



Bayside Council

Serving Our Community

Public Interest Disclosures Policy

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Public Interest Disclosures Policy
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1 Purpose

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

At Bayside Council we take 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.

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

This policy sets out:

- how Bayside Council will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections which are available to you under the PID Act.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

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

In NSW, that framework is the PID Act.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the staff grievance process. If a staff member makes a report under this policy which is substantially a grievance, the matter is referred to the relevant People & Culture Partner to be dealt with.

This policy should be read in conjunction with:

- Council's Values
- Council's Code of Conduct and associated Procedures
- Council's Fraud & Corruption Prevention Policy
- Council's Complaints Management Policy and Guidelines
- Council's Grievance Resolution Policy

2 Accessibility of this policy

This policy is available on Bayside Council's publicly available website as well as on the intranet.

A copy of the policy is also sent to all staff of Bayside Council on their commencement. A hard copy of the policy can be requested from Manager Governance & Risk.

3 Organisational commitment

Bayside Council does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention. Bayside Council is committed to:

- creating a climate of trust, where people are comfortable and confident about reporting wrongdoings
- encouraging individuals to come forward if they are aware of wrongdoings within Bayside Council
- keeping the identity of the person disclosing wrongdoings confidential, wherever possible and appropriate
- protecting the person from any adverse action resulting from them making a report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping individual who make reports informed of their progress and the outcome
- encouraging staff to report wrongdoing within Bayside Council, but respecting any decision to disclose wrongdoing outside the Council – provided that disclosure outside Bayside Council is made in accordance with the provisions of the PID Act
- ensuring managers and supervisors at all levels understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- reviewing this policy periodically to ensure it is relevant and effective
- providing 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 identified problems.

4 Definitions

In the Public Interest Disclosure Policy, the following terms have the following meanings:

Act Local Government Act 1993

Agency	Includes a local government authority. Bayside Council is an agency
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Council Officer	Bayside Council members of staff (including full-time, part-time, casual and contracted staff).
Detriment	<p>Detriment is defined in section 32(1) of the PID Act as disadvantage to a person, including:</p> <ul style="list-style-type: none"> • Injury, damage or loss. • Property damage. • Reputational damage. • Intimidation, bullying or harassment. • Unfavourable treatment in relation to another person's job. • Discrimination, prejudice or adverse treatment. <p>Disciplinary proceeding or disciplinary action.</p>
Detrimental action	<p>Detrimental action is defined in section 32(2) of the PID Act as an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied).</p> <p>Detrimental action does not include:</p> <ul style="list-style-type: none"> • Lawful action taken by a person or body to investigate serious wrongdoing or other misconduct. • The lawful reporting or publication of a finding of serious wrongdoing or other misconduct. • The lawful making of adverse comment, resulting from investigative action. • The prosecution of a person for a criminal offence. <p>Reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.</p>
Disclosure Officer	A person responsible for receiving voluntary public interest disclosures on behalf of Council,
Integrity Agency	Any of the following the NSW Ombudsman, the Auditor-General, the Independent Commission Against Corruption, the Inspector of the Independent Commission Against Corruption, the Law Enforcement Conduct Commission, the Inspector of the Law Enforcement Conduct Commission, the Secretary of the Department of Planning, Industry and Environment when exercising particular functions under the Local Government Act, the Privacy Commissioner, and the Information Commissioner.
Manager	Manager in the PID context is defined in section 15 (1) (e) of the PID Act to be any Council Officer who another public official reports directly or indirectly to or who directly or indirectly supervises the public official in the exercise of that public official's functions.
PID	Public Interest Disclosure

Public Interest Disclosures Coordinator	The Council Official responsible for coordinating Council's response to receiving and dealing with PIDs. This Public Interest Disclosures Coordinator is a disclosure officer.
Public Official	<p>Public official is defined in section 14 of the PID Act to include:</p> <ul style="list-style-type: none"> • A person employed by Bayside Council or otherwise in service of Bayside Council. • 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. • A person providing services or exercising functions on behalf of Bayside Council, including a contractor, subcontractor or volunteers. <p>Public officials will also include persons that fall within the definition of the public official in the PID Act that are not related to Council. For example, a person working at another council will be a public official for the purposes of making a PID.</p>
Voluntary PID	This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know and defined with under Division 2 of the PID Act.
Mandatory PID	This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency and defined with under section 22 of the PID Act.
Witness PID	This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator and defined with under section 23 of the PID Act.

