



**DATE ADOPTED: 22 March 2016**

**VERSION: 2.0**

## **POLICY OBJECTIVES**

The objectives of this policy is to establish an effective internal reporting system which encourages and facilitates the reporting of disclosures in relation to corrupt conduct, maladministration, serious and substantial waste in local government, breach of the NSW Government Information (Public Access) Act 2009 (GIPA Act) and local government pecuniary interest contravention in accordance with the NSW Public Interest Disclosures Act 1994 (PID Act) without fear of reprisal.

The policy sets out who to report wrongdoing to, what can be reported and how reports will be dealt with by Council.

The policy is designed to complement established lines of communication between supervisors and staff. Staff are encouraged to continue to raise appropriate matters at any time with their supervisor but they also have the option to make public interest disclosures in accordance with this policy and PID Act.

## **POLICY SCOPE**

This policy applies to Councillors, Mayor, General Manager, staff, consultants, contractors and volunteers of Maitland City Council. This policy also applies to public officials of another Council or public authority who report wrongdoing relating to Maitland City Council.

## **POLICY STATEMENT**

The NSW Public Interest Disclosures Act 1994 (PID Act) aims to encourage and facilitate disclosures in the public interest by enhancing and augmenting established procedures for making disclosures, protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures, and providing for those disclosures to be properly investigated and dealt with.

Council is committed to the objectives of the PID Act and encourages the disclosure of any instances of corrupt conduct, maladministration, serious and substantial waste, breach of the GIPA Act or local government pecuniary interest contravention.

By reporting wrongdoing, staff members are helping to promote integrity, accountability and good management within council.

### **1. Roles and Responsibilities**

#### **1.1. Mayor**

The Mayor may receive disclosures from any member of staff or Councillor concerning the General Manager. In this situation only the Mayor would be regarded as the principal officer under the PID Act.

The Mayor has the following roles and responsibilities regarding public interest disclosures:

- Impartially assess each disclosure to determine whether the disclosure appears to be a public interest disclosure within the meaning of the PID Act
- Determine the appropriate action to be taken in relation to a disclosure



- Authorise and coordinate any investigation if necessary
- Report any criminal offences to the police and any suspected corruption to the Independent Commission Against Corruption (ICAC).
- Take all necessary and reasonable steps to ensure that the identity of the person who has made the disclosure and the person who is the subject of the disclosure are kept confidential (where this is practical and reasonable)

### **1.2. General Manager**

The General Manager is the principal officer for Council under the PID Act and has the following roles and responsibilities regarding public interest disclosures:

- Impartially assess each disclosure to determine whether the disclosure appears to be a public interest disclosure within the meaning of the PID Act 1994
- Determine the appropriate action to be taken in relation to a disclosure
- Authorise and coordinate any investigation
- Institute any disciplinary or corrective action and/or organisational reform identified as necessary following the investigation
- Report any criminal offences to the NSW police force and actual or suspected corrupt conduct to ICAC.
- Take all necessary and reasonable steps to ensure that the identity of the person who has made the disclosure and the person who is the subject of the disclosure are kept confidential (where this is practical and reasonable)
- 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

### **1.3. Disclosure Coordinator**

The Disclosure Coordinator has the following roles and responsibilities regarding public interest disclosures:

- Act as a central point for all disclosures
- Receive, forward and act upon disclosures in accordance with this policy and the PID Act.
- Coordinate the Council's response to a report by making an initial assessment of any disclosure and then referring the matter to either the General Manager or the Mayor for determination of action to be taken
- Acknowledge reports and provide feedback to the person who made the disclosure
- Ensure that the person who is subject of the disclosure has an opportunity to explain his or her version of events
- 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
- Provide reporting to the NSW Ombudsman in accordance with section 6CA of the PID Act

### **1.4. Disclosure 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

### 1.5. Managers and Supervisors

Supervisors have the following roles and responsibilities regarding public interest disclosures:

- Have a responsibility for receiving, forwarding and acting upon disclosures in accordance with council policy
- Explain to the person making the disclosure what will happen to the information, e.g. details of referral, that an investigation may occur, and that they will be advised in due course if such an investigation will occur
- Clearly document any disclosures received and ensure that the written document is accepted as accurate by the person making the disclosure
- Forward disclosure to the Disclosure Coordinator
- Support the person making the disclosure
- Implement processes to improve systems if the disclosure relates to their area
- 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

### 1.6. Staff and Councillors

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
- Adhere to the Maitland City Council's Code of Conduct. A breach of the code could result in disciplinary action

Staff and Councillors must not:

- Make false or misleading reports of wrongdoing
- Victimise or harass anyone who has made a report

