

# **Attachment A**

**Draft Public Interest Disclosure Policy**

# Public Interest Disclosure Policy



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## Purpose

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

At the City of Sydney we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing. The integrity of our organisation relies upon our Workers speaking up when they become aware of wrongdoing.

This policy sets out:

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

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

- protecting those who speak up from detrimental action
- taking appropriate action to investigate reports.

We deal with these reports in accordance with the PID Act.

This policy should be read in conjunction with our [Code of Conduct](#) and our [Complaint Management Policy](#). Workplace disputes, harassment or bullying complaints, or health and safety concerns are covered by:

- [Equal Employment Opportunity and Anti-Discrimination Policy](#)
- [Grievance and Conflict Resolution Policy](#)
- [Harassment and Bullying Policy](#)
- [Work Health and Safety Policy](#).

This policy is available on our website as well as on CityNet. A copy of the policy is provided to all Workers at the City of Sydney on their commencement. A hard copy of the policy can also be requested from the Manager Risk & Governance.

## Who does this policy apply to?

This policy applies to, and for the benefit of, all public officials in NSW.

In particular, at the City of Sydney, this policy applies to:

- Councillors, Council committee members and members of wholly advisory committees
- City of Sydney Workers including all City of Sydney employees including permanent (whether full-time or part time), temporary and casual employees and apprentices, together with agency contractors (labour hire), work experience students and volunteers

- any person providing services or exercising functions on behalf of the City of Sydney, including contractors and subcontractors
- any employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of the City of Sydney or exercises City of Sydney functions, and are involved in providing those services or exercising those functions.

It is noted that consultants, such as a person or organisation engaged under contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision-making by management, are not considered public officials under the PID Act.

The Chief Executive Officer, the Director Legal & Governance and other nominated Disclosure Officers and Managers within the City of Sydney have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for the City of Sydney may use this policy if they want information on who they can report wrongdoing to within the City of Sydney.

## Who does this policy not apply to?

This policy does not apply to:

- people who have received services from the City of Sydney and want to make a complaint about those services
- people, such as contractors, who provide services to the City of Sydney (for example, employees of a company that sold computer software to the City of Sydney)
- consultants.

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

However, you can still make a complaint to the City of Sydney. Our [website](#) provides detailed guidance on how to make a complaint or provide feedback and includes links to an online form and our [Complaint Management Policy](#).

## What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to the City of Sydney under the PID Act
- the nominated Disclosure Officers at the City of Sydney
- the roles and responsibilities of people who hold particular roles under the PID Act and who are Employees of the City of Sydney
- what information you will receive once you have made a voluntary PID
- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
- the City of Sydney's procedures for dealing with disclosures
- the City of Sydney's procedures for managing the risk of detrimental action and reporting detrimental action

- the City of Sydney’s record-keeping and reporting requirements
- how the City of Sydney will ensure it complies with the PID Act and this policy.

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- confidentially contact a nominated Disclosure Officer within the City of Sydney
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au), or
- access the NSW Ombudsman’s PID guidelines which are available on its [website](#).

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

**Definitions**

Term	Meaning
Disclosure Coordinator	Director Legal & Governance
Disclosure Officer	<p>A person responsible for receiving voluntary PIDs on behalf of the City of Sydney including:</p> <ul style="list-style-type: none"> <li>• the Chief Executive Officer</li> <li>• the Lord Mayor (for PIDs about the conduct of the Chief Executive Officer)</li> <li>• the Disclosure Coordinator</li> <li>• all divisional Directors (including the Chief Financial Officer and the Chief Operating Officer), Manager Risk &amp; Governance and Chief People &amp; Culture</li> <li>• for each worksite that is permanently maintained and at which more than one person is employed, the most senior ongoing Employee who ordinarily works at the site.</li> </ul>
Employees	All City employees including permanent (whether full-time or part-time), temporary, casual employees and apprentices.
Manager	<p>A manager of a public official and, in particular, for the City of Sydney:</p> <ul style="list-style-type: none"> <li>• an Employee to whom the public official reports directly or indirectly, or</li> <li>• an Employee who directly or indirectly supervises the public official in the exercise of the public official’s functions.</li> </ul>
Public official	<p>A public official means one or more of the following:</p> <ul style="list-style-type: none"> <li>• a person employed in or by an agency (including a Council) or otherwise in the service of an agency</li> </ul>

