

Document Name	Document Version Number	Review Date
Internal Reporting (Public Interest Disclosures) Policy	1.0.4	June 2021
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Purpose

The purpose of this policy is to state Council's commitment to the aims and objectives of the Public Interest Disclosures Act 1994 (PID Act), formerly the Protected Disclosures Act 1994.

Council recognises the value and importance of individual staff contributions to administrative and management practices and high standards of ethical and accountable conduct. Council will not tolerate any form of wrongdoing and strongly supports reporting of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention.

Council will take all reasonable steps to provide support and protection to staff from any detrimental action in reprisal for making a disclosure. Council acknowledges that Council Officers who come forward and report wrongdoing are helping promote integrity, accountability and good management within the organisation.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the Grievance Policy and Procedure. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to the People & Culture Officer to be dealt with in accordance with the Grievance Policy and Procedure.

Scope

This policy will apply to:

- Councillors and Council staff (including permanent employees whether full-time or part-time, temporary or casual employees); and
- Other persons engaged by Council (including consultants, individual contractors working for Council and volunteers).

This policy is designed to complement normal communication channels between managers/supervisors and staff/councillors/contractors/consultants and volunteers.

Staff are encouraged to continue to raise appropriate matters at any time with their supervisors but as an alternative have the option of making a protected disclosure in accordance with this Policy.

Definitions

Corrupt Conduct

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

- The improper use of knowledge, power or position for personal gain or the advantage to others
- Acting dishonestly or un fairly, or breaching public trust
- A member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

Maladministration

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

For example, this could include:

- Making a decision and/or taking action that is unlawful
- awarding contracts and tenders to private parties that are related by family, friendship or association
- failing to make a decision in accordance with official policy for no apparent reason
- issuing an order against a person without giving them procedural fairness
- refusing to grant an approval for reasons that are not related to the merits of their application.

Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of public money. This includes all revenue, loans and other money collected, received or held by, for or on account of the council. For example this could include:

- misappropriation or misuse of public property
- the purchase of unnecessary or inadequate goods and services
- overstaffing in particular areas or misalignment of duties, skills and remuneration, e.g. staff being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment, staff spending a significant proportion of time carrying out tasks well under their skill level and paid position level
- programs not achieving their objectives and therefore the program's costs being clearly ineffective and inefficient
- not following a competitive tendering process for a large scale contract
- poor recruiting practices
- having bad or no processes in place for a system involving large amounts of public funds.

Breach of the GIPA Act

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

- Destroying, concealing or altering records to prevent them from being released
- Knowingly making decisions that are contrary to the legislation
- Directing another person to make a decision that is contrary to the legislation
- Intentionally overlooking documents that are clearly covered by an access application.

Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the Local Government Act 1993 relating to the management of pecuniary interests. These include obligations to lodge disclosure of interest's returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- A senior council staff member recommending a family member for a council contract and not declaring the relationship
- A general manager holding an undisclosed shareholding in a company competing for a council contract.

Other Wrongdoing

Although reports about the previous five categories of conduct attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- Harassment or unlawful discrimination
- Reprisal action against a person who has reported wrongdoing
- Practices that endanger the health or safety of staff or the public
- These types of issues should be reported to a supervisor, in accordance with Council's Code of Conduct and Equal Employment Opportunity Policy and Management Plan Policies.

Even if these reports are not dealt with as protected disclosures, Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

Policy Content

Greater Hume Shire Council is committed to acting in accordance with the spirit and letter of the PID Act by:

- Creating a climate of trust, where Council staff are comfortable and confident about reporting wrongdoing
- Encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the council
- Keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate
- Protecting staff who make disclosures from any adverse action motivated by their report
- Dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- Keeping staff who make reports informed of their progress and the outcome
- Encourage staff to report wrongdoing within Council, but respecting any decision to disclose wrongdoing outside Council, provided that disclosure outside Council is made in accordance with the PID Act
- Ensuring managers and supervisors at all levels in Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- Providing adequate resources, both financial and human, to:
 - Encourage reports of wrongdoing
 - Protect and support those who make them
 - Provide training for key personnel
 - Investigate allegations
 - Properly manage any workplace issues that the allegations identify or create
 - Reassess or review the policy each year to ensure it is still relevant and effective.

Roles and responsibilities

The role of council staff and councillors

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

Staff and councillors must not:

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

Additionally, the behaviour of all council staff and councillors involved in the internal reporting process must adhere to the Greater Hume Council's code of conduct. A breach of the code could result in disciplinary action.

The role of the Greater Hume Council

The Greater Hume 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, Council takes 'ownership' of the matter. This means it is up to us 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 our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

To ensure the Greater Hume 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.

Roles of key positions

General Manager

The general manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the Greater Hume Council complies with the PID Act. The general manager 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.

Disclosures Coordinator

The disclosures coordinator has a central role in Council's internal reporting system. The disclosures coordinator can receive and assess reports, and is the primary point of contact in Council for the reporter. The disclosures coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the general manager)
- deal with reports made under 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 the Greater Hume 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. Disclosures officers have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out preliminary assessment and forward reports to the disclosures coordinator or general manager for full assessment.