5 Who does this policy apply to?

This policy applies to:

- both Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Bayside Council
- employees (including volunteers) of contractors providing services to Bayside Council
- other people who perform Bayside Council official functions whose conduct and activities could be investigated by an agency.
- Any other person providing services or exercising functions on behalf of an Council, including a contractor, subcontractor or volunteer

The policy also applies to public officials of another Council or public authority who report wrongdoing relating to Bayside Council.

The General Manager, other nominated disclosure officers and those who directly or indirectly supervises another Council Official or directly or indirectly supervises the council official in the exercise of the council official's functions (e.g. Managers, Coordinators, Team Leaders, Supervisors) within Bayside Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for Council may use this policy if they want information on who they can report wrongdoing to within Council.

6 Who does this policy not apply to?

This policy does not apply to:

- people who have received services from Bayside Council and want to make a complaint about those services
- people, such as contractors, who provide services to Bayside Council. For example, employees of a company that sold computer software to Bayside Council.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 8(1) of this policy for more information).

However, you can still make a complaint to Bayside Council, or another agency listed in Appendix 2.

You can find information about Bayside Council's Complaints Management Policy and Guidelines on our website. Feedback can be provided by:

- Email
council@bayside.nsw.gov.au
- Phone
[1300 581 299](tel:1300581299) (feedback can be received between 8:30am and 4:30pm, Monday to Friday)
- In person
Customer Service Centres open 8:30am and 4:30pm, Monday to Friday:
Westfield Eastgardens; 152 Bunnerong Road Eastgardens NSW 2036
Rockdale Library; 444-446 Princes Highway, Rockdale NSW 2216

7 What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID under the PID Act
- the names and contact details for the nominated disclosure officers
- the roles and responsibilities of people who hold particular roles under the PID Act and who are Council officials
- 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
- procedures for dealing with disclosures
- procedures for managing the risk of detrimental action and reporting detrimental action
- record-keeping and reporting requirements
- how we 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 the Disclosures Coordinator
- confidentially contact a nominated disclosure officer
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or
- access the NSW Ombudsman's PID guidelines 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.

8 How to make a report of serious wrongdoing

8.1 Reports, complaints, and grievances

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, if 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 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 we have certain decisions that we must make on how we will deal with the PID and how we will protect and support the person who has made the report.

8.2 When will a report be a PID?

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

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

- **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

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. More information about protections is available in section 9 of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

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:

1. A report is made by a public official

2. It is made to a person who can receive voluntary PIDs

3. The public official *honestly and reasonably believes* that the information they are providing *shows (or tends to show) serious wrongdoing*

4. The report was made orally or in writing

5. The report is voluntary (meaning it is not a mandatory or witness PID)

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

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 15 of this policy.

8.3 Who can make a voluntary PID?

Any public official can make a voluntary PID — see 'Who this policy applies to'. You are a public official if:

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

As a public official, you can make a PID about serious wrongdoing relating to any agency listed in the PID Act, not just about Bayside Council. This means that we may receive PIDs from public officials outside Bayside Council. 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. Appendix 2 of this policy has a list of integrity agencies.

8.4 What is serious wrongdoing?

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 - is the dishonest or partial exercise of official functions by a public official – for example:

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

Serious maladministration —is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives – for example:

- 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.

A government information contravention - breach of the Government Information (Public Access) Act 2009 (GIPA Act) is a failure to properly fulfil functions under that Act – for example:

- 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.

A local government pecuniary interest contravention —is a failure to comply with requirements under the Local Government Act 1993 relating to the management of pecuniary interests. Such obligations include lodgement of disclosure of interests returns, disclosure of pecuniary interests at Bayside Council and Bayside Council committee meetings and leaving 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:

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

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 —is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money – for example:

- 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.

When you make your report, you do not need to state to Bayside Council what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

8.5 Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

8.5.1 Making a report to a public official who works for Bayside Council

1. Mayor/Councillors can make a report to the General Manager unless it involves the General Manager, then Councillors should make it to the Mayor.
2. You can make a report inside Bayside Council to:

- The General Manager (and particularly for reports about Mayor/Councillors)
- Mayor (only for reports relating to the General Manager)
- a disclosure officer for Bayside Council — a list of disclosure officers for Bayside 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 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. You can use the Internal Report Form (included in the Appendix 4).