## 2. Obligation to Report

All Councillors, employees and delegates of Council have an obligation under Council's Code of Conduct to:

- Fulfil their statutory duty, to act honestly and exercise a reasonable degree of care and diligence
- Identify and resolve situations which involve a conflict of interest or improper use of their position; and
- Act in a way which enhances public confidence in the system of local government
- Report instances of corruption, maladministration, and serious substantial waste and government information contravention



### 3. What should be reported?

All staff members should report any wrongdoing observed within Council. Reports about the five (5) categories of serious wrongdoing;

- (1) corrupt conduct
- (2) maladministration
- (3) serious and substantial waste of public money
- (4) Breach of the Government Information (Public Access) Act 2009 (GIPA Act)
- (5) Local Government pecuniary interest contravention

will be dealt with under the PID Act as public interest disclosures and in accordance with this policy. In addition to the points below, further information on the five (5) categories can be found within the *NSW Ombudsman Guideline B2 – What should be reported*.

All other suspected wrongdoing should be reported to a supervisor, to be dealt with in accordance with Council's relevant policies.

#### 3.1. 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 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

#### 3.2. Maladministration

Maladministration is corrupt 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 a licence for reasons that are not related to the merits of the application

#### 3.3. Serious and substantial waste in local government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money

For example, this could include:

- 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

#### 3.4. Breach of the GIPA Act.

Breach of the GIPA Act is a failure to properly fulfil functions under the Government Information (Public Access) Act 2009 (GIPA 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

#### 3.5. Local Government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the NSW 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 staff member recommending a family member for a Council contract and not declaring the relationship
- a Councillor participating in consideration of a development application for a property they or their family have an interest in.

### **3.6. Other wrongdoing (not Public Interest Disclosures)**

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, Council staff should report all activities or incidents that are believed to be 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 line with Council's Code of Conduct.

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

## **4. When will a report be protected?**

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 categories outlined in section 3 - What should be reported.
- 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 one or more of the following:
  - a position nominated in this policy – see section 5 below; or
  - one of the investigating authorities nominated in the PID Act. (see section 6 below)

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

- mostly question the merits of government policy
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action

## **5. Who can receive a report within Council?**

Staff members 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 the disclosure procedures. Within 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 are outlined in section 1 of this policy.

If you are a Council staff member and your report involves a Councillor, your report should be addressed to the General Manager. If you are a Councillor and your report is about another Councillor, your report should be addressed to the General Manager.

The only staff members within Council who can receive a public interest disclosure are as follows;

- General Manager

- Mayor
- Disclosures Coordinator - The Disclosures Coordinator for the purpose of this policy is the Public Officer.
- Disclosures Officers – The Executive Manager Human Resources is nominated as a Disclosure Officer.

## 6. Who can receive a report outside of Council?

Staff members are strongly encouraged to report wrongdoing within Council, but internal reporting is not the only option. A public interest disclosure can be made to:

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

### 6.1. Investigating authorities

The PID Act lists a number of investigating authorities in NSW that 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 Information Commissioner — for disclosures about breach of GIPA Act
- Office of Local Government, Department of Premier and Cabinet — for serious and substantial waste in local government

Staff 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.

Staff 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 or Councillors who report wrongdoing to an investigating authority.

### 6.2. Members of Parliament or journalists

To have the protections of the PID Act, 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 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 wrongdoing is reported to an MP or a journalist the person making the report will need to be able to prove that they have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

### 6.3. Other external reporting

If wrongdoing is reported to a person or an organisation that is not listed above, the person making the report will not be protected under the PID Act. This may mean the person making the report will be in breach of legal obligations or the 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.

## **7. How to make a report**

Wrongdoing can be reported in writing or verbally. Staff members 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 a staff member is concerned about being seen making a report, they should ask to meet in a discreet location away from the workplace.

### **7.1. The Process**

Once a disclosure has been made, it will be promptly and thoroughly assessed.

- The Mayor, General Manager or nominated officer will authorise and coordinate any investigations and the basis for all decisions will be documented
- The investigating officer or public authority must notify within six months the person who made the disclosure of the action taken or proposed in respect of the disclosure
- The person who is the subject of a disclosure has the right to be informed of the substance of the allegations and given reasonable opportunity to state their case and to be formally advised of the outcome of the investigation
- Disclosures will be investigated as discreetly as possible, with a strong emphasis on maintaining confidentiality both as to the identity of persons making public interest disclosures and the person the subject of disclosures

### **7.2. 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.

## **8. Can a report be anonymous?**

There will be some situations where a Councillor or staff member may not wish to identify themselves when making a report. Although these reports will still be dealt with by Council, it is best if the staff member making the report identifies themselves. This allows Council to provide a staff member 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 the staff member making the report from being identified. Without knowing who made the report, it is very difficult to prevent any reprisal action.

