

# **PUBLIC INTEREST DISCLOSURES MANAGEMENT GUIDELINES**

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**Implementation document for the Public Interest Disclosures Internal Reporting policy**

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## 1 Public interest disclosure

Every staff member of the department has an ethical responsibility to report suspected unlawful, corrupt, negligent or improper conduct, maladministration or serious and substantial waste of public money.

The department's Public Interest Disclosures Internal Reporting policy establishes the commitment and framework to support and protect staff who report wrongdoing.

The policy set out how the department meets its obligations under the Public Interest Disclosures Act (PID Act).

## 2 Guidelines for managing public interest disclosures

These guidelines aim to help staff comply with the Public Interest Disclosures Internal Reporting policy and set out the roles and responsibilities of all department staff in making and/or receiving public interest disclosures.

The underlying premise of these guidelines is that any staff member reporting wrongdoing will be supported and protected from reprisal in doing so.

## 3 Application of these guidelines

These guidelines apply to the following department employees:

- permanent full-time or part-time employees
- temporary or casual employees
- consultants
- individual contractors working for the department.

## 4 What is a public interest disclosure?

A public interest disclosure is a report of suspected wrongdoing by a public official, about a public official, which has been accepted as meeting all the following requirements under the Public Interest Disclosure Act 2013 (PID Act):

- The report alleges corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention.
- The person making the report has an honest belief that the information shows or tends to show wrongdoing.
- The report must be made to one or more of the following
  - a disclosures officer (see Appendix A)
  - the disclosures coordinator (Director Investigations, Professional and Ethical Standards)
  - the disclosures manager (Executive Director, Professional and Ethical Standards)
  - one of the investigating authorities nominated in the PID Act (see Appendix B).

Reports will not be considered public interest disclosures if they either:

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

## **5 Who can make a public interest disclosure?**

A public official must make the report of wrongdoing for it to be considered a public interest disclosure.

A public official is defined by the PID Act as staff of a state government department or agency (including part-time or casual staff), staff of a local government authority, an employee of a state owned corporation or a subsidiary of a state owned corporation, a person having a public official function or acting in a public official capacity for the state, or an individual who is engaged by a public authority under a contract to provide services to or on behalf of the public authority.

In the department, the following people can make a public interest disclosure:

- permanent full-time or part-time employees
- temporary or casual employees
- consultants
- individual contractors.

In these guidelines, the term 'staff' is used to capture all the above categories.

## **6 Expectation of all staff**

Every person to whom these guidelines apply has a responsibility to report suspected unlawful, corrupt, negligent or improper conduct, maladministration, serious and substantial waste of public money or government information contravention that they are aware of in the department.

All staff are expected to support those who have made disclosures, as well as protect and maintain their confidentiality. Staff must not victimise or harass anyone who has made a disclosure.

Managers and supervisors must make themselves aware of the expectations of the department's Public Interest Disclosures Internal Reporting policy and these guidelines to provide support and guidance to any person who confides in them about making a disclosure.

Those staff responsible for receiving disclosures must:

- act expediently and impartially in relation to any disclosure made to them
- consider the risks of reprisal a person making a disclosure may face because of their disclosure
- actively consider the actions required to reduce those risks.

## **7 Principles for managing public interest disclosures**

### **7.1 Maintain confidentiality as far as possible**

The PID Act requires investigating authorities, public authorities and public officials to whom public interest disclosures are made or referred, not to disclose information that might identify or tend to identify the person who made the disclosure. The following are exceptions to the confidential requirement:

- the person consents in writing to the disclosure of that information or it is generally known that the person has made the disclosure as a result of the person voluntarily identifying themselves
- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the respondent
- disclosure of the identifying information is necessary to investigate the matter effectively
- disclosure is otherwise in the public interest
- disclosure is otherwise required by law.

References to the disclosure that might be read by persons other than those involved in conducting the investigation, should not unnecessarily reveal the identity of the reporter.

Some people who need to know of the matter do not need to know the identity of the reporter, and care needs to be taken to observe this distinction.

To ensure confidentiality, all documents relating to public interest disclosures should be stored securely. Access to these documents must be strictly controlled. Their movement and eventual destruction must also be secure.

