

Title	Internal Reporting Policy
Category	Statutory Policy
Number & Version	SVC-EXE-PO-039-01
Owner	People, Culture and Governance
Status	Final
Endorsed by	Executive Leadership Team on 28/08/2018
Approved by	Acting General Manager
Effective date	27 September 2018
Due date for review	September 2020 Every two years
Keywords	Public Interest Disclosures, wrongdoing, corrupt conduct, maladministration

Disclaimer

*Please note that this policy may not be current as Snowy Valleys Council (Council) regularly reviews and updates its policies and procedures. The latest controlled version can be found in Council's Records Management System or contact Council's Coordinator Governance and Risk on policy@snowyvalleys.nsw.gov.au for a hard copy of the latest version. **A hard copy of this electronic document is uncontrolled.***

Where there is a delegation identified in this policy, the reader will need to confirm if an alternative delegation exists in the Delegations Register. To the extent that there is any conflict perceived between the delegation/s identified in this policy and of those contained in the Delegations Register, then the delegation/s in the Delegations Register takes precedence. The General Manager will, if necessary, be the sole arbiter in resolving any issues of conflict.

CONTENTS

1	PURPOSE	3
2	SCOPE	3
3	ORGANISATIONAL COMMITMENT	3
4	WHAT SHOULD BE REPORTED	4
5	ASSESSMENT OF REPORTS	6
6	WHEN WILL A REPORT BE TREATED AS A PUBLIC INTEREST DISCLOSURE?	6
7	WHO CAN RECIEVE A REPORT WITHIN SVC?	6
8	WHO CAN RECIEVE A REPORT OUTSIDE SVC?	7
9	HOW TO MAKE A REPORT	8
10	CAN A REPORT BY ANONYMOUS?	8
11	FEEDBACK TO EMPLOYEES WHO REPORT WROND DOING	9
12	MAINTAINING CONFIDENTIALITY	9
13	MANAGING THE RISK OF REPRISAL AND WORKPLACE CONFLICT	10
14	PROTECTING AGAINST REPRISALS	10
15	SUPPORT OF THOSE REPORTING WRONGDOING	12
16	SANCTIONS FOR MAKING FLASE OR MISLEADING STATEMENTS	12
17	THE RIGHTS OF PERSONS THE SUBJECT OF A REPORT	12
18	MORE INFORMATION	12
19	FLOW CHART OF INTERNAL REPORTING PROCESS	13
20	RESPONSIBILITIES /ACCOUNTABILITIES	14
21	RESOURCES	16
22	RELEVANT LEGISLATION	17
23	RELATED POLICIES/DOCUMENTS	17
24	RELATED FORMS	17
25	SUPERSEDING POLICY / PROCEDURE NUMBER AND TITLE	17
26	REVISION HISTORY	17
27	CONTACT OFFICER	17

Under section 6D of the *Public Interest Disclosures Act 1994* (PID Act), public authorities are required to have a policy and procedures for receiving, assessing and dealing with public interest disclosures. This policy is based on the NSW Ombudsman “*Model internal reporting policy – Local Government – June 2014*” and *Guidelines*.

1 PURPOSE

The purpose of this policy is to establish an internal reporting system for employees and Councillors to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in Snowy Valleys Council (SVC or Council), what can be reported and how reports of wrongdoing will be dealt with by Council

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

This policy is just one in the suite of Councils complaint handling policies. Other Council policies that deal with complaint handling include:

- *Complaints Management Policy*
- *Code of Conduct*
- *Fraud and Corruption Control Policy*
- *Grievance Policy*

The internal reporting system established under this policy is not intended to be used for employee grievances, which should be raised through the *Grievance Policy*. If an employee makes a report under this policy which is substantially a grievance, the matter will be referred to their relevant supervisor and the Human Resource and Safety Section to be dealt with in accordance with the *Grievance Policy*.

2 SCOPE

This policy applies to:

- both Council employees and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Council
- employees of contractors providing services to Council
- other people who perform council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

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

3 ORGANISATIONAL COMMITMENT

Council does not tolerate corrupt conduct, maladministration, serious or substantial waste of public money, government information contravention or local government pecuniary interest. Council will:

- create a climate of trust, where people are comfortable and confident about reporting wrongdoing
- encourage individuals to come forward if they are aware of wrongdoing within the council
- keep the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate
- protect the person from any adverse action resulting from them making a report
- deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keep the individual who makes a report informed of their progress and the outcome

- encourage the reporting of wrongdoing within the council, but respect any decision to disclose wrongdoing outside the council that is made in accordance with the provisions of the *PID Act*
- ensure managers and supervisors at all levels in the council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- review the policy periodically to ensure it is relevant and effective
- provide adequate resources, to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training about how to make reports and the benefits of internal reports to the 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.