8.5.2 Making a report to a recipient outside of Bayside Council

You can also make your report to a public official in another agency (meaning an agency defined in the PID Act) or an integrity agency. These include:

- the head of another agency - e.g. the head of any public service agency, the General Manager/CEO of another Council
- an integrity agency - contact details for each investigating authority are provided in Appendix 2.
- 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 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 Bayside Council, it is possible that your disclosure will be referred to Bayside Council so that appropriate action can be taken.

8.5.3 Making a report to a Member of Parliament or journalist

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 Bayside 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 Bayside Council’s 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.

For more information about reporting wrongdoing outside Bayside Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided in Appendix 2.

8.6 What form should a voluntary PID take?

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 (except a Minister or member of the Minister's staff). 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 Bayside Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.

8.7 What should I include in my report?

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.

The Internal Report Form (included in the Appendix 4) should assist in capturing the information needed.

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

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Bayside 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 Bayside Council's policies for dealing with reports, allegations or complaints.

8.9 Deeming a report is a voluntary PID

The General Manager 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 the General Manager to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the General Manager or the Disclosures Coordinator. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

8.10 Who can I talk to if I have questions or concerns?

The Disclosures Coordinator can provide you with further information so that your concerns can be addressed. When contacting them state that the matter is confidential.

9 Protections

9.1 How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act.

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.

The maker of a voluntary PID is 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 Bayside Council that concerns serious wrongdoing relating to Bayside Council has been made, Bayside 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, 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 including Councils 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.

9.2 Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- **A mandatory PID:** This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

- **A witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> • breaching a duty of secrecy or confidentiality, or • breaching another restriction on disclosure 	✓	✓

10 Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to Bayside Council (i.e. the General Manager or Disclosures Coordinator), or to an integrity agency. A list of integrity agencies is located at Appendix 2 of this policy.

11 General support

Bayside Council ensures that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need because of the reporting process – such as stress management or counselling services.

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.

Bayside Council offers a free Employee Assistance Program (EAP) for support and / or counselling for workplace and personal issues. Details about the service and how

to contact the EAP can be accessed from the Intranet. Council also offers advice for your health and wellbeing.

12 Roles and responsibilities of Council employees

Bayside 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 responsibility includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from detrimental action and manage workplace conflict.

Council assesses all reports of wrongdoing it receives from staff and Councillors and deals with them appropriately. Once suspected wrongdoing has been reported, Bayside Council takes 'ownership' of the matter. Council decides whether a report should be investigated, and if so, how it should be investigated and by whom. Bayside Council deals 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 statistical information about public interest disclosures in Council's annual report and to the NSW Ombudsman annually.

To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, certain people within Bayside Council have responsibilities under the PID Act.

12.1 The General Manager is responsible for:

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials including Councillors (where it is not about the General Manager)
- ensuring there is a system in place for assessing disclosures
- ensuring the Bayside Council complies with this policy and the PID Act
- ensuring 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.

12.2 Disclosures Coordinator

The Disclosures Coordinator has a central role in Bayside Council's internal reporting system. The Disclosures Coordinator can receive and assess reports and is the primary point of contact in Bayside Council for the disclosure officer. 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 Code of Conduct procedures
- coordinate Bayside 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 detrimental action 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
- ensures Bayside Council complies with the PID Act
- provides an annual return to the NSW Ombudsman in accordance with section 78 of the PID Act.
- Provides information to the NSW Ombudsman as required under other provisions of the PID Act.

The Disclosures Coordinator is appointed by the General Manager and listed in Appendix 1.

12.3 Disclosure Officers

Disclosure Officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensuring that any oral reports that have been received are recorded in writing.

Disclosure Officers are important points of contact within the internal reporting framework. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing, and assist staff to make reports.

A list of Disclosure Officers is contained in Appendix 1 to this policy. From time-to-time, the General Manager approves appropriate Council officers from various locations and Departments to be Disclosure Officers. Changes to Appendix 1 to accommodate position/staff changes can be approved by the Manager Governance & Risk as this is classified as a minor amendment and does not change the policy substance.

12.4 Managers, Coordinators, Supervisors and Team Leaders

Managers, Coordinator, Supervisors and Team Leaders play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process.

The responsibilities of 'managers', as defined by the PID Act (see Definitions section) include:

- receiving reports from persons that directly or indirectly report to them or that they directly or indirectly supervise in performance of their functions
- passing on reports they receive to a disclosure officer
- Accompanying the person making a disclosure to a disclosure officer.

Managers, Coordinators, Supervisors and Team leaders 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,
- 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,
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of detrimental action 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 detrimental action as a result of reporting wrongdoing, or in the case of suspected detrimental action by the General Manager, notify the Mayor.

