The Manager Corporate Governance will acknowledge the application and proceed to conduct a review within 14 working days of the acknowledgement.

If a dispute arises between Council and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Council and the maker of the report are willing to resolve the dispute.

However, when the report is not a voluntary PID it may still need to be dealt with in a manner consistent with other Council policies and you will receive notification that the PID Act does not apply to the report.

Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Council complies with its obligations under the *State Records Act 1998*. Council will also provide an annual report to the NSW Ombudsman, as prepared by the Corporate Governance department, which includes:

- information about voluntary PIDs received by Council during each return period
- action taken by Council to deal with voluntary PIDs during each return period
- how Council promoted a culture in the workplace where PIDs are encouraged

These reports will also be provided to the Audit, Risk and Improvement Committee.

## **RESPONSIBILITIES**

Certain people within Council have responsibilities under the PID Act.

### *Chief Executive Officer*

The Chief Executive Officer (CEO), or Interim Chief Executive Officer, has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the Council complies with the PID Act. The CEO can receive reports from staff and Councillors 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 the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- 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.
- foster a workplace culture where reporting is encouraged
- receive disclosures from public officials
- ensure there is a system in place for assessing disclosures
- ensure the Council complies with this policy and the PID Act
- ensure that the Council has appropriate systems for:
  - 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.

### *Mayor (or Administrator)*

The Mayor can receive reports from staff and Councillors about the CEO. 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 the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- refer reports to an investigating authority, where appropriate
- liaise with the Disclosures Coordinator (Manager Corporate Governance) 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 20 of the PID Act to the Commissioner of Police or the ICAC.

#### *Disclosures Coordinator*

Council's Disclosures Officer is the Manager Corporate Governance. The Disclosures Coordinator has a central role in Council's internal reporting system and can receive and assess reports, being 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 Chief Executive Officer)
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- coordinate Council's response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff 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.

#### *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 staff and councillors to make reports. Council has made it easier for staff wanting to make a disclosure by increasing the number of staff who are Disclosure Officers. Trained Disclosure Officers are now located in a number of Council work locations. Please refer to Appendix 1, attached, for details of the current Disclosures Officers at Council.

Disclosures Officers have a responsibility to:

- receive reports from public officials
- make arrangements to ensure reporters can make reports privately and discreetly when requested and if necessary, away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict

- carry out preliminary assessment and forward reports to the Disclosures Coordinator or Chief Executive Officer for full assessment.
- receive reports when they are passed on to them by managers
- ensure reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensure that any oral reports that have been received are recorded in writing, and have the document signed and dated by the reporter.

### *Supervisors and Managers*

Supervisors and Managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and Managers 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 staff to report known or suspected wrongdoing within the organisation and support staff when they do
- receive reports from persons that report to them or that they supervise
- 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 the Disclosure Officer
- 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 Chief Executive Officer 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 Chief Executive Officer, notify the Mayor.

### *All employees*

Staff and Councillors play an important 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 or other misconduct and support those who have made reports of wrongdoing
- if requested, use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Council 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

Who can receive a report within the Dubbo Regional Council:

Staff 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.

The following positions are the only people within Dubbo Regional Council 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 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.

If your report involves a Councillor, you should make it to the Chief Executive Officer. If your report relates to the Chief executive Officer, you should make it to the Mayor.

#### **Chief Executive Officer**

- Murray Wood  
[Murray.wood@dubbo.nsw.gov.au](mailto:Murray.wood@dubbo.nsw.gov.au) – (02) 6801 4110

#### **Mayor (for reports about the Chief Executive Officer only)**

- Joshua Black  
[Mayor@dubbo.nsw.gov.au](mailto:Mayor@dubbo.nsw.gov.au) – (02) 6801 4101

#### **Disclosures Coordinator**

- Manager Corporate Governance – Abbey Rouse  
[Abbey.rouse@dubbo.nsw.gov.au](mailto:Abbey.rouse@dubbo.nsw.gov.au) – (02) 6801 4240

Dubbo Regional Council's current Disclosures Officers are listed in **Appendix 1 Nominated Disclosures Officers**. The Manager Corporate Governance is authorised to update the **Appendix 1 Nominated Disclosures Officers** as required to reflect staffing changes and the inclusion of further Disclosures Officers.

#### **APPENDICES**

1. Names and locations of Disclosure Officers for Council
2. List of integrity agencies
3. Flow chart of internal reporting process



## Appendix 1.

### Names and contact details of Disclosure Officers for Council

| Nominated Disclosures Officers |   |  |
|--------------------------------|---|--|
| Staff Member                   | Position  | Work Location                            |
| Karen Robertson                | Manager, People Culture and Safety                    | Council Administration Building, Level 1 |
| Abbey Rouse                    | Manager Corporate Governance                          | Council Administration Building, Level 1 |
| Susan Wade                     | Governance Team Leader                                | Council Administration Building, Level 1 |
| Celeste Williams               | Governance Officer                                    | Council Administration Building, Level 1 |
| Toni Naden                     | Governance Officer                                    | Council Administration Building, Level 1 |
| Stephanie Williamson           | Chief Financial Officer                               | Council Administration Building, Level 1 |
| Tim Nicholls                   | Economic Development and Visitor Services Team Leader | Carrington Avenue                        |
| Desmond Mackay                 | Team Leader, Natural Resources                        | Dubbo Works Depot                        |
| Lana Willetts                  | Events and Partnership Team Leader                    | Council Administration Building, Level 2 |
| Michelle Tonkins               | Wellington Caves Complex Operations Coordinator       | Wellington Caves                         |
| Samuel McGregor                | Stores and Depot Coordinator                          | Dubbo Works Depot                        |
| Daniel Peterson                | Fleet Maintenance Coordinator                         | Dubbo Works Depot                        |
| Jess Moore                     | Cultural Development Coordinator                      | Western Plains Cultural Centre           |
| Paul Miller                    | Business Systems Team Leader                          | Wellington Administration Building       |
| Christy White                  | Manager Community Services                            | Community Services                       |
| Luke Milgate                   | Senior Stores Officer                                 | Wellington Works Depot                   |
| Anne Barwick                   | Resources and Technology Coordinator                  | Dubbo Library                            |
| Margot Drake                   | Wellington Branch Librarian                           | Wellington Library                       |
| Jackie Parish                  | Manager Dubbo Regional Airport                        | Dubbo Regional Airport                   |
| Steve Parish                   | Building Services Coordinator Wellington              | Wellington Administration Building       |

Appendix 2.

List of integrity agencies

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

Flow chart of internal reporting process