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

- the council has an internal reporting policy
- the employees 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
- the council complies with the policy and the council's obligations under the PID Act
- the policy delegates at least one employee as being responsible for receiving public interest disclosures.

4 WHAT SHOULD BE REPORTED

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

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the Government Information (Public Access) Act (GIPA Act), and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See below for details about these types of conduct. More information about what can be reported under the PID Act can be found in the NSW Ombudsman's *Guideline B2: What should be reported?*

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of employees or the public.

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

4.1 Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, this could include:

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

4.2 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
- refusing to grant an approval for reasons that are not related to the merits of their application.

4.3 Serious and Substantial Waste of Public Money

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

For example, this could include:

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

4.4 Breach of the GIPA Act

A breach of the *GIPA Act* is a failure to properly fulfil functions under that Act.

For example, this could include:

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

4.5 Local Government Pecuniary Interest Contravention

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

For example, this could include:

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

Safeguards Against Victimisation & Retribution

Complainants will not be subject to victimisation or retribution as a result of lodging a complaint and any allegations of such treatment will be investigated and disciplinary action taken if substantiated.

If a complainant experiences such behaviour then they should lodge another complaint with the relevant Director or General Manager.

5 ASSESSMENT OF REPORTS

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

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

6 WHEN WILL A REPORT BE TREATED AS A PUBLIC INTEREST DISCLOSURE?

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

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing
- the report has to be made to either the General Manager or, for reports about the General Manager the Mayor, a position nominated in this policy (see section 7), an investigating authority or in limited circumstances to an MP or journalist (see section 8).

Reports by employees are not public interest disclosures if they:

- mostly question the merits of government policy (see section 16)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 17).

7 WHO CAN RECEIVE A REPORT WITHIN SVC?

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

The following positions are the only people within Council who are authorised to receive a public interest disclosure. Any supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the employee to make the report to one of the positions listed below. The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 20).

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

General Manager

Matthew Hyde

6941 2567

mhyde@svc.nsw.gov.au

Mayor (for reports about the general manager only)

James Hayes

6941 2555

jhayes@svc.nsw.gov.au

Disclosures Coordinator

Complaints Coordinator and Division Manager People, Culture & Governance

Jerry Mooketsi

6941 2575

jmooketsi@svc.nsw.gov.au

Disclosures Officers

Coordinator Governance & Risk

OR Manager Human Resources & Safety

8 WHO CAN RECIEVE A REPORT OUTSIDE SVC?

Employees and Councillors are encouraged to report wrongdoing within Council, but internal reporting is not your only option. You can also make a public interest disclosure to:

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

8.1 Investigating authorities

The *PID Act* lists a number of investigating authorities in NSW that employees and Councillors can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example a report about either the *General Manager or the Mayor*.

The relevant investigating authorities for Council are:

- the Independent Commission Against Corruption (ICAC) — for reports about corrupt conduct
- the Ombudsman — for reports about maladministration
- the Information Commissioner — for disclosures about a breach of the *GIPA Act*
- the Office of Local Government— for disclosures about local government pecuniary interest contravention or serious and substantial waste of public money.

You should contact the relevant investigating 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 the investigating authority may well discuss any such reports with Council. We 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. We will also provide appropriate support and assistance to employees or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

8.2 Members of Parliament or Journalists

To have the protections of the *PID Act*, employees 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, including the Mayor for reports about the General Manager
- an investigating authority.

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

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

Most importantly – to be protected under the *PID Act* – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

8.3 Other External Reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the *PID Act*. This may mean you will be in breach of legal obligations or our *Code of Conduct* – by, for example, disclosing confidential information.

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

9 HOW TO MAKE A REPORT

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. Council's *Internal Reporting Form* is also available for employees or Councillors to use to make a report.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The reporter should keep a copy of this record using the *Internal Report Form*.

10 CAN A REPORT BY ANONYMOUS?

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

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.

11 FEEDBACK TO EMPLOYEES WHO REPORT WRONG DOING

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

11.1 Acknowledgement

When you make a report, Council will contact 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, Council will send you an acknowledgment letter, providing:

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

Although the *PID Act* requires that this process is required to be completed within 45 days after receipt of a report, Council will endeavour to provide this information within 10 working days from the date of the report (as recommended by the NSW Ombudsman).

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.