12.5 The role of Councillors and Council staff

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

- report suspected serious wrongdoing or other misconduct in accordance with this Policy,
- 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 Bayside Council,
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All Councillors and staff must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

Additionally, the behaviour of all Councillors and staff involved in the internal reporting process must adhere to Bayside Council's Code of Conduct. A breach of the Code could result in disciplinary action.

12.6 Mayor

The Mayor can receive reports from staff and Councillors about the General Manager. Where the Mayor receives such reports, the Mayor has a responsibility (where practicable in conjunction with the Disclosure Co-ordinator) to:

- assess the reports to determine whether 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 Code of Conduct Procedures
- refer reports to an integrity agency, where appropriate
- ensure there are strategies in place to support reporters, protect reporters from detrimental action 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 detrimental action offence under Division 2 of the PID Act to the Commissioner of Police or the ICAC.

Note: In assessing reports, the Mayor will seek guidance from the Disclosures Coordinator or an integrity agency.

13 How we will deal with voluntary PIDs

13.1 Keeping you informed

When a disclosure officer in Bayside Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- an acknowledgment that the report has been received. This acknowledgement will:
 - state that the report will be assessed to identify whether it is a PID
 - state that the PID Act applies to how Bayside Council deals with the report
 - provide clear information on how you can access this PID policy
 - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, as soon as possible, details as to how we intend to deal with the report. This may include:
 - that we are investigating the serious wrongdoing
 - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
 - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with details on how the investigation is progressing at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
 - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
 - information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing

or if the serious wrongdoing was by Bayside Council, what we have put in place to address that serious wrongdoing.

- Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.

There may be some details about both the findings made because 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.

13.2 How Bayside Council will deal with voluntary PIDs

Once a report that may be a voluntary PID is received Bayside Council will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act. A flowchart summarising internal reporting process is attached as Appendix 3 and further information is contained in section 14 of this Policy.

13.2.1 Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our Complaints Management Policy and Guidelines or through an alternate process.

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

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. Bayside Council can, but do not have to, request the NSW Ombudsman to conciliate the matter.

13.2.2 Cease dealing with report as voluntary PID

Bayside Council may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID) and will notify you in writing.

13.2.3 Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.

- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the Independent Commission Against Corruption Act 1988.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

13.3 How Bayside Council will protect the confidentiality of the maker of a voluntary PID

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 Bayside 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.

We will do this by discussing with you whether it is possible to keep your identity confidential. If confidentiality cannot be maintained, Council develops a plan to support and protect you from detrimental action in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it, including 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 we can protect you from any detrimental action.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report. We will remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

13.4 How Bayside Council will assess and minimise the risk of detrimental action

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

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

Bayside Council will take steps to assess and minimise the risk of detrimental action. When a public official reports wrongdoing we, generally through the Disclosures Coordinator, undertakes a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment also identifies strategies to deal with those risks and determines 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 are only be taken in consultation with the reporter.

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

- injury, damage, or loss

- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

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

13.5 How Bayside Council will deal with allegations of a detrimental action offence

If Bayside Council become(s) aware of an allegation that a detrimental action offence has occurred or may occur, Bayside Council will:

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

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, a Disclosures Coordinator or the General Manager immediately. In the case of an allegation of detrimental action by the General Manager, you can alternatively report this to the Mayor.

All "managers", as defined in the Definitions section, must notify the Disclosures Coordinator or the General Manager if they suspect that detrimental action 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 detrimental action by the General Manager, the Mayor can alternatively be notified.

If Bayside Council becomes aware of or suspects that detrimental action is being or has been taken against a person who has made a disclosure, Council (generally by the General Manager or Disclosures Coordinator):

- assesses the allegation of detrimental action 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 detrimental action allegation warrants investigation, ensures this is conducted by a senior and experienced member of staff
- if it is established that detrimental action is occurring against someone who has made a report, takes all steps possible to stop that activity and protects the reporter
- takes appropriate disciplinary action against anyone proven to have taken or threatened any action in detrimental action for making a disclosure
- refers any breach of Council's Code of Conduct (regarding detrimental action) by a Councillor or the General Manager to the Office of Local Government.
- refers any evidence of an offence under Section 33 of the PID Act to the ICAC or NSW Police Force.

If you allege detrimental action, you are 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 detrimental action which you believe is not being dealt with effectively, you may contact an integrity agency but for local government the general contact is with the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these integrity agencies are included in Appendix 2.