Term	Meaning
	<ul style="list-style-type: none"> <li>• a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate</li> <li>• an individual in the service of the Crown</li> <li>• a statutory officer</li> <li>• a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer</li> <li>• an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions</li> <li>• a judicial officer</li> <li>• a Member of Parliament (MP), including a Minister</li> <li>• a person employed under the Members of Parliament Staff Act 2013.</li> </ul>
Workers	All Employees, agency contractors (labour hire), work experience students and volunteers.

## 1. How to make a report of serious wrongdoing

### Reports, complaints and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy.

The internal reporting system established under this policy is not intended to be used for employee grievances, which should be raised through our [Grievance and Conflict Resolution Policy](#). If a Worker makes a report under this policy which is substantially a grievance, the matter will be referred to People & Culture to be dealt with in accordance with our Grievance and Conflict Resolution Policy. It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

### When will a report be a PID?

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

1. Voluntary PID: This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.

2. **Mandatory PID:** This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in [section 2](#) of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines [Dealing with mandatory PIDs](#) and [Dealing with witness PIDs](#).

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'. They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:

1. the report is made by a public official
2. it is made to a person who can receive voluntary PIDs
3. the public official honestly and reasonably believes that the information they are providing shows (or tends to show) serious wrongdoing
4. the report was made orally or in writing
5. the report is voluntary (meaning it is not a mandatory or witness PID).

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

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with the Disclosure Coordinator or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review through the Disclosure Coordinator or we may seek to conciliate the matter. You may also contact the NSW



Ombudsman. Further information on rights to internal review and conciliation is found in [section 7](#) of this policy.

### **Who can make a voluntary PID?**

Any public official can make a voluntary PID — see ‘Who this policy applies to’.

You are a public official at the City of Sydney for the purposes of this policy if:

- you are a Councillor, Council committee member or member of a wholly advisory committee
- you are a City of Sydney Worker
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of the City of Sydney, or
- you work for an entity (such as a non-government organisation) who is contracted by the City of Sydney to provide services or exercise functions on behalf of the City of Sydney - if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside the City of Sydney. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. [Annexure B](#) of this policy has a list of integrity agencies.

### **What is serious wrongdoing?**

Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID (in addition to having the other features set out above). Serious wrongdoing is defined in the PID Act as:

- corrupt conduct — such as a public official accepting a bribe
- serious maladministration (that is, conduct that is unlawful, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives) — such as an agency systemically failing to comply with proper recruitment processes when hiring staff
- a government information contravention — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
- a local government pecuniary interest contravention — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a privacy contravention — such as unlawfully accessing a person’s personal information on an agency’s database
- a serious and substantial waste of public money — such as an agency not following a competitive tendering process when contracting with suppliers to undertake government work.

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

### **Who can I make a voluntary PID to?**

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

#### ***Making a report to a public official who works for the City of Sydney.***

You can make a report inside the City of Sydney to:

- the Chief Executive Officer
- the Disclosure Coordinator

- a Disclosure Officer - a list of the City of Sydney's Disclosure Officers can be found at Annexure A of this policy
- your Manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one Manager. Your Manager will make sure that the report is communicated to the Disclosure Coordinator on your behalf or may accompany you while you make the report to a Disclosure Officer or the Disclosure Coordinator.

### ***Making a report to a recipient outside of the City of Sydney***

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the head of another agency — this means the head of any public service agency
- an integrity agency — a list of integrity agencies is located at Annexure B of this policy
- a disclosure officer for another agency — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
- a Minister or a member of a Minister's staff but the report must be made in writing.

If you choose to make a disclosure outside of the City of Sydney, it is possible that your disclosure will be referred back to us so that appropriate action can be taken.