11.2 Progress Updates

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

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

11.3 Feedback

Once the matter has been finalised you will be given:

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

12 MAINTAINING CONFIDENTIALITY

Council realises reporters may want their identity and the fact they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the General Manager, or in the case of a report about the General Manager, the Disclosures Coordinator and the Mayor. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any employees 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.

13 MANAGING THE RISK OF REPRISAL AND WORKPLACE CONFLICT

When an employee or Councillor reports wrongdoing, Council will undertake 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 will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Council may:

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

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

14 PROTECTING AGAINST REPRISALS

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

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

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

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

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also a breach of Councils *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 employees and Councillors to understand the nature and limitations of the protection provided by the *PID Act*. The *PID Act* protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect reporters from disciplinary or other management action where Council has reasonable grounds to take such action.

14.1 Responding to Allegations of Reprisal

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

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

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

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced employee
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any breach of Part 8 of Council's Code of Conduct (reprisal action) by a Councillor or the General Manager to the Office of Local Government.
- refer any evidence of an offence under section 20 of the *PID Act* to the ICAC or NSW Police Force.

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

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

14.2 Protection Against Legal Action

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

15 SUPPORT OF THOSE REPORTING WRONGDOING

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

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

Council offers a free Employment Assistance Program for support and/or counselling for workplace and personal issues. The confidential independent service is provided by qualified and experienced professionals at

Wendy J Dignand & Associates
69 Johnstone St, Wagga Wagga
6921 2016 or 1800 356 661

16 SANCTIONS FOR MAKING FALSE OR MISLEADING STATEMENTS

It is important all employees and Councillors are aware that it is a criminal offence under the *PID Act* to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support employees 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.

17 THE RIGHTS OF PERSONS THE SUBJECT OF A REPORT

Council is committed to ensuring employees 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:

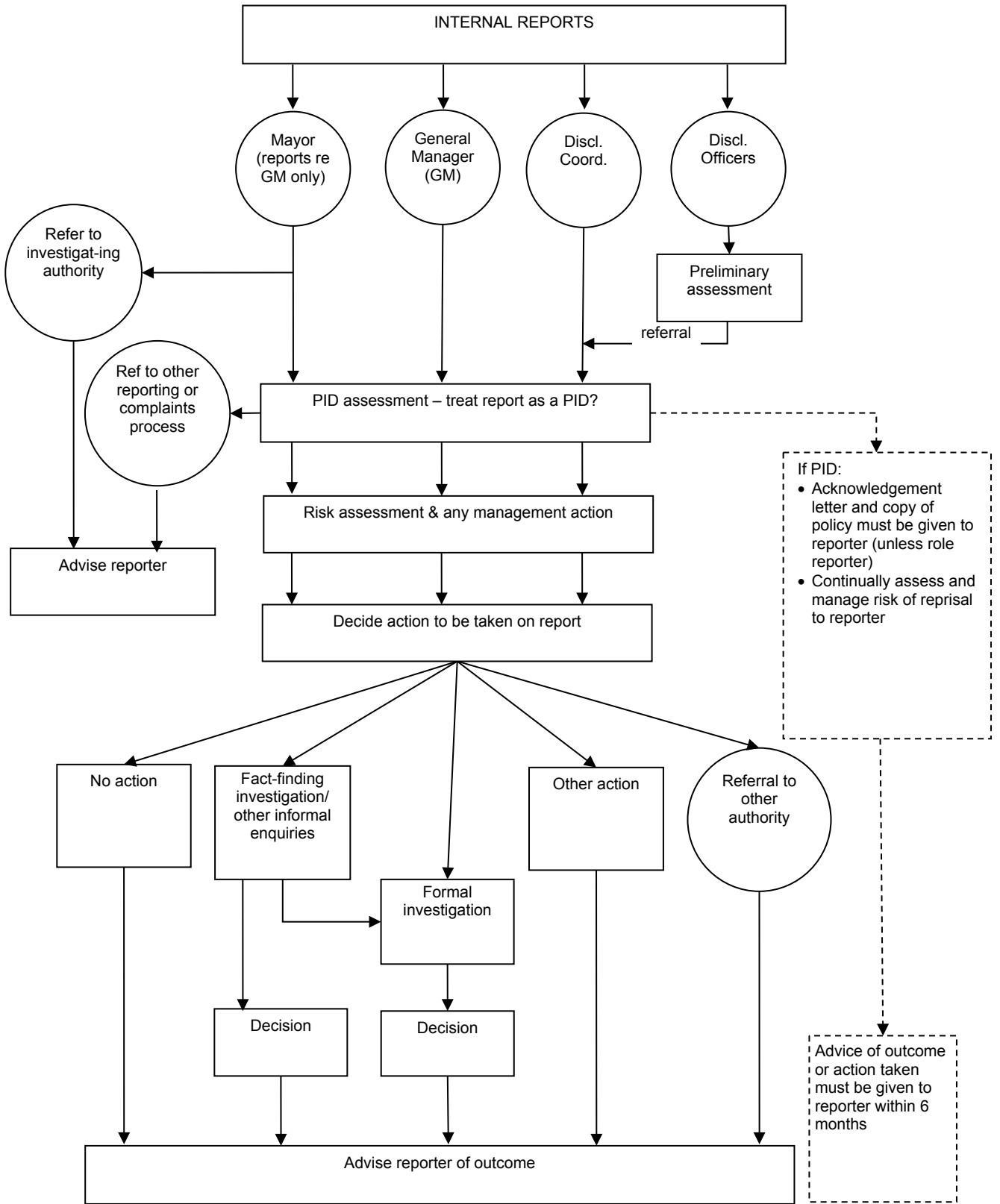
- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, 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.

