

Reporting a Serious Wrongdoing – Public Interest Disclosure Procedure

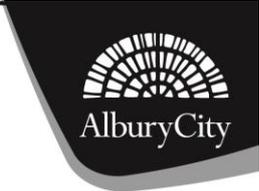


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PURPOSE

To establish an internal reporting system for Council Officers to report serious wrongdoing without fear of reprisal. This procedure sets out who you can report serious wrongdoing to at Albury City Council (AlburyCity), what can be reported and how reports of serious wrongdoing will be dealt with by AlburyCity.

This procedure is designed to complement normal communication channels between supervisors and direct reports. Council Officers 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 procedure and the *Public Interest Disclosures Act 1994* (PID Act).

This procedure is just one in the suite of AlburyCity's complaint handling documents, including:

- AlburyCity Code of Conduct
- Employee Grievance Procedure
- Internal Investigation Procedure
- Disciplinary Procedure
- Bullying and Harassment Procedure

The internal reporting system established under this procedure is not intended to be used for Council Officer grievances, which should be raised through the Employee Grievance Procedure. If a Council Officer makes a report under this procedure which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the Employee Grievance Procedure.

ALBURYCITY'S COMMITMENT

AlburyCity is committed to the following:

- creating a climate of trust, where people are comfortable and confident about reporting serious wrongdoing;
- encouraging individuals to come forward if they are aware of serious wrongdoing within AlburyCity;
- keeping the identity of the person disclosing serious wrongdoing confidential, where this is 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 serious wrongdoing has been found, taking appropriate action to rectify it;
- keeping the individual who makes a report informed of their progress and the outcome;

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

SCOPE

This procedure applies to all Council Officers (see definition below) and public officials of another council or public authority who report serious wrongdoing relating to AlburyCity.

DEFINITIONS

Council Officers (also known as *Public Officials*) includes Councillors; full-time, part-time and casual staff members whether they are permanent or temporary employees; consultants; volunteers; contractors including their employees where they are providing services to AlburyCity; external members of Council committees; and any other person who performs an official function of AlburyCity whose conduct and activities could be investigated by an investigating authority.

Reporter means the Council Officer making a Public Interest Disclosure.

Serious wrongdoing means an act, whether actual or suspected, that shows or tends to show [corrupt conduct](#), [maladministration](#), [serious and substantial waste of public money](#), [failure to comply with the Government Information \(Public Access\) Act 2009](#), and/or a [pecuniary interest contravention under the Local Government Act 1993](#).

REFERENCES

Public Interest Disclosures Act 1994 (PID Act)

Government Information (Public Access) Act 2009 (GIPA Act)

Local Government Act 1993

NSW Ombudsman – Model internal reporting policy (local government), other templates, fact sheets and guidelines relating to Public Interest Disclosures

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ACTIVITY

ROLES AND RESPONSIBILITIES

Council Officers

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

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

Council Officers must not:

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

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

AlburyCity

AlburyCity has a responsibility to establish and maintain a working environment that encourages Council Officers to report serious 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.

AlburyCity will assess all reports of serious wrongdoing it receives from Council Officers and deal with them appropriately. Once serious wrongdoing has been reported, AlburyCity 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. AlburyCity will deal with all reports of serious wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

AlburyCity 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 AlburyCity complies with the PID Act and deals with all reports of serious wrongdoing properly, all Council Officers with roles outlined below and elsewhere in this procedure will receive training on their responsibilities.

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Roles of key positions

General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring AlburyCity complies with the PID Act. The General Manager can receive reports from Council Officers 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 AlburyCity's Code of Conduct in accordance with AlburyCity'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 serious 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 and Alternate Disclosures Coordinator

The Disclosures Coordinator has a central role in AlburyCity's internal reporting system. Where the Disclosures Coordinator is unavailable to act in this role, the Alternate Disclosures Coordinator will undertake the function of the Disclosures Coordinator. Reference in this procedure to the Disclosures Coordinator is to be taken to include the Alternate Disclosures Coordinator, where required.