### ***Making a report to a Member of Parliament or journalist***

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- you must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures
- the previous disclosure must be substantially true
- you did not make the previous disclosure anonymously
- you did not give a written waiver of your right to receive information relating to your previous disclosure
- you did not receive the following from the City of Sydney:
  - notification that the City of Sydney will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
  - the following information at the end of the investigation period:
    - notice of the City of Sydney's decision to investigate the serious wrongdoing
    - a description of the results of an investigation into the serious wrongdoing
    - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

### **What form should a voluntary PID take?**

You can make a voluntary PID:

- in writing — this could be an email or letter to a person who can receive voluntary PIDs.

- orally — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- anonymously — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. It may be difficult, however, for us to investigate the matter(s) you have disclosed if we cannot contact you for further information.

You can also make a voluntary PID by using the [online form](#) on our website.

### **What should I include in my report?**

You should provide as much information as possible so we can deal with the report effectively.

The type of information you should include is:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

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

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for us to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other policies and procedures. Even if your report is not a PID, it may fall within another one of our policies for dealing with reports, allegations or complaints.

### **Deeming that a report is a voluntary PID**

The Disclosure Coordinator can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power'.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the Disclosure Coordinator to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the Disclosure Coordinator. For more information about the deeming power, see the Ombudsman's guideline '[Deeming that a disclosure is a voluntary PID](#)'.

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

You can contact the Disclosure Coordinator who can provide further information so that your concerns can be addressed. Your inquiries will be treated as confidential.

## 2. Protections

### How is the maker of a voluntary PID protected?

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

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

#### ***Protection from detrimental action***

A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.

Once we become aware that a voluntary PID by a person employed or otherwise associated with the City of Sydney that concerns serious wrongdoing relating to the City of Sydney has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.

It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.

A person may seek compensation where unlawful detrimental action has been taken against them.

A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

#### ***Immunity from civil and criminal liability***

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

**Confidentiality**

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

**Protection from liability for own past conduct**

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

**Protections for people who make mandatory and witness PIDs**

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

- A mandatory PID: This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- A witness PID: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

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

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

### 3. Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to us by contacting any of the Disclosure Officers listed in [Annexure A](#) of this policy, or to an integrity agency. A list of integrity agencies is located at [Annexure B](#) of this policy.

### 4. General support

If you make a PID report, the City of Sydney's responsible officers will allocate to you a key contact person who will also take steps to protect your interests, for example, if you are at risk of detrimental action. We will also link you to wellbeing support through our Employee Assistance Program (EAP) under our [Employee Assistance Program Policy](#). Our EAP offers independent, confidential, short-term counselling and coaching support. This is available for all employees for personal and work-related issues and is available 24 hours a day, 7 days a week. More information on this program can be found on [CityNet](#).

Access to support may also be available for other employees involved in the internal reporting process where appropriate. Makers of PIDs and other employees involved in the process can discuss their support options with the Disclosure Coordinator or the contact person for their matter.

The City of Sydney may also refer you to the NSW Ombudsman if you have questions about the PID Act and reporting generally.

### 5. How we will deal with voluntary PIDs

#### **How the City of Sydney will acknowledge that we have received a report and keep the person who made it informed**

When a Disclosure Officer in the City of Sydney receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:
  - state that the report will be assessed to identify whether it is a PID
  - state that the PID Act applies to how we deal with the report
  - provide clear information on how you can access this PID policy
  - provide you with details of a contact person and available supports.
  
- If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:
  - that we are investigating the serious wrongdoing
  - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
  - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.

- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
  - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
    - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
    - information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
  - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

### ***Report not a voluntary PID***

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our applicable policies including the Code of Conduct, Procedures for the Administration of the Code of Conduct and/or Grievance and Conflict Resolution Policy or through an alternate process.

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

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

### ***Cease dealing with report as voluntary PID***

The City of Sydney may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID). In this case, we will notify the maker of the report that we have ceased to deal with their matter as a voluntary PID and will provide reasons to the maker of a purported PID if we have ceased dealing with the report as a voluntary PID.