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 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 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.

Supervisors and line managers

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line 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
- 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 reprisal or workplace conflict in relation to a report
- notify the disclosures coordinator or general manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the general manager, notify the Mayor.

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

Council will support any member of Council staff who reports wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements 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 general manager or, for reports about the general manager the Mayor, a position nominated in this policy, an investigating authority or in limited circumstances to an MP or journalist

Reports by members of Council staff and Councillors will not be considered to be public interest disclosures if they:

- Mostly question the merits of government policy, including any formal policy adopted by resolution of Council, or
- Are, made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

How to make a report

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

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

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

Can a report be anonymous?

There will be some situations where a member of Council staff may not want to be identified when making a report. Although these reports will still be dealt with by Council it is best if the particular member of Council staff identifies themselves. This allows Council to provide the member of staff with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent a person from being identified. If Council's Disclosure Officers do not know who made the report, it is very difficult for them to prevent any reprisal action.

Maintaining confidentiality

Council realises many Council staff will want their report to remain confidential. This can help to prevent any action being taken against staff for reporting wrongdoing.

Council is committed to keeping the identity of the member of Council staff and the fact that they have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. Council's Disclosure Officer will discuss with the staff member whether it is possible to keep their report confidential.

If confidentiality cannot be maintained, Council will develop a plan to support and protect any member of Council staff from risks of reprisal. The staff member will be involved in developing this plan and will also be told if their report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council meeting.

If members of Council staff report wrongdoing, they should only discuss their report with those dealing with it. This will include the Disclosures Coordinator and the General Manager. If a report is discussed more broadly, this may affect the outcome of any investigation.

Any staff or Administrators/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.

Who can receive a report within council?

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 a public official in accordance with Council's disclosure procedures. For Council, this means this policy and any supporting procedures.

Any Council supervisor who receives a report that they believe may be a public interest disclosure must refer the staff member making the report to one of the positions listed below. The broader responsibilities of these positions will be outlined in the procedure and guidance material supporting this policy.

If a report by a member of Council staff involves a Councillor, the member of Council staff should make it to the General Manager or the Mayor.

If a report by a Councillor is about another Councillor, the Councillor should make it to the General Manager or the Mayor.

The following positions are the only staff within Council who can receive a public interest disclosure:

General Manager

A report of wrongdoing can be made directly to the General Manager who is responsible for:

- Deciding if a report is a public interest disclosure
- Determining what needs to be done next, including referring it to other authorities
- Deciding what needs to be done to correct any problem that has been identified.

The General Manager must make sure there are systems in place in Council to support and protect staff who report wrongdoing. They are also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager may be contacted on (02) 6036 0100.

Mayor

If a Councillor or a member of Council staff is making a report about the General Manager, the report should be made to the Mayor. The Mayor is responsible for:

- Deciding if a report is a public interest disclosure
- Determining what needs to be done next, including referring it to other authorities
- Deciding what needs to be done to correct the problem that has been identified
- Ensuring that there are systems in place in Council to support and protect staff who report wrongdoing
- If the report is about the General Manager, referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor may be contacted on (02) 6036 0100.

Disclosures Coordinator

The Disclosures Coordinator has a central role in dealing with reports made by Council staff. The Disclosures Coordinator receives, assesses and refers them to the staff within Council who can deal with them appropriately.

The Disclosures Coordinator (Director Corporate and Community Services) may be contacted on (02) 6036 0180.

Disclosures Officers

Disclosures Officers work with the Disclosures Coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

The Disclosures Officer (Manager Corporate Services) may be contacted on (02) 6036 0116.

Who can receive a report outside of council?

Staff are encouraged to report wrongdoing within Council, but internal reporting is not their only option. The guidance below provides details as to how a report can still be a public interest disclosure:

Council staff can choose to make their report to an investigating authority either initially, or at any stage after an initial report to Council. If the report is about the General Manager or the Mayor, the staff member should consider making it to an investigating authority.

Council staff can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances which are outlined below.

Investigating Authorities

The PID Act lists a number of investigating authorities in NSW that Council staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

In relation to Council, these authorities are:

- The Independent Commission Against Corruption (ICAC) — for corrupt conduct
- The NSW Ombudsman — for maladministration
- The Office of Local Government-for disclosures about local councils
- The Information Commissioner — for disclosures about a government information contravention.

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

You should be aware that it is very likely the investigating authority will discuss the case with Council. Council will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. Council will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

Members of Parliament or Journalists

To have the protections under the PID Act, Council staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- The General Manager
- A person nominated in this policy
- An investigating authority in accordance with the PID Act.

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

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

Most importantly, to be protected under the PID Act, if Council staff report wrongdoing to an MP or a journalist, they will need to be able to prove that they have reasonable grounds for believing that the disclosure is substantially true.

If Council staff reports wrongdoing to a person or an organisation that is not listed above, they will not be protected under the PID Act. This may mean Council staff will be in breach of legal obligations of Councils Code of Conduct by, for example disclosing confidential information.