The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in AlburyCity 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 AlburyCity's Code of Conduct in accordance with AlburyCity's adopted Code of Conduct Procedures;
- coordinate AlburyCity'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 Council Officers involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report;
- ensure AlburyCity complies with the PID Act;
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

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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 procedure, receive reports of serious wrongdoing and assist Council Officers 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 Council Officials 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 AlburyCity's Code of Conduct in accordance with AlburyCity'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 procedure and are responsible for creating a local work environment where Council Officers are comfortable and confident about reporting serious wrongdoing. They have a responsibility to:

- encourage Council Officers to report known or suspected serious wrongdoing within the organisation and support Council Officers when they do;
- identify reports made to them in the course of their work which could be public interest disclosures, and assist the Council Officer to make the report to an officer authorised to receive public interest disclosures under this procedure;
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report;

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- notify the Disclosures Coordinator or General Manager immediately if they believe a Council Officer is being subjected to reprisal as a result of reporting serious wrongdoing, or in the case of suspected reprisal by the General Manager, notify the Mayor.

WHAT SHOULD BE REPORTED?

You should report any suspected serious wrongdoing within AlburyCity, or any activities or incidents you see within AlburyCity 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 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 procedure. 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 serious wrongdoing or suspected serious wrongdoing should be reported to a supervisor, to be dealt with in line with AlburyCity’s relevant policies and procedures. This might include:

- workplace disputes;
- harassment, bullying or unlawful discrimination;
- reprisal action against a person who has reported serious wrongdoing;
- practices that endanger the health or safety of Council Officers or the public.

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

AlburyCity has a range of policies and procedures that deal with complaint handling, including:

- AlburyCity Code of Conduct
- Employee Grievance Procedure
- Internal Investigation Procedure
- Disciplinary Procedure
- Bullying and Harassment Procedure

These documents can be found in the Public and Internal Policy and Procedure Registers located on our Intranet ([Link](#)).

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.

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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.

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:

- poor project management practices leading to projects running over time;
- not following a competitive tendering process for a large scale contract;
- having poor 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 that Act.

For example, this could include:

- intentionally overlooking documents that are clearly covered by an access application;
- destroying, concealing or altering records to prevent them from being released;
- knowingly making decisions that are contrary to the GIPA Act;
- directing another person to make a decision that is contrary to the GIPA Act.

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 meetings and, where required, 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 Council Officer 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.

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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.

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

AlburyCity 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 serious 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 procedure (see [Who can receive a report within AlburyCity](#)), an investigating authority or in limited circumstances to an MP or journalist (see [Who can receive a report outside of AlburyCity](#)).

Reports by Council Officers are not public interest disclosures if they:

- mostly question the merits of government procedure (see [Sanctions for making false or misleading statements](#));
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see [The rights of persons the subject of a report](#)).

Who can receive a report within AlburyCity?

Council Officers are encouraged to report general serious 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 procedure or any supporting procedures.

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

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

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<p>General Manager Mr Frank Zaknich Phone: 02 6023 8270 Mobile: 0408 099 551 Email: fzaknich@alburycity.nsw.gov.au</p>	<p>Mayor <i>(for reports about the General Manager only)</i> Cr Kevin Mack Mobile: 0419 711 147 Email: kmack@alburycity.nsw.gov.au</p>
<p>Disclosures Coordinator Group Leader Human Resources Mr Murray Watson Phone: 02 6023 8118 Mobile: 0417 223 089 Email: mwatson@alburycity.nsw.gov.au</p>	<p>Alternate Disclosures Coordinator Public Information Officer Mrs Vanessa Evans Phone: 02 6023 8155 Email: vevans@alburycity.nsw.gov.au</p>
<p>Disclosures Officer Director Planning and Environment Mr Michael Keys Phone: 02 6023 8289 Mobile: 0409 366 319 Email: mkeys@alburycity.nsw.gov.au</p>	<p>Disclosures Officer Director Engineering Mr Brad Ferris Phone: 02 6023 8747 Mobile: 0418 282 116 Email: bferris@alburycity.nsw.gov.au</p>
<p>Disclosures Officer Director Community and Recreation Mr James Jenkins Phone: 02 6023 8145 Mobile: 0408 271 304 Email: jjenkins@alburycity.nsw.gov.au</p>	<p>Disclosures Officer Director Economic Development and Tourism Ms Tracey Squire Phone: 02 6023 8276 Mobile: 0429 834 238 Email: tsquire@alburycity.nsw.gov.au</p>

Who can receive a report outside of AlburyCity?