## **9. Feedback to staff who report wrongdoing**

Staff who report wrongdoing will be told what is happening in response to their report.

### **9.1. Acknowledgement**

When a report is made, the Disclosures Coordinator will contact the person making the report to confirm the report has been received and advise:

- the timeframe for when further updates will be received
- the name and contact details of the people who can provide details on what is happening.



Within ten (10) working days after a disclosure is made a decision will be made about how the report will be dealt with and the person making the report will receive an acknowledgement letter providing:

- information about the action that will be taken in response to the report
- likely timeframes for any investigation
- information about the resources available within Council to handle any concerns the staff member may have
- information about external agencies and services that can be accessed for support
- a copy of Council's Public Interest Disclosures Internal Reporting Policy

## 9.2. Progress updates

During any investigation, a staff member making the report will be given:

- information about the progress of the investigation and reasons for any delay
- advice of any decision by Council not to proceed with the matter
- advice if a staff member's identity needs to be disclosed for the purposes of investigating the matter, and the opportunity to discuss this beforehand.

## 9.3. Feedback

At the end of any investigation, the staff member making the report will be given:

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

## 10. Maintaining Confidentiality

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

Where possible and appropriate Council will take steps to keep the identity, and the fact a staff member has reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. Council will discuss with the staff member whether it is possible to keep the report confidential.

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

If a staff member reports wrongdoing, it should only be discussed with those dealing with it. This will include the Disclosures Coordinator and the General Manager. If a report is discussed more broadly, it may affect the outcome of any investigation.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

## 11. Managing the risk of reprisal and workplace conflict

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

When a public interest disclosure report is received, Council will ensure that a thorough risk assessment is conducted to identify any risks 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.

## 12. 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 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.

Council will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines.

Detrimental action is also misconduct that justifies disciplinary action. A person who takes 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

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 Council has reasonable grounds to take such action.

### 12.1. Responding to reprisals

If a staff member 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 notify their supervisor, the Disclosures Coordinator or the General Manager or Mayor (as appropriate) 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:

- 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
- ensure a senior and experienced member of 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
- refer any breach of Part 8 of the Council's Code of Conduct 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 a staff member reports reprisal action, they will be kept informed of the progress and outcome of any investigation or action taken.



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 a member of staff who made the disclosure
- relocating a member of staff who made the disclosure or the subject officer within the current workplace
- transferring a member of staff who made the disclosure or a staff member who is the subject of the allegation to another position for which they are qualified
- granting a member of 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 staff who made the disclosure agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the staff member and with management support – and it is not a punishment.

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

## **12.2. Protection against legal action**

If a staff member 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 will have the defence of absolute privilege in defamation.

## **13. Support for those reporting wrongdoing**

Council will make sure that 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 or counselling services.

Council also has staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal.

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

## **14. Sanctions for making false or misleading disclosures**

It is important that all staff 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 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 NSW Local Government Act 1993 and may include suspension or disqualification from civic office.

## **15. 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.

The subject of a report will be:

- advised of the details of the allegation at an appropriate time before adverse findings
- treated fairly and impartially
- told of their rights and obligations under Council's policies and procedures
- kept informed of the progress of any investigation
- given the opportunity to respond to any allegation made against them

- told the outcome of any investigation, including any decision made about whether or not further action will be taken.

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

## 16. Review

This policy will be reviewed by Council every three years, or earlier if required by any legislative change, or to enhance the application of the legislation and/or regulations supporting the policy.

## 17. More information

More information around public interest disclosures is available on the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

Councillors and staff can also access advice and guidance from Council's Disclosures Coordinator.