18 MORE INFORMATION

Employees can seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

19 FLOW CHART OF INTERNAL REPORTING PROCESS



20 RESPONSIBILITIES /ACCOUNTABILITIES

The role of council employees and councillors

Employees and Councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All council employees 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 employee or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Employees 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 employees and Councillors involved in the internal reporting process must adhere to Council's *Code of Conduct*. A breach of the code could result in disciplinary action.

The role of SVC

Council has a responsibility to establish and maintain a working environment that encourages employees 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 employees 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 Council complies with the *PID Act* and deals with all reports of wrongdoing properly, all employees and Councillors with roles outlined below and elsewhere in this policy will receive training on their responsibilities.

General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring Council complies with the *PID Act*. The General Manager can receive reports from employees 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 Council's *Code of Conduct* in accordance with the Council's adopted *Procedures for the Administration of the Code of Conduct*

- 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 Council's *Code of Conduct* in accordance with the Council's adopted *Procedures for the Administration of the Code of Conduct*
- 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 employees involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure Council complies with the *PID Act*
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the *PID Act*.

Disclosures Officers

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the Internal Reporting Policy, receive reports of wrongdoing and assist employees 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 employees 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 Council's *Code of Conduct* in accordance with the Council's adopted *Procedures for the Administration of the Code of Conduct*
- 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.

NOTE: In assessing reports the Mayor may seek guidance from: a Disclosure Coordinator (if appropriate) or an investigating authority (ie. the ICAC, the NSW Ombudsman, the NSW Information & Privacy Commissioner or the Director-General of the Office of Local Government

Directors, Division Managers and Coordinators

Directors, Managers and Coordinators play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process.

Directors, Managers and Coordinators should be aware of the Internal Reporting Policy and are responsible for creating a *local work environment* where employees are comfortable and confident about reporting wrongdoing. They have a responsibility to:

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

21 RESOURCES

The contact details for external investigating authorities that employees 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
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
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney
NSW 2000

For disclosures about breaches of the GIPA Act:
Information Commissioner
Toll free: 1800 472 679
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address: Level 17, 201 Elizabeth 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.dlg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

22 RELEVANT LEGISLATION

Public Interest Disclosures Act 1994 (PID Act)
Government Information (Public Access) Act 2009 (GIPA Act)
Local Government Act, 1993
Independent Commission Against Corruption Act 1998

23 RELATED POLICIES/DOCUMENTS

Complaint Management Policy
Complaint Management Procedure
Code of Conduct
Fraud and Corruption Control Policy
Grievance Policy
Procedures for the Administration of the Code of Conduct

24 RELATED FORMS

Internal Reporting Form SVC-EXE-F-037

25 SUPERSEDING POLICY / PROCEDURE NUMBER AND TITLE

Internal Reporting Policy - Protected Disclosure Act, 1994 - TSC-EXE-PO-068 (former Tumbarumba Shire Council policy)
Public Interest Disclosure Internal Reporting - GOV.15 (former Tumut Shire Council policy)

26 REVISION HISTORY

Date	Version Number	Activity log	Resolution Number	Resolution date
28/08/2018	0	Endorsed by ELT		
27/09/2018	1	Adopted by Acting General Manager	n/a	27/09/2018

27 CONTACT OFFICER

Position: Division Manager People, Culture and Governance

Section: People, Culture & Governance