### ***Where the report is a voluntary PID***

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be

circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.

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

### **How the City of Sydney will protect the confidentiality of the maker of a voluntary PID**

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or the City of Sydney.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or we reasonably consider it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified.

We will do this by:



- limiting the number of people who are aware of the maker's identity or information that could identify them
- if we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so
- ensuring that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential
- ensuring that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker
- undertaking an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation
- providing information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, we will:

- advise the person whose identity may become known
- update the risk assessment and risk management plan
- implement strategies to minimise the risk of detrimental action
- provide additional supports to the person who has made the PID
- remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

### **How the City of Sydney will assess and minimise the risk of detrimental action**

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

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

We will take steps to assess and minimise the risk of detrimental action by:

- explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
- providing details of the person that will be responsible for undertaking a risk assessment
- explaining the approvals for risk assessment and the risk management plan, that is, position or role of the person who has final approval
- explaining how we will communicate with the maker to identify risks
- listing the protections that will be offered, that is, we will discuss protection options with the maker which may including remote working or approved leave for the duration of the investigation
- outlining what supports will be provided.

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

- injury, damage or loss

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

Detrimental action does not include:

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

It is a detrimental action offence to take detrimental action against another person if you suspect, believe or are aware, when taking detrimental action, that the other person or a third person:

- has made, or may have made, or may make a PID, or
- is, has been or may be investigating serious wrongdoing whether or not the investigation relates to a PID,

and the suspicion, belief or awareness is a contributing factor to the taking of the detrimental action.

### **How the City of Sydney will deal with allegations of a detrimental action offence**

If we become aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

The Disclosure Coordinator is responsible for making referrals about alleged detrimental action offences and will provide updates to the person against whom the alleged detrimental action has been taken.

### **What the City of Sydney will do if an investigation finds that serious wrongdoing has occurred**

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

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing

- providing additional education and training to staff where required
- taking disciplinary action against persons involved in the wrongdoing (such as termination of employment, counselling or warning)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

## 6. Review and dispute resolution

### Internal review

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

- that the City of Sydney is not required to deal with the report as a voluntary PID
- to stop dealing with the report because the City of Sydney decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

The City of Sydney will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing to the Disclosure Coordinator within 28 days of being informed of our decision. The application should state the reasons why you consider our decision should not have been made. You may also submit any other relevant material with your application.

### Voluntary dispute resolution

If a dispute arises between the City of Sydney and a person who has made a report which is, or may be, a voluntary PID, we may request that the NSW Ombudsman conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where the City of Sydney and the maker of the report are willing to resolve the dispute.

## 7. Other agency obligations

### Record-keeping requirements

The City of Sydney must keep full and accurate records with respect to all information received in connection with the PID Act. These records must be retained in our dedicated records management system TRIM with restricted access and security settings to prevent unauthorised access, destruction, alteration, deletion or loss. This ensures that the City of Sydney complies with its obligations under the State Records Act 1998 and our [Records Management Policy](#).

### Reporting of voluntary PIDs and City of Sydney annual return to the Ombudsman

Each year we provide an annual return to the NSW Ombudsman which includes:

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

## How the City of Sydney will ensure compliance with the PID Act and this policy

We have a number of mechanisms in place for monitoring the effectiveness of our PID policy and for ensuring compliance with the PID Act. Specific oversight responsibilities are outlined below. We will report on a regular basis to the Executive and our Audit Risk Compliance Committee (ARCC) in addition to our external reporting obligations.

### Awareness and training

The City of Sydney will ensure that the CEO and all Disclosure Officers and Managers are given training in relation to their responsibilities under the PID Act and this policy in accordance with the requirements of the PID Act. We will also ensure refresher training takes place at intervals of no more than 3 years.

The City of Sydney will take regular steps to ensure all public officials are aware of this policy and how to make a PID.