### **7.2 The matter is to be properly acted on**

There are a number of available options for action ranging from no action to referral to the police. Appropriate action will depend on a number of factors, including the seriousness of the matter and what previous investigation or review has occurred.

Generally, decisions about action taken, whether an investigation is required and who investigates the matter are made by the disclosures coordinator. In some cases, it may be appropriate for the disclosures manager to make these decisions.

### **7.3 Minimise the risk of reprisals against reporters**

Steps to be taken include:

- educating all staff that the department does not tolerate corruption, maladministration or serious and substantial waste and supports the making of disclosures
- investigating anonymous allegations where this is feasible
- educating all staff that, if a person is shown to take reprisal action against an officer for making a disclosure, the department will find that person has engaged in misconduct. The person may also be guilty of an offence under the PID Act, which may be punishable by imprisonment
- advising reporters of their rights
- encouraging reporters to refrain from telling others (who are not involved) that they have made a disclosure

- reminding those who are aware a disclosure has been made, of the need to support and protect the reporter(s)
- discouraging those who speculate on the identity of the reporter(s) (whether or not the complaint was anonymous)
- providing positive support to reporters who need special arrangements to protect their confidentiality or wellbeing
- reporting detrimental action that is suspected to have occurred as a reprisal for making a disclosure, to the disclosures coordinator or disclosures manager so that appropriate action can be taken.

## **8 What should be reported?**

If staff identify wrongdoing within the department, they must report it. Reports about the 4 categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – may be dealt with under the PID Act as public interest disclosures and according to these guidelines.

### **8.1 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.

### **8.2 Maladministration**

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

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to approve something for reasons that are not related to the merits of the matter.

### **8.3 Serious and substantial waste of public money**

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

For example, this could include:

- not following a competitive tendering process for a large-scale contract
- having poor or no processes in place to manage programs involving large amounts of public funds.



## **8.4 Government information contravention**

A government information contravention is a failure to properly exercise functions in accordance with any provision of 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.

## **8.5 Other wrongdoing**

All employees share a role to maintain the integrity and confidence in the services delivered by the department. Employees have a duty to report wrongdoing and must report suspected breaches of the Code of Conduct to their workplace manager, or their workplace manager.

The department's Code of Conduct includes examples of conduct requiring a report.

## **9 Reports can be made anonymously**

There may be some situations where staff may not want to identify themselves when making a report. Although the department will still deal with these reports and consider them a public interest disclosure, it is best if staff identify themselves. This allows the department to provide the necessary protection and support, as well as feedback about the outcome of any investigation. In many circumstances, knowing the identity of the reporter allows for a more effective investigation.

## **10 How to make a report**

Reports of wrongdoing may be made in writing or orally. Staff are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made orally, the person receiving the report must make a comprehensive record of the disclosure and, if possible, ask the reporter to sign this record. The reporter should keep a copy of this record.

It is not necessary for a person making a disclosure to be aware of the PID Act or to identify their complaint or allegation as a public interest disclosure. If the person receiving the disclosure believes that it satisfies the requirements of a public interest disclosure, the disclosure can be considered one without the reporter requesting this.

## **11 Prompt reporting of public interest disclosures and suspected corrupt conduct**

All public interest disclosures and cases of suspected corrupt conduct must be reported promptly to the Professional and Ethical Standards directorate by the disclosure officer who receives the disclosure.

The Professional and Ethical Standards directorate will assess the matter to:

- determine if it satisfies the requirements of a public interest disclosure
- assess the need for investigation and how that investigation will be undertaken
- monitor or undertake the investigation.

Instances of reportable conduct by a staff member in relation to students must be reported to the Professional and Ethical Standards directorate, which reports relevant child protection matters to the Office of the Children's Guardian. Reportable conduct that may be a public interest disclosure will be referred to the disclosures coordinator to determine whether the report also satisfies the criteria of a public interest disclosure.

## **12 Protection against legal action**

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

False or misleading disclosures however can incur penalties under the PID Act, including fines and up to 12 months imprisonment, or both. Disciplinary action may also be taken in such cases.

## **13 Roles and responsibilities under the Public Interest Disclosures Act**

These guidelines place responsibilities upon staff at all levels within the department.

### **13.1 Staff**

Staff should report known or suspected incidents of corrupt conduct, maladministration, serious and substantial waste or government information contravention, in accordance with these guidelines.