13.6 What Bayside Council will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Bayside Council will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

14 Feedback to staff who report wrongdoing

14.1 Acknowledgement

Staff and Councillors who report wrongdoing are told what is happening in response to their report.

When you make a report, Bayside Council contacts you 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, Bayside Council sends 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.

Bayside Council provides this information to you within ten (10) working days from the date you make your report. Council also advises you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

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

14.2 Progress updates

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

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by Bayside 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.
- Bayside Council will provide updates on the progress of any investigation at least every three (3) months.

14.3 Feedback

As soon as reasonably practicable after the matter has been finalised, or a decision is made, 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.
- Your rights of internal review and/or voluntary dispute resolution.

15 Review and dispute resolution

15.1 Internal review

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

- that Bayside Council is not required to deal with the report as a voluntary PID

- to stop dealing with the report because Bayside 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.

Bayside 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 Bayside Council's decision. The application should state the reasons why you consider Bayside Council's decision should not have been made. You may also submit any other relevant material with your application.

15.2 Voluntary dispute resolution

If a dispute arises between Bayside 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 Bayside Council and the maker of the report are willing to resolve the dispute.

16 Other Bayside Council obligations

16.1 Record-keeping requirements

Bayside Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Bayside Council complies with its obligations under the *State Records Act 1998*.

Council's Disclosure Officer is responsible for collecting information about voluntary PIDs, ensuring that it is properly and securely stored in Council's Electronic Document Records Management system.

16.2 Reporting of voluntary PIDs and Bayside Council's annual return to the Ombudsman

Each year Bayside Council provides an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Bayside Council during each return period (yearly with the start date being 1 July)
- action taken by Bayside Council to deal with voluntary PIDs during the return period
- how Bayside Council promoted a culture in the workplace where PIDs are encouraged.

The information is collected and reported by the Disclosures Coordinator.

17 How Bayside Council will ensure compliance with the PID Act and this policy

Bayside Council will ensure compliance with the PID Act by conducting

- training and awareness campaigns
- periodic reminders
- management reporting to Executive and Audit Risk & Improvement Committee
- disciplinary action
- regular reviews of timeframes
- periodic reviews of this Policy
- audit included with Council's strategic audit plan.

The Disclosures Co-ordinator will have oversight of the compliance arrangements.

18 Sanctions for making false or misleading statements

It is important all staff and Councillors are aware that it is a criminal offence under section 84 of the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Council does not support staff or Councillors who wilfully make false or misleading reports. 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.

It is also an offence under Section 85 of the PID Act to influence a person to refrain from making a public interest disclosure, or to prevent, or attempt to prevent, someone from making a disclosure.

Note: The internal investigation of complaints made under this Policy are to be conducted taking into account publications by the Independent Commission Against Corruption (ICAC), the NSW Ombudsman's Office and any Bayside Council Procedures.

19 The rights of persons the subject of a report

Bayside Council is committed to ensuring public officials who are the subject of a report of wrongdoing are treated fairly and reasonably. These commitments include 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 where the report becomes the subject of an investigation, at the appropriate time, and before any adverse findings. At this time you are:

- 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.

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

20 More information

More information around public interest disclosures is available on our intranet. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website www.ombo.nsw.gov.au

21 Resources

The contact details for external investigating authorities that staff can make a public interest disclosure to or seek advice from are listed in Appendix 2.

22 Policy implementation

22.1 Policy responsibilities

Under the PID Act, the General Manager is responsible for ensuring that:

- Council has an internal reporting policy
- The staff of 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
- Council complies with the policy and Council's obligations under the PID Act
- The policy delegates at least one staff member as being responsible for receiving public interest disclosures.

The Manager Governance & Risk has responsibility for the implementation of the policy, and for providing advice.

The Manager Business Transformation, in conjunction with the Manager Governance & Risk, is responsible for appropriate training to be provided at induction for new staff, and to all staff annually.

22.2 Procedures

Procedures that support this policy, may be approved by the General Manager from time to time.

22.3 Breaches

Breaches of the policy may be dealt with in accordance with the PID Act and Bayside Council's Code of Conduct.

23 Document control

23.1 Review

This policy will be reviewed by Council every four (4) years however it may be required to be reviewed earlier due to relevant legislation changes and/or guidance advice from the NSW Ombudsman.

The Manager Governance & Risk may approve non-significant and/or minor editorial amendments that do not change the policy substance.