## 8. Responsibilities

### The Chief Executive Officer will:

- foster a workplace culture where reporting is encouraged
- receive disclosures from public officials
- ensure there is a system in place for assessing disclosures
- ensure that the City of Sydney has appropriate systems for:
  - overseeing internal compliance with the PID Act
  - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action
  - implementing corrective action if serious wrongdoing is found to have occurred
  - complying with reporting obligations regarding allegations or findings of detrimental action
  - complying with yearly reporting obligations to the NSW Ombudsman
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) and any evidence of a reprisal offence under section 34 of the PID Act to the Commissioner of Police or the ICAC, as required.

### The Lord Mayor

The Lord Mayor can receive reports from public officials about the CEO.

Where the Lord Mayor receives a report, the Lord Mayor will:

- assess to determine whether or not it should be treated as a PID and to decide how it will be dealt with
- deal with reports made under the City's Code of Conduct in accordance with the City of Sydney's adopted Code of Conduct Procedures
- refer reports to an investigating authority, where appropriate
- liaise with the Disclosure Coordinator to ensure there are strategies in place to support public officials who make a report, protect them from reprisal and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) and any evidence of a reprisal offence under section 34 of the PID Act to the Commissioner of Police or the ICAC, as required.

**The Disclosure Coordinator will:**

- receive reports from public officials
- 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 CEO)
- appoint an investigator for each report (Investigator)
- oversee any internal reviews in accordance with s60 of the PID Act
- ensure all public officials at the City of Sydney with roles outlined in this policy receive training on their responsibilities
- provide an annual return to the NSW Ombudsman in accordance with section 78 of the PID Act
- ensure the City of Sydney complies with this policy and the PID Act
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) and any evidence of a reprisal offence under section 34 of the PID Act to the Commissioner of Police or the ICAC, as required.

**Disclosure Officers will:**

- receive reports from public officials
- receive reports when they are passed on to them by Managers
- make arrangements to ensure makers of reports can meet privately and discreetly when requested, which may include away from the workplace
- discuss with the maker of the report any concerns they may have about reprisal or workplace conflict
- pass on reports they receive to the Disclosure Coordinator
- ensure that any oral reports that have been received are recorded in writing
- implement local management strategies, in consultation with the Disclosure Coordinator or their delegate, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosure Coordinator or CEO immediately if they believe a Worker is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the CEO, notify the Lord Mayor
- have a comprehensive understanding of this policy and complete all ongoing training requirements
- action any recommendations arising from an investigation that are approved by the CEO and where they are responsible.

**Managers will:**

- receive reports from persons that report to them or that they supervise
- pass on reports they receive to the Disclosure Coordinator
- accompany, if requested, a person making a report while they make the report to a Disclosure Officer
- have a comprehensive understanding of this policy and complete all ongoing training requirements
- create a local work environment where Workers are comfortable and confident about reporting wrongdoing
- encourage Workers to report known or suspected wrongdoing within the organisation and support them when they do

- implement local management strategies, in consultation with the Disclosure Coordinator or their delegate, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosure Coordinator or CEO immediately if they believe a Worker is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the CEO, notify the Lord Mayor
- action any recommendations arising from an investigation that are approved by the CEO and where they are responsible.

**Investigators will:**

- deal with reports made under the City's Code of Conduct in accordance with the City of Sydney's Procedures for the Administration of the Code of Conduct
- have a comprehensive understanding of this policy
- coordinate the City of Sydney's response to a report
- acknowledge reports and provide updates and feedback to public officials who made reports
- undertake risk assessments and take steps to mitigate the risk of detrimental action occurring against public officials who make reports
- assess whether it is possible and appropriate to keep the public official's identity confidential
- request specific consent from a public official to disclose their identity to any external agency prior to referring a report of actual or suspected corrupt conduct or any evidence of a reprisal offence 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
- provide or coordinate support to public officials involved in the reporting or investigation process, where required, including protecting the interests of any public official who is the subject of a report.