All staff have an important role to play in supporting those who have made legitimate disclosures. They must not victimise or harass people who make disclosures. Further, they must protect the confidentiality of persons they know or suspect to have made a disclosure.

Line supervisors (such as school principals) should also assist a person to report to a disclosure officer if they believe the matter would be a public interest disclosure.

The person who reports to the disclosure officer is granted the protection.

A person cannot gain protection if a matter is reported on their behalf.

## 13.2 Disclosure officers

Disclosure officers (listed in [Appendix A](#)) are responsible for receiving, forwarding and acting upon disclosures in accordance with these guidelines.

Disclosure officers are required to:

- acknowledge the disclosure in writing (preferably within 5 working days) and explain to the reporter what action they will take (for example, referral to the disclosures coordinator)
- when requested, arrange for the disclosures to be made privately and discreetly (if necessary, away from the workplace)
- prepare a written record of any disclosure received orally (and have the reporter sign the document where possible)
- provide the reporter a copy of the department's Public Interest Disclosures Internal Reporting policy and these guidelines within 45 days of the report being made
- deal with disclosures impartially
- treat the reporter and any respondent fairly, and ensure that any real or perceived conflict of interest is properly managed
- mark all relevant correspondence as confidential and ensure staff preparing, sending or receiving such correspondence are aware of their responsibility to maintain confidentiality and to implement high standards of security
- forward disclosures to the disclosures coordinator (Director Investigations, Professional and Ethical Standards directorate) so that its public interest disclosure status can be assessed and the appropriate course of action determined
- assess the risk that the reporter's identity could become known or detrimental action taken in reprisal, and, with the investigator (and where appropriate a line manager), take all necessary and reasonable steps to keep the reporter's identity confidential and minimise the risks of reprisal
- take steps to protect the privacy of any respondent(s)
- advise the reporter of the support available, including through the Professional and Ethical Standards directorate.

## 13.3 Disclosures coordinator

The disclosures coordinator (Director Investigations, Professional and Ethical Standards directorate) has a pivotal position in the internal reporting system and acts as a clearing house for disclosures. The disclosures coordinator is required to:

- provide staff with an alternative reporting option if they do not wish to report to a disclosures officer
- ensure the reporter has access to the department's Public Interest Disclosures Internal Reporting policy and these guidelines within 45 days of the report being made
- impartially assess each disclosure to determine whether the disclosure meets the requirements of a public interest disclosure and the appropriate action to be taken in relation to the disclosure, for example
  - preliminary investigation
  - full investigation
  - referral to an investigating authority for investigation or other appropriate action
  - referral to the police (if a criminal matter)
  - no action
- if a matter is to be investigated, decide who will conduct the investigation
- monitor any internal investigation arising out of a disclosure

- take all necessary and reasonable steps to keep the identity of reporters and any respondents confidential
- arrange for investigations to be conducted in ways that support reporters and minimise the risk of reprisal against them
- advise reporters of the actions taken and the outcome
- where any respondent is aware of an investigation, notify the respondent of the outcome
- prepare a report of actual or suspected corrupt conduct to the Secretary for matters to be notified to the Independent Commission Against Corruption.

### **13.4 Disclosures manager**

The disclosures manager (Executive Director, Professional and Ethical Standards directorate) is responsible for the department's overall management of public interest disclosures and compliance with the PID Act, including reporting.

The disclosures manager is also a person to whom a report may be made to meet the requirements of the PID Act.

If a report is made to the disclosures manager, they may determine what action to take in relation to the report or refer the report to the disclosures coordinator for consideration.

## **14 Rights of respondents**

The following actions are to be taken to protect the rights of respondents:

- disclosures will be assessed and acted on impartially, fairly and reasonably
- officers who receive disclosures are required to
  - maintain the confidentiality of the respondents' identity, as far as possible
  - assess disclosures impartially
  - act fairly towards respondents
- disclosures will be investigated as discreetly as possible, with a strong emphasis on maintaining confidentiality about both reporters' and respondents' identities
- if the matter proceeds to disciplinary or court action, which could affect their rights, interests or legitimate expectations, the respondents have the right to
  - be informed as to the substance of the allegation that has led to the disciplinary or court action
  - be given a reasonable opportunity to put their case to the persons undertaking the disciplinary or court process
- where the allegations in a disclosure have been investigated and the respondent is aware of the substance of the investigation, he or she must be formally advised as to the outcome.