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

<p><b>For disclosures about corrupt conduct:</b></p> <p>Independent Commission Against Corruption (ICAC)</p> <p>Phone: 02 8281 5999</p> <p>Toll free: 1800 463 909</p> <p>Tel. typewriter (TTY): 02 8281 5773</p> <p>Facsimile: 02 9264 5364</p> <p>Email: <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a></p> <p>Web: <a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a></p> <p>Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000</p>	<p><b>For disclosures about maladministration:</b></p> <p>NSW Ombudsman</p> <p>Phone: 02 9286 1000</p> <p>Toll free (outside Sydney metro): 1800 451 524</p> <p>Tel. typewriter (TTY): 02 9264 8050</p> <p>Facsimile: 02 9283 2911</p> <p>Email: <a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a></p> <p>Web: <a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a></p> <p>Address: Level 24, 580 George Street, Sydney NSW 2000</p>
<p><b>For disclosures about breaches of the GIPA Act:</b></p> <p>Information Commissioner</p> <p>Toll free: 1800 463 626</p> <p>Facsimile: 02 8114 3756</p> <p>Email: <a href="mailto:oiinfo@oic.nsw.gov.au">oiinfo@oic.nsw.gov.au</a></p> <p>Web: <a href="http://www.oic.nsw.gov.au">www.oic.nsw.gov.au</a></p> <p>Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000</p>	<p><b>For disclosures about serious and substantial waste in local government agencies:</b></p> <p>Office of Local Government in the Department of Premier and Cabinet</p> <p>Phone: 02 4428 4100</p> <p>Tel. typewriter (TTY): 02 4428 4209</p> <p>Facsimile: 02 4428 4199</p> <p>Email: <a href="mailto:dlg@dlg.nsw.gov.au">dlg@dlg.nsw.gov.au</a></p> <p>Web: <a href="http://www.dlg.nsw.gov.au">www.dlg.nsw.gov.au</a></p> <p>Address: 5 O'Keefe Avenue, Nowra, NSW 2541</p>

## DEFINITIONS

### Code of Conduct

a policy of Council to assist Councillors and staff;

- to fulfil their statutory duty to act honestly and exercise a reasonable degree of care & diligence;
- to provide a practical means of identifying and resolving situations which involved conflict of interest or improper use of their positions;
- to act in a way which enhances public confidence in the system of local government.

### Corruption

Includes:

- The dishonest or partial exercise of official functions by a public official,
- Conduct of a person who is not a public official, when it adversely affects the impartial or honest exercise of official functions by a public official (refer ICAC Act).
- Includes taking or offering bribes, dishonest use of influence, blackmail and fraud.

### Detrimental Action

Action that can cause, comprise or involve 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; or
- disciplinary proceedings.

### Disclosure Coordinator

The person who acts as a central coordination point for all disclosures; this person is Council's Public Officer.

### GIPA Act

Refers to the Government Information (Public Access) Act 2009.

### Independent Commission Against Corruption (ICAC)

The main purpose of the ICAC is to expose and minimise corruption within and affecting the NSW public sector. The Commission's work is directed towards improving the honesty and impartiality of the NSW public sector, including local government.

### Maladministration

Conduct that involves action or inaction of a **serious** nature that is,

- contrary to law; or
- unreasonable, unjust, oppressive or improperly discriminatory; or
- based wholly or partly on improper motives (NSW Public Interest Disclosures Act 1994).

### Ombudsman

The mission of the NSW Ombudsman is to safeguard the public interest by providing for the redress of justified complaints and promoting fairness, integrity and practical reforms in public administration in NSW.

### Principal Officer

For the purposes of this Policy is the General Manager or in certain circumstances under the Public Interest Disclosures Act 1994 and this Policy may be the Mayor.

<b>PID Act</b>	Refers to the NSW Public Interest Disclosures Act 1994
<b>Public Interest Disclosure</b>	A disclosure made under the NSW Public Interest Disclosures Act 1994 and in accordance with this internal reporting policy.
<b>Public Official</b>	In terms of the Public Interest Disclosures Act 1994 includes all staff employed in local government in NSW, and also includes local government Councillors.
<b>Serious and Substantial Waste</b>	Any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in significant loss/wastage of councils funds/resources.



## POLICY ADMINISTRATION

BUSINESS GROUP:	ADMINISTRATION AND GOVERNANCE
RESPONSIBLE OFFICER:	GROUP MANAGER ADMINISTRATION AND GOVERNANCE
COUNCIL REFERENCE:	Ordinary Council Meeting – 22 March 2016 – Item 11.1
POLICY REVIEW DATE:	Three (3) years from date of adoption
FILE NUMBER:	35/1 & 35/38
RELEVANT LEGISLATION	Government Information (Public Access) Act 2009 Independent Commission Against Corruption Act 1988 Local Government Act 1993 Ombudsman Act 1974 Public Interest Disclosures Act 1994
RELATED POLICIES / PROCEDURES / PROTOCOLS	Code of Conduct Complaint Management Policy Code of Meeting Practice Fraud Control Policy Privacy Management Plan Right to Information Policy Right to Information Guidelines

## POLICY HISTORY

VERSION	DATE APPROVED	DESCRIPTION OF CHANGES
1.0	8/11/2011	New policy adopted. This policy replaces the Protected Disclosures Policy.
2.0	22/3/2016	Periodic Review