23.2 Related documents

Relevant legislation

- Public Interest Disclosures Act 2022
- Public Interest Disclosures Regulation 2022
- Government Information (Public Access) Act 2009
- State Records Act 1988
- Work Health and Safety Act

Relevant Council policies and other documents

- Governance Framework
- Code of Conduct
- Code of Conduct Procedures
- Prevention of Bullying, Harassment and Discrimination Policy
- Complaints Management Policy
- Grievance Resolution Policy
- Public Interest Disclosures guidelines issued by the NSW Ombudsman Office

23.3 Version history

Version	Release Date	Author	Reason for Change
1.0	14/12/2016	Acting Manager Executive Services	New document
1.1	29/11/2017	Coordinator Governance	Minor editorial amendments.
2.0	08/08/2018	Coordinator Governance	Policy review due to updated NSW Ombudsman's Guidelines and Templates
2.1	21/09/2021	Coordinator Governance	General review in conjunction with appointment of new Disclosures Officers. Approved by Manager Governance & Risk.
3.0	25/10/2023	Coordinator Governance	Major review due to new PID Act 2022

Appendix 1 – Disclosure Officers

A. Positions of disclosure officers for Bayside Council

Council worksites	Position Title	Bayside nominated additional PID Officers
Rockdale Administration Building	General Manager Mayor (reports regarding GM only)	Manager Business Transformation Coordinator Workplace Relations
Rockdale Library & Customer Service Centre	Manager Customer Experience	Coordinator Customer Experience Coordinator Libraries P&C Partner x 1
Bexley Depot	Director City Presentation	P&C Partners x 2
Mascot Depot	Coordinator Operations, Waste & Cleansing Services	P&C Partners x 2
Botany Depot	Manager City Works	P&C Partners x 2
Mascot Childcare	Centre Director	P&C Partner x 1
Hillsdale Childcare	Centre Director	P&C Partner x 1
Garrigarrang Childcare	Centre Director	P&C Partner x 1
Botany Family Daycare	Centre Director	P&C Partner x 1
Hillsdale Community Centre	Director City Life	P&C Partner x 1
Eastgardens Customer Service & Library	Senior Customer Service Officer	P&C Partner x 1
Arncliffe Library	Senior Librarian	P&C Partner x 1
Bexley North Library	Senior Librarian	P&C Partner x 1
Brighton-le-Sands Library	Senior Librarian	P&C Partner x 1
Sans Souci Library	Senior Librarian	P&C Partner x 1
Mascot Library	Senior Librarian	P&C Partner x 1
East Gardens Library	Manager Libraries & Lifestyle	P&C Partner x 1
Rockdale Community Nursery	Nursery Manager	P&C Partners x 2
Botany Aquatic Centre	Aquatics Centre Manager	P&C Partner x 1
Bexley Aquatic Centre	Aquatics Centre Manager	P&C Partner x 1
Arncliffe Youth Centre	Coordinator Youth Services	P&C Partner x 1

B. Contact details of Disclosure Officers

Each of the above officers can be contacted by staff by all internal communication methods. Other persons may contact the above listed officers by calling 1300 581 299 or +61 29562 1666 and asking to speak to the relevant officer stating that the matter is confidential.