## 15 Feedback to staff who report wrongdoing

Staff who report wrongdoing will be given:

- an acknowledgement their disclosure has been received
- the name of the person they can contact for information about their disclosure
- written advice, following an assessment by the disclosures coordinator, as to whether their report amounts to a public interest disclosure.

If a report is determined to be a public interest disclosure, once a decision is made about how a report will be dealt with, the reporter will be given information about:

- the action to be taken
- the resources and support available within the department
- external support services.

If a report is determined to be a public interest disclosure, during the relevant investigation, reporters will be given:

- information about the investigation's progress
- advice if their identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to discuss this.

At the end of an investigation, reporters will be advised of the outcome and what action was taken and/or is proposed to be taken in response to their disclosure. The advice provided will be sufficient information to enable the report to consider whether they believe their report has been dealt with appropriately. Not all the details of the investigation will be provided.

## 16 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.

The department will not tolerate any reprisal action against staff who report wrongdoing. The criminal penalties that can be imposed include a fine, imprisonment of up to 2 years, or both.

Detrimental action is also misconduct that justifies disciplinary action. The department's Code of Conduct interacts with these guidelines and provides information to all staff on protections against reprisal.

Staff who take detrimental action against a reporter can also be required to pay damages for any loss suffered by the reporter.

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.

## 17 Responding to reprisals

The department will act to protect reporters from reprisals.

When a report is received, a thorough risk assessment will be conducted to identify any risks to the reporter, as well as strategies to deal with those risks.

If a reporter believes that detrimental action has been or is being taken against them in reprisal for making a report, they should tell their supervisor, the disclosures coordinator or the disclosures manager immediately.

All supervisors must report to the disclosures coordinator, any suspicions they have that reprisal action against a staff member is occurring, or any reports of reprisal made to them.

If the disclosures coordinator or disclosures manager receives a report of reprisal against a reporter, they will:

- take all steps possible to stop that alleged reprisal and protect the reporter
- take action to assess and where applicable investigate the suspected reprisal
- refer any evidence of reprisal to the Independent Commission Against Corruption (ICAC) or the Police where a more detailed process is required prior to the outcome of any disciplinary investigation
- establish whether reprisal has occurred
- if reprisal is found to have occurred, arrange for the matter to be dealt with as a disciplinary matter.

If reprisal action is found to have occurred, the department must refer this matter to ICAC or the Police as required by the PID Act. The Secretary will make referrals to ICAC based on disciplinary investigation findings. The disclosures coordinator will make referrals to the Police if required.

## 18 Minimising the risk of reprisal

Action that may be taken to help protect against reprisals includes:

- providing information to a respondent in relation to public interest disclosures and the consequences of taking reprisal action
- issuing warnings to those alleged to have taken reprisal action against the reporter
- relocating the reporter or the respondent within the current workplace, if feasible
- transferring the reporter or the respondent to another position for which they are qualified, if feasible
- allowing the reporter or the respondent to use their accrued leave during the report's investigation.

These actions should only be taken following consultation with the reporter to establish whether such action will assist them.

It is important that if any of these actions are taken, it is made clear to other staff that this was done in consultation with the relevant staff, with management support and is not a punishment. Notifying other staff will require a degree of tact and diplomacy to balance the rights of the individuals involved and maintaining as much confidentiality as possible.

Any staff member who has reported reprisal and believes it is not being dealt with effectively, should discuss this with the disclosures coordinator in the first instance. If this does not resolve the reporter's concerns, it would be appropriate for them to discuss this with the disclosures manager.

## 19 Reporter and witness support

The department has established services for staff who make disclosures under the PID Act, or who are witnesses in these matters.

Reporters and witnesses in other public interest disclosures can obtain support and confidential counselling services through the Employee Assistance Program.

## 20 Government Information (Public Access) Act 2009 exemption

Information that discloses or may disclose the identity of a reporter of a public interest disclosure is exempt from release under the Government Information (Public Access) Act 2009.

## 21 Who can receive a report outside of the department?

Staff are encouraged to report wrongdoing within the department, but internal reporting is not the only option. Staff can choose to make a report to an investigating authority. This can be done first, or at any stage after the initial report to the department.