For more information about reporting wrongdoing to any of the agencies listed above contact the Disclosures Coordinator of the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

Feedback to council staff who report wrongdoing

Council staff who report wrongdoing will be told what is happening in response to their report. When they make a report, they will be given:

- An acknowledgement that their disclosure has been received
- The timeframe for when they 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.

The PID Act requires that a member of Council staff making a public interest disclosure is provided with an acknowledgement letter and a copy of this policy within 45 days after the person has made their report. Every attempt will be made to provide this information within five working days from the date the report is received.

After a decision is made about how a report will be dealt with, Council staff will be given:

- Information about the action that will be taken in response to their report
- Likely timeframes for any investigation
- Information about the resources available within Council to handle any concerns Council staff may have
- Information about external agencies and services Council staff can access for support.

This information will be given to Council staff within 10 working days from the date they make their report.

During any investigation, Council staff making a disclosure will be given:

- Information on the ongoing nature of the investigation
- Information about the progress of the investigation and reasons for any delay
- Advice if the identity of any member of Council staff needs to be disclosed for the purposes of investigating the matter, and an
- Opportunity to talk about this.

At the end of any investigation, Council staff will be given:

- Enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to their disclosure and any problem that was identified
- Advice about whether the staff member of Council will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

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.

Protection against reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the protected disclosure.

Council will not tolerate any reprisal action against Council staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. Council staff who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

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

- Injury, damage or loss
- Intimidation or harassment
- Discrimination, disadvantage or adverse treatment in relation to employment
- Dismissal from, or prejudice in, employment
- Disciplinary proceedings.

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

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

Responding to reprisals

Council will act to protect those who report wrongdoing from reprisals.

When a report is received, Council will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of Council staff who reported the wrongdoing, as well as strategies to deal with those risks.

If a member of Council staff believes that detrimental action has been or is being taken against them or someone else who has reported wrongdoing in reprisal for making a report, they should tell their supervisor, the Disclosures Coordinator or the General Manager immediately.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager. If the Disclosures Coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- Ensure a senior and experienced member of Council staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- Give the results of that investigation to the General Manager for a decision
- Give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager
- If it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- Take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If members of Council staff report reprisal action, they will be kept informed of the progress of any investigation and the outcome.

The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions. These may include:

- Issuing warnings to those alleged to have taken reprisal action against the member of Council staff who made the disclosure
- Relocating the member of Council staff who made the disclosure or the subject officer within the current workplace
- Transferring the member of Council staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified
- Granting the member of Council staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

These directions will only be taken if the member of Council staff who made the disclosure agrees to it. The Disclosures Coordinator will make it clear to other Council staff that this action was taken in consultation with the staff member and with management support, and it is not a punishment.

If a member of Council staff has reported wrongdoing and feels that any reprisal action is not being dealt with effectively, the staff member should contact the Ombudsman or the ICAC, depending on the type of wrongdoing the staff member reported. Contact details for all these investigating authorities are included at the end of this policy.

Protection against Legal Action

If a member of Council staff makes a disclosure in accordance with the PID Act, they will not be subject to any liability and no action, claim or demand can be taken against them for making the disclosure. They will not have breached any confidentiality or secrecy obligations and they will have the defence of absolute privilege in defamation.

Support for those reporting wrongdoing

Council will make sure that members of Council staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process, such as stress management, counselling services, legal or career advice.

Council has staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly those who are suffering any form of reprisal. Contact details for support officers can be obtained from the Disclosures Coordinator.

All supervisors must notify the Disclosures Coordinator if they believe a Council Officer is suffering any detrimental action as a result of disclosing wrongdoing.

Sanctions for making false or misleading disclosures

It is important that all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. The Greater Hume Council will 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.

The rights of persons the subject of a report

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

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

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

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

Support for those reporting wrongdoing

The Greater Hume Council will make sure 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 as a result 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.

Councils Employee Assistance Provider, Converge International can be contacted on 1300 687 327.

Resources

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

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

Email: icac@icac.nsw.gov.au

Web: www.icac.nsw.gov.au

Address: Level 7, 255 Elizabeth Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

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

For disclosures about local councils:

Office of Local Government

Phone: 02 4428 4100

Tel. typewriter (TTY): 02 4428 4209

Facsimile: 02 4428 4199

Email: olg@olg.nsw.gov.au

Web: www.olg.nsw.gov.au

Address: 5 O'Keefe Avenue, Nowra, NSW 2541

For disclosures about breaches of the GIPA Act:

Information Commissioner

Toll free: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

Web: www.ipc.nsw.gov.au

Address: Level 17, 201 Elizabeth Street, Sydney NSW 2000

Links to Policy

Council's Code of Conduct

Bribes, Gifts and Benefits

Complaints against Staff

Fraud Control Policy

Links to Procedure

Nil.

Links to Forms

Nil.

References

Nil.

Responsibility

Director Corporate & Community Services

Document Author

Director Corporate & Community Services

Relevant Legislation

Public Interest Disclosures Act 1994

Government Information (Public Access) Act 2009

Local Government Act 1993

Work Health and Safety Act 2011

Associated Records

Nil.