**All Workers and Councillors will:**

- report suspected serious wrongdoing or other misconduct
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of the City of Sydney
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

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

**Consultation**

Governance consulted with the NSW Ombudsman and internally with Legal Services, People & Culture, Learning & Development, Creative City, Social City, City Greening & Leisure, Parking, Fleet & Depot Services and Cleansing & Waste in developing this policy.

## References

Laws and Standards
• Independent Commission Against Corruption Act 1988 (NSW)
• Local Government Act 1993 (NSW)
• Ombudsman Act 1974
• Public Interest Disclosures Act 2022 (NSW)
• Public Interest Disclosures Regulation 2022
• NSW Ombudsman Guidelines: <ul style="list-style-type: none"> <li>- <a href="#">Core concepts in the PID Act</a></li> <li>- <a href="#">Dealing with voluntary PIDs</a></li> <li>- <a href="#">Deeming that a disclosure is a voluntary PID</a></li> <li>- <a href="#">Overview of the new Public Interest Disclosures Act 2022</a></li> <li>- <a href="#">Protections under the PID Act</a></li> <li>- <a href="#">What is a public interest disclosure</a></li> <li>- <a href="#">What is serious wrongdoing</a></li> </ul>
Policies and Procedures
• Code of Conduct
• Complaint Management Policy
• Conflict of Interest Policy
• Equal Employment Opportunity and Anti-Discrimination Policy
• Employee Assistance Program Policy
• Fraud and Corruption Control Plan
• Grievance and Conflict Resolution Policy
• Harassment and Bullying Policy
• Privacy Management Plan
• Procedures for the Administration of the Code of Conduct
• Records Management Policy
• Work Health and Safety Policy

### Review period

This policy will be reviewed every 2 years.

### Approval Status

Council approved this policy on [ ] 2023.

**Approval History**

Stage	Date	Comment	TRIM Reference
Original Policy	[ ] October 2023	New policy referencing PID Act 2022 and NSW Ombudsman’s model policy. Replaced Internal Reporting Policy (PID Act 1994).	[To be populated by Governance on approval.]
Commence Review Date	[ ] January 2025		
Approval Due Date	[ ] October 2025		

**Ownership and approval**

Responsibility	Role
Author	Coordinator Governance
Owner	Manager Risk & Governance
Endorser	City of Sydney Executive
Approver	City of Sydney Council

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**Annexure A - City of Sydney Disclosure Officers**

Town Hall House	Contact details
<b>Chief Executive Officer</b> Monica Barone	<a href="mailto:mbarone@cityofsydney.nsw.gov.au">mbarone@cityofsydney.nsw.gov.au</a> 02 9265 9118
<b>Lord Mayor</b> (for reports about the CEO) Clover Moore	<a href="mailto:cmoore@cityofsydney.nsw.gov.au">cmoore@cityofsydney.nsw.gov.au</a> 02 9265 9229
<b>Disclosure Coordinator</b> Director Legal & Governance Kirsten Morrin	<a href="mailto:kmorrin@cityofsydney.nsw.gov.au">kmorrin@cityofsydney.nsw.gov.au</a> 02 9265 9361
<b>Manager Risk &amp; Governance</b> Nellette Kettle	<a href="mailto:nkettle@cityofsydney.nsw.gov.au">nkettle@cityofsydney.nsw.gov.au</a> 02 9265 9084
<b>Chief Financial Officer</b> Bill Carter	<a href="mailto:bcarter@cityofsydney.nsw.gov.au">bcarter@cityofsydney.nsw.gov.au</a> 02 9265 9386
<b>Chief Operating Officer</b> Kim Woodbury	<a href="mailto:kwoodbury@cityofsydney.nsw.gov.au">kwoodbury@cityofsydney.nsw.gov.au</a> 02 9246 7370
<b>Director City Life</b> Emma Rigney	<a href="mailto:erigney@cityofsydney.nsw.gov.au">erigney@cityofsydney.nsw.gov.au</a> 02 9246 7320
<b>Director City Planning Development &amp; Transport</b> Graham Jahn	<a href="mailto:gjahn@cityofsydney.nsw.gov.au">gjahn@cityofsydney.nsw.gov.au</a> 02 9265 9945
<b>Director City Services</b> Veronica Lee	<a href="mailto:vlee@cityofsydney.nsw.gov.au">vlee@cityofsydney.nsw.gov.au</a> 02 9265 9092
<b>Director People, Performance &amp; Technology</b> Susan Pettifer	<a href="mailto:spettifer@cityofsydney.nsw.gov.au">spettifer@cityofsydney.nsw.gov.au</a> 02 9265 9221
<b>Director Strategic Development &amp; Engagement</b> Kate Deacon	<a href="mailto:kdeacon@cityofsydney.nsw.gov.au">kdeacon@cityofsydney.nsw.gov.au</a> 02 9246 7252
<b>Chief People &amp; Culture</b> Chris Youness	<a href="mailto:cyouness@cityofsydney.nsw.gov.au">cyouness@cityofsydney.nsw.gov.au</a> 0458 124 849