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

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

Investigating Authorities

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

The relevant investigating authorities for AlburyCity 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 councils.

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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 procedure.

You should be aware that the investigating authority may well discuss any such reports with AlburyCity. 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 Council Officers who report serious wrongdoing to an investigating authority, if we are made aware that this has occurred.

Members of Parliament or Journalists

To have the protections of the PID Act, Council Officers reporting serious 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 procedure, including the Mayor for reports about the General Manager; or
- an investigating authority.

Also, AlburyCity 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 serious 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 (see [Review](#)).

Other External Reporting

If you report serious 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 serious wrongdoing outside AlburyCity, contact the Disclosures Coordinator or the NSW Ombudsman’s Public Interest Disclosures Unit. Their [contact details](#) are provided at the end of this procedure.

How to make a report

You can report serious wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. AlburyCity’s [Reporting a Serious](#)

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[Wrongdoing Form – Public Interest Disclosures](#) is also available for Council Officers 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. (It is recommended that the person receiving the report make use of AlburyCity's [Reporting a Serious Wrongdoing Form – Public Interest Disclosures](#) when making this comprehensive record). The Reporter should keep a copy of this record.

Can a report be 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 AlburyCity, 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.

Feedback to Council Officers who report serious wrongdoing

Council Officers who report serious wrongdoing will be told what is happening in response to their report.

Acknowledgement

When you make a report, AlburyCity will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates; and
- 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, AlburyCity 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; and
- information about the internal and external resources or services available that you can access for support.

The PID Act requires that an acknowledgement will be provided to you within 45 days of the report being made. We will endeavour to provide this information to you within 10 working days of the report being made, wherever possible. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this procedure at that time, as required by the PID Act.

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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 AlburyCity 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.

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.

Maintaining confidentiality

AlburyCity 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 serious wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported serious 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 serious 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 Council Officers 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.

Managing the risk of reprisal and workplace conflict

When a Council Officer reports serious wrongdoing, AlburyCity 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.

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Depending on the circumstances, AlburyCity may:

- relocate the Reporter or the Council Officer who is the subject of the allegation within the current workplace;
- transfer the Reporter or the Council Officer who is the subject of the allegation to another position for which they are qualified;
- grant the Reporter or the Council Officer 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.

Protection against reprisals

AlburyCity will not tolerate any reprisal against Council Officers who report serious wrongdoing or are believed to have reported serious wrongdoing.

The PID Act provides protection for Council Officers 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 AlburyCity'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 Council Officers 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 AlburyCity has reasonable grounds to take such action.

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 serious 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.

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All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a Council Officer 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 AlburyCity becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, AlburyCity 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 Council Officer;
- 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 AlburyCity's Code of Conduct (detrimental 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 serious 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 serious wrongdoing you reported). [Contact details](#) for these investigating authorities are included at the end of this procedure.

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.

Support for those reporting serious wrongdoing

AlburyCity will make sure that Council Officers who have reported serious 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 counselling services.

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

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AlburyCity has established an Employee Assistance Program (EAP) to ensure that support services are available to Council Officers. The counselling and support program is free to all employees and their immediate families and may be provided on-site or off-site.

AlburyCity's EAP provider is:

Converge Australia

Phone: 1800 337 068 and mention that you are an employee of AlburyCity

Sanctions for making false or misleading statements

It is important all Council Officers are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting serious wrongdoing. AlburyCity will not support Council Officers 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 person the subject of a report

AlburyCity is committed to ensuring Council Officers who are the subject of a report of serious 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 AlburyCity. The facts of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

Review

This procedure will be reviewed by AlburyCity every four years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

More Information

Council Officers can seek advice and guidance from the [Disclosures Coordinator](#) and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