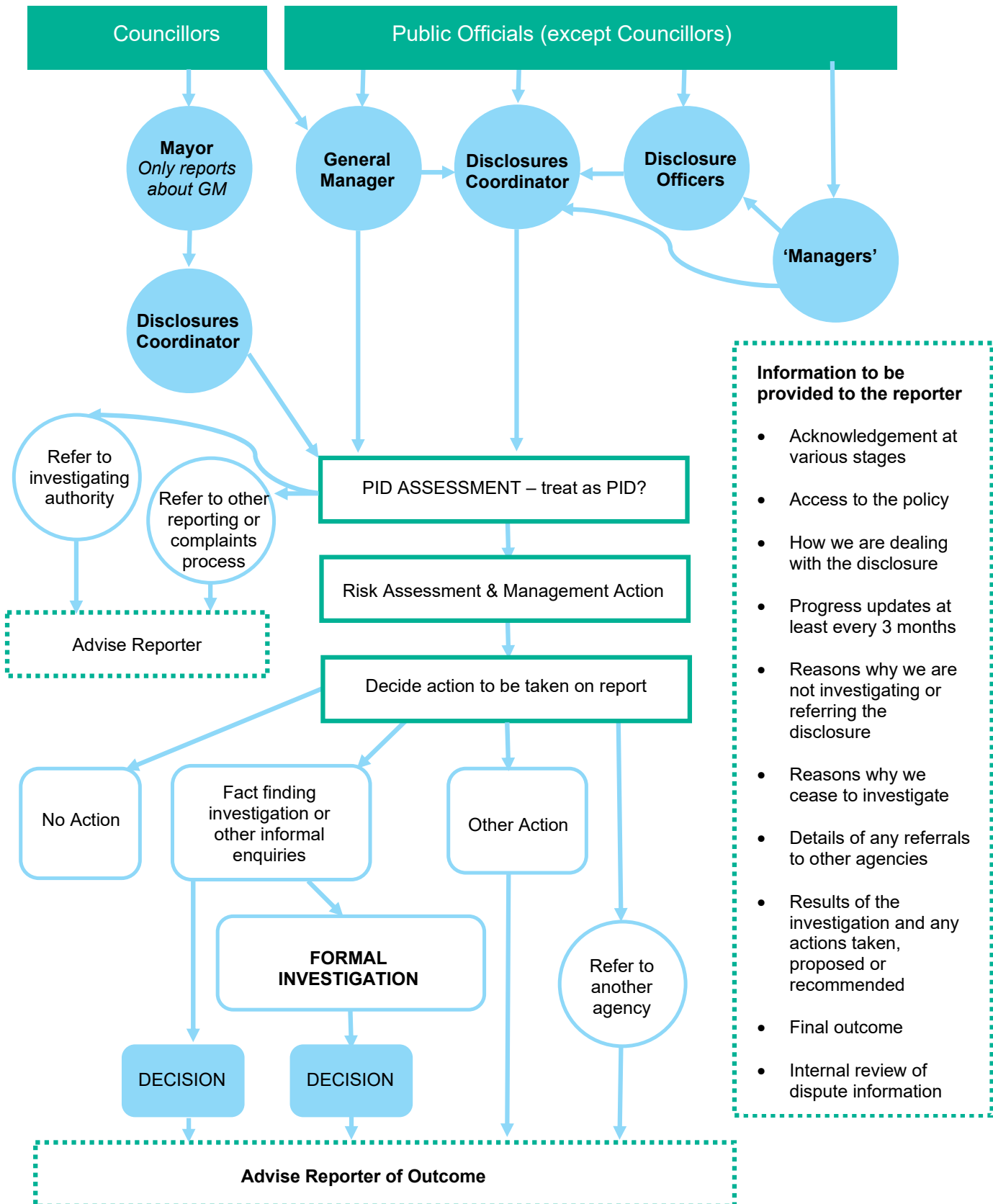
C. Disclosures Coordinator

Council worksites	Disclosures Coordinator	Alternate Disclosures Coordinator
Rockdale Administration Centre	Manager Governance & Risk	Coordinator Governance

Appendix 2 – List of integrity agencies

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

Appendix 3 Flow chart of disclosure process



Appendix 4 Internal Report Form

To be completed by an internal reporter and submitted to a nominated disclosures officer

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

Appendix 5 Checklist – Initial Assessment of Internal Report

To be completed by a nominated disclosures officer or disclosures coordinator

Public Interest Disclosures – General Criteria		Comments
1	Is the reporter a public official? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Anonymous	Under the <i>Public Interest Disclosures (PID) Act 1994</i> , A <i>public official</i> includes employees, volunteers, individual contractors, certain employees of contracting companies and any other person performing a public official function for your public authority. If the reporter is not a <i>public official</i> the report is not likely to be a PID. If the reporter is anonymous, the content of the report may tend to indicate that the reporter is a public official. In such cases it is always best to assume the reporter is a public official until there is evidence to indicate the reporter is not a public official.
2	Is the report about the conduct of a public official or a public authority? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report is not about the conduct of a <i>public official</i> or <i>public authority</i> the report is not likely to be a PID.
3	Is the report about one of these categories of conduct? (See s 8.4 of the policy for what is serious wrongdoing) <input type="checkbox"/> Corrupt conduct <input type="checkbox"/> Serious maladministration <input type="checkbox"/> Breach of the GIPA Act <input type="checkbox"/> LG pecuniary interest contravention <input type="checkbox"/> Privacy contravention <input type="checkbox"/> Serious & substantial waste of public money	Generally speaking, a grievance, such as a complaint about bullying, is not about one of these categories of conduct. If the report is not about one of these categories of conduct it is not likely to be a PID and does not need to be forwarded to the disclosures coordinator for assessment. For line managers/supervisors: PIDs must be made to a person authorised to receive PIDs under the public authority's internal reporting policy (for example a nominated disclosure officer). If you are not authorised to receive PIDs but suspect the report could be a PID, you should direct staff member to a nominated disclosures officer or show support and go with them.
Contact details of reporter		
Name:		Preferred method of contact
Telephone:		<input type="checkbox"/> Telephone
Email:		<input type="checkbox"/> Email
Postal address:		<input type="checkbox"/> Post
Assessment and comments		
Based on this initial assessment , could this report be a Public Interest Disclosure (PID)? <input type="checkbox"/> Yes <input type="checkbox"/> No Reasons for this initial assessment:	If yes , <input type="checkbox"/> Forward this report to the disclosures coordinator for formal assessment. Date forwarded:-----	
Signature of nominated disclosures officer and Date:	If no , the following steps will be taken: <input type="checkbox"/> Referred to: For: Date referred: <input type="checkbox"/> Complainant notified. Date notified	