Community and Recreation Centres	
<b>Leisure Contracts Relationship &amp; Performance Manager, City Greening &amp; Leisure</b>	Andrew (Boy) Charlton Pool
	Cook & Phillip Park Pool
	Gunyama Park Aquatic and Recreation Centre
	Ian Thorpe Aquatic Centre
	Prince Alfred Park Pool
	Victoria Park Pool
<b>Area Manager, Social City</b>	Cliff Noble Community Centre
	Juanita Nielsen Centre
	King George V Recreation Centre
	Maybanke Community Centre
	Pyrmont Community Centre
	Redfern Community Centre
	Reginald Murphy Community Centre
	Ron Williams Community Centre
St Helens Community Centre	

**Community and Recreation Centres**

	Ultimo Community Centre
<b>Centre Manager – Perry Park Recreation Centre</b>	Perry Park Recreation Centre
<b>Manager Programs and Learning, Creative City</b>	Pine Street Creative Arts Centre

**Depots**

<b>Manager, City Cleansing &amp; Resource Recovery Manager Parking Fleet &amp; Depot Services</b>	Alexandra Canal Depot 67A Bourke Road
<b>City Cleansing Operations Manager</b>	Bay Street Depot, Ultimo
	Bourke Street Depot, Woolloomooloo

**Education and Care Services**

<b>Early Childhood Services Coordinator</b>	Broughton St Kindergarten, Glebe
	Eveleigh Early Learning and Preschool
	Hilda Booler Kindergarten, Glebe
	Redfern Occasional Child Care
<b>Middle Childhood Services Coordinator</b>	KGV Outside School Hours Care, KGV Recreation Centre
	Pymont Outside School Hours Care, Pymont Community Centre
	Redfern Outside School Hours Care, Redfern Community Centre
	Surry Hills Outside School Hours Care, Girls and Boys Brigade Building
	Ultimo Outside School Hours Care, Ultimo Community Centre
	Woolloomooloo Outside School Hours Care, Juanita Nielsen Community Centre

**Libraries/Mixed Use Venues**

<b>Manager Libraries &amp; Learning Area Team Leader South, Libraries &amp; Learning Visitor and Destination Ambassador Manager</b>	Customs House
<b>Manager Libraries &amp; Learning Area Team Leader – Library Business</b>	Darling Square (Exchange) Library
	Glebe Library
	Ultimo Library
<b>Manager Libraries &amp; Learning Area Team Leader South, Libraries &amp; Learning</b>	Kings Cross Neighbourhood Library
	Newtown Library & Community Hall
<b>Manager Libraries &amp; Learning Area Team Leader North, Libraries &amp; Learning</b>	Green Square Library & Plaza
	Surry Hills Library
	Waterloo Library

Libraries/Mixed Use Venues	
Neighbourhood Service Centre Manager – Glebe, Kings Cross & Green Square	Neighbourhood Service Centres, Glebe, Kings Cross & Green Square

307 Pitt Street	
Manager City Rangers	City Rangers

**Note:** Please go to [add link to Governance page] for current list of City of Sydney Disclosure Officers including names and contact details.

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**Annexure B - List of integrity agencies**

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