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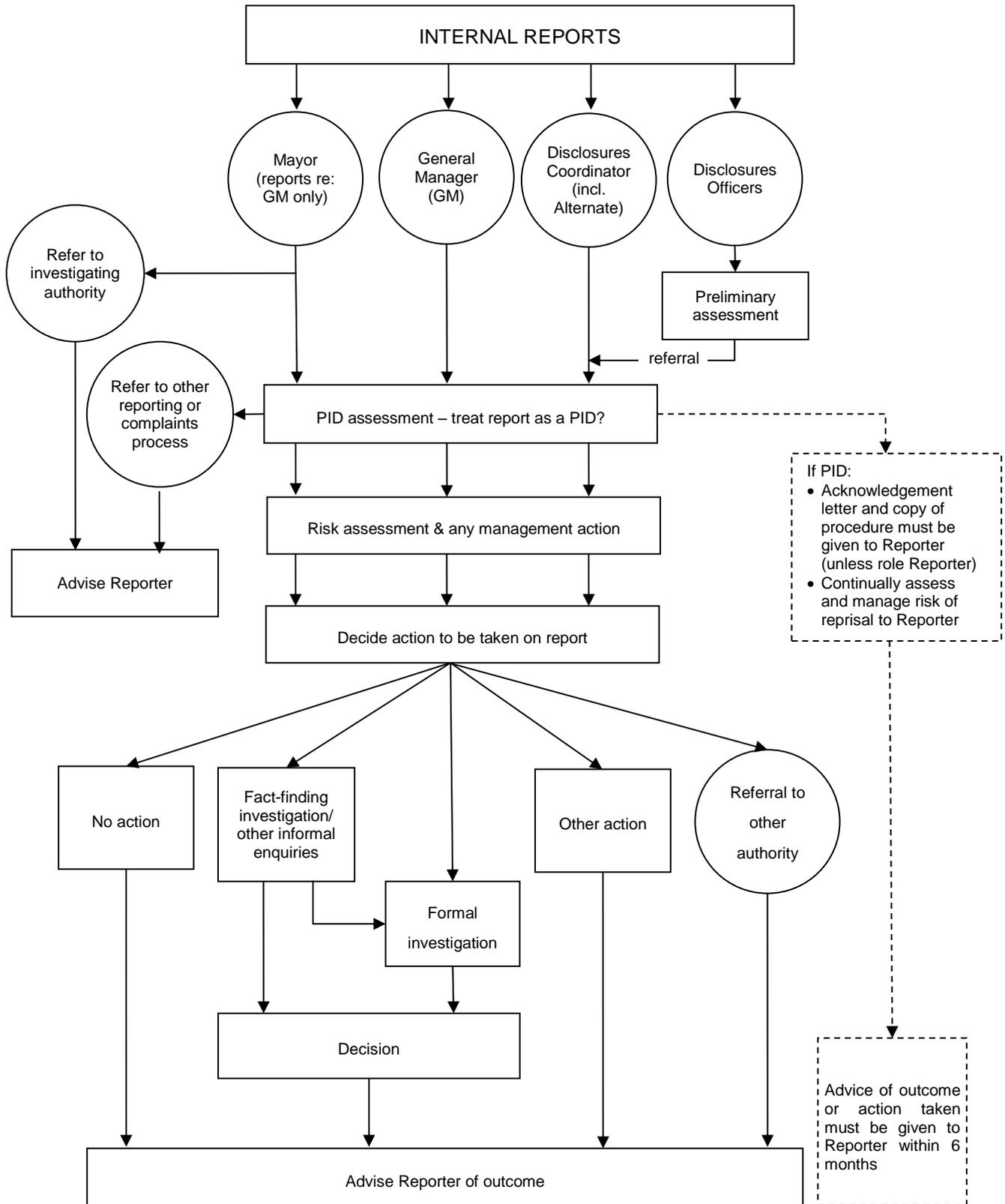
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Flow chart of internal reporting process



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External Investigating Authority Contacts

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

For disclosures about corrupt conduct:

Independent Commission Against Corruption
(ICAC) NSW
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 or
GPO Box 500
Sydney NSW 2001

For disclosures about maladministration:

Ombudsman NSW
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Translating and Interpreter Service (TIS): 131 450
For deaf, hearing or speech impairment: 1300
555 727 and then ask for 02 9286 1000 or for
NRS Internet relay users connect then ask for 02
9286 1000
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 serious and substantial waste:

The Audit Office of New South Wales
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: complaints@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address:
Level 15, 1 Margaret Street,
Sydney NSW 2000 or
GPO Box 12,
Sydney NSW 2001

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 or
Locked Bag 3015,
Nowra NSW 2541

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 472 679
Translating and Interpreter Service (TIS): 131 450
For deaf, hearing or speech impairment: 133 677
Email: ipcinfo@ipc.nsw.gov.au
Web: www.ipc.nsw.gov.au
Address:
Level 17, 201 Elizabeth Street,
Sydney NSW 2000 or
GPO Box 7011,
Sydney NSW 2001