Appendix 6 Checklist – Assessment of Internal Report against PID Act criteria

To be completed by the disclosures coordinator

Public Interest Disclosures Act Criteria		Comments
1	Is the reporter a public official? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Anonymous	If the reporter is not a <i>public official</i> , as defined in the PID Act the report is not a PID. If the reporter is anonymous, the content of the report may indicate that the reporter is a public official. In such cases it is always best to assume the reporter is a public official unless there is evidence to indicate the reporter is not a public official.
2	Is the report about the conduct of a public official or a public authority? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report is not about the conduct of a <i>public official</i> or <i>public authority</i> , as defined in the PID Act, the report is not a PID.
3	Is the report about one of the categories of conduct in the PID Act? <input type="checkbox"/> Corrupt conduct <input type="checkbox"/> Serious maladministration <input type="checkbox"/> Breach of the GIPA Act <input type="checkbox"/> LG pecuniary interest contravention <input type="checkbox"/> Privacy contravention <input type="checkbox"/> Serious & substantial waste of public money	If the report is not about one of the categories of conduct in the PID Act it is not a PID. For more information about these categories of conduct see NSW Ombudsman PID Guideline ' <i>What is serious wrongdoing?</i> '. If you have answered no because you believe the maladministration or waste of public money was not <i>serious</i> or <i>substantial</i> enough, clearly record your reasons over the page.
4	Does the reporter have reasonable grounds to believe that the information they have reported shows or tends to show the alleged wrongdoing ? <input type="checkbox"/> Yes <input type="checkbox"/> No	Assume the reporter has an <i>honest belief</i> unless there is evidence to the contrary. If another person, given the same conditions, would take the same viewpoint, this is <i>reasonable grounds</i> . The reporter must be able to <i>show or tend to show</i> evidence of the alleged wrongdoing, i.e. they witnessed it or they have documentary or other evidence. It cannot be hearsay. If you have answered no, clearly record your reasons over the page.
5	Was the report made to the General Manager or otherwise in accordance with the PID Policy? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report was not made to the <i>principal officer</i> or a <i>nominated disclosures officer</i> the report is not a PID. If the reporter has not made the report to an authorised person they should be redirected to one.
6	Does the report primarily question the merits of government policy? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report <i>primarily questions the merits of government policy</i> the report is not a PID.
7	Is there substantial evidence indicating that the report was made solely or substantially with the motive of avoiding dismissal or other disciplinary action? <input type="checkbox"/> Yes <input type="checkbox"/> No	If the report has been made <i>solely or substantially with the motive of avoiding dismissal or other disciplinary action</i> the report is not a PID. A high evidential threshold is required to conclude the reporter's motives were improper. If you have answered yes, you should have sound reasons and clearly record those reasons over the page.
8	Should the report be deemed a PID? <input type="checkbox"/> Yes <input type="checkbox"/> No	Does the report have all the features of a PID?
Further comments		
<ul style="list-style-type: none"> The PID assessment should be based on the content of the disclosure, not the outcome of any investigation. An internal reporter does not have to explicitly indicate that they are making a PID or ask to be protected. If in doubt, err on the side of caution and interpret the PID Act broadly – i.e. assume that the PID Act applies and proceed accordingly. For further advice, please refer to the NSW Ombudsman's PID Guidelines at www.ombo.nsw.gov.au or contact the NSW Ombudsman PID Unit on pid@ombo.nsw.gov.au or 02 9286 1000. 		