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DOCUMENTATION

The following resources are available to various Council Officers seeking to make a report of serious wrongdoing, receive a report of serious wrongdoing or co-ordinate an investigation into a report of serious wrongdoing:

For Council Officers wanting to report a serious wrongdoing:

- This procedure
- The following form may be completed by any Council Officer wishing to report a serious wrongdoing [Reporting a Serious Wrongdoing Form – Public Interest Disclosures](#) (verbal disclosures are also accepted)
- Fact sheets and guidelines produced by the NSW Ombudsman including:
 - [Thinking about reporting a serious wrongdoing in local government?](#)
 - [Who can report wrongdoing](#)
 - [What should be reported](#)
 - [What's not a public interest](#)
 - [Reporting pathways](#)
 - [Reporting to MPs and Journalists](#)
 - [Anonymous Reporting](#)

For Council Officers who receive a report of serious wrongdoing but are not a nominated Disclosure Officer, the Disclosure Coordinator, the General Manager or the Mayor:

- This procedure
- The following form may be completed by any Council Officer who receives a complaint of serious wrongdoing [Checklist for recipient of a report of serious wrongdoing](#)***
*** Please be aware that protection under the PID Act is limited to those individuals that make a report to one of the nominated Council Officers identified in [Who can receive a report within AlburyCity?](#). This means that if a complaint of serious wrongdoing is raised by a Council Officer to their supervisor, and the supervisor reports this to one of the nominated Council Officers, protection is provided under the PID Act to the supervisor only. If you receive a complaint of serious wrongdoing and are not a nominated Council Officer, you are obliged to assist the Council Officer to make the report to a nominated Council Officer.

For nominated Disclosure Officers, the General Manager or the Mayor who receive a report of serious wrongdoing

- This procedure
- The following form may be completed by a nominated Disclosure Officer, the General Manager or the Mayor who receive a complaint of serious wrongdoing [Initial assessment of report of serious wrongdoing by Disclosure Officer](#)
- Fact sheets and guidelines produced by the NSW Ombudsman including:
 - [Obligations and responsibilities of local government General Managers](#)

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- [Internal reporter support strategy](#)
- [Information advice and feedback to internal reporters](#)
- [Internal reporters involved in wrongdoing](#)

For the Disclosure Coordinator who receive a report of serious wrongdoing:

- This procedure
- The following forms may be completed by the Disclosure Coordinator who receives a complaint of serious wrongdoing:
 - [Assessment of a report of serious wrongdoing by Disclosure Coordinator](#)
 - [Acknowledgement of PID complaint – template](#)
 - [PID risk assessment by Disclosure Coordinator](#)
- Fact sheets and guidelines produced by the NSW Ombudsman including:

Fact sheets

- [Am I dealing with a public interest disclosure?](#)
- [Confidentiality and its practical alternatives?](#)
- [Interaction between the PID Act and the GIPA Act](#)

Assessing and Investigating Disclosures

- [People the subject of a report](#)
- [Reporting to the NSW Ombudsman](#)
- [Assessing and streaming internal reports](#)
- [Assessing the risk of reprisals and conflict](#)
- [Investigating Public Interest Disclosures](#)
- [Managing interactions with investigating authorities](#)
- [Confidentiality](#)

Supporting and Protecting Reporters

- [Internal reporter support strategy](#)
- [Information advice and feedback to internal reporters](#)
- [Internal reporters involved in wrongdoing](#)
- [Preventing and containing reprisals and conflict](#)
- [Responding to allegations of reprisal guidelines](#)
- [Finalisation and follow up](#)

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AUTHORISATION

Owner	Directorate	Executive – Human Resources
	Responsible Officer	Public Information Officer
Authorisation	Endorsed Consultative Committee – 7 March 2018 Endorsed Manex – 19 June 2018 Adopted Council – 9 July 2018	
Review Date	June 2022	
Register	Public Policy and Procedure Register	
Record of Amendments	Apr 1997	New policy
	Feb 2007	Review
	Oct 2010	Review
	Oct 2011	Review
	Nov 2011	Review
	Feb 2012	Review
	Oct 2013	Review
	Jun 2018	Review

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