Reports can also be made to a Member of Parliament or a journalist, but only in limited circumstances.

### 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. Relevant to the department, these authorities are
  - the Auditor-General — for serious and substantial waste
  - the Independent Commission Against Corruption (ICAC) — for corrupt conduct
  - the Ombudsman — for maladministration
  - the ICAC Inspector — for disclosures about the ICAC or its staff
  - the Information Commissioner — for disclosures about a government information contravention.
- 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 [Appendix B](#).
- It is very likely the investigating authority will discuss the case with the department. The department 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. The department will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

### Members of Parliament or journalists:

- To have the protections 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:
  - a person nominated in these guidelines
  - an investigating authority in accordance with the PID Act.

- Also, the department or investigating authority that received the report must have done one of the following:
  - decided not to investigate the matter
  - decided to investigate the matter, but not completed the investigation within 6 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 6 months of the report being made, whether the matter will be investigated.
- Most importantly, to be protected under the PID Act, if staff report wrongdoing to an MP or a journalist they will need to be able to prove they have reasonable grounds for believing the disclosure is substantially true and that it is in fact substantially true.

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

For more information about reporting wrongdoing outside the department, contact the disclosures coordinator on 7814 3722 or the NSW Ombudsman's Public Interest Disclosures Unit on 02 9286 1000 or email [pid@ombo.nsw.gov.au](mailto:pid@ombo.nsw.gov.au).

## 22 Reporting crimes to the Police

Alleged corruption, maladministration or serious waste that involves a criminal offence will also need to be reported to the Police.

Normally it is the responsibility of the manager of the section that has suffered the loss or detriment to report to the Police. Managers should discuss these issues with the disclosures coordinator before reporting a matter that has arisen through a public interest disclosure to the Police.

It is an offence not to report a serious criminal offence. A serious criminal offence is one that is punishable by imprisonment for 5 years or more.

In conducting any investigation into allegations arising from public interest disclosures that may involve a serious crime, consideration will always be given to ensuring that any department action will not interfere with or compromise a police investigation. In all cases, the department will seek the guidance of police as to the appropriateness of progressing an investigation.



## Glossary

**Corrupt conduct** (corruption) – defined in sections 8 and 9 of the Independent Commission Against Corruption Act 1988. It includes the dishonest or partial exercise of official functions by a public official.

The 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, also comes within the definition.

Some examples are:

- 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 staff to use their position in a way that is dishonest, biased or breaches public trust.

To be considered corrupt conduct, the behaviour must be sufficiently serious to constitute a disciplinary offence or a criminal offence or grounds for dismissal.

**Disclosures coordinator** – this role is the responsibility of the Director Investigations, Professional and Ethical Standards directorate. It has a pivotal position in the internal reporting system and acts as a clearing house for disclosures.

**Disclosures manager** – this role is the responsibility of the Executive Director, Professional and Ethical Standards directorate. It is responsible for the department's management of its public interest disclosure and compliance with the Public Interest Disclosures Act 1994 (PID Act).

**Disclosure officer** – this is a position nominated by the department whose incumbent can receive disclosures from staff that may be public interest disclosures. These positions are identified at [Appendix A](#).

**Government information contravention** – a failure to properly fulfil functions under the Government Information (Public Access) Act 2009 (GIPA Act).

Some examples are:

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

**Maladministration** – defined in section 11 of the PID Act as conduct that involves action or inaction of a serious nature that is either:

- contrary to law
- unreasonable, unjust, oppressive or improperly discriminatory
- based wholly or partly on improper motives.

Some examples are:

- awarding contracts and tenders to private parties related by family, friendship or association
- failing to make a decision in accordance with official policy for no appropriate reason
- refusing to grant a person a licence for reasons that do not relate to the merits of their application
- issuing an order against a person without giving them procedural fairness
- 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.

**Public interest disclosure** – an allegation of corruption, maladministration, serious and substantial waste or government information contravention by a public official, about a public official, to a disclosure officer or other specified person, made in accordance with the PID Act.

**Public official** – staff of a state government department or agency (including part time or casual staff), staff of a local government authority, an employee of a state owned corporation or a subsidiary of a state owned corporation, a person having a public official function or acting in a public official capacity for the state or an individual who is engaged by a public authority under a contract to provide services to or on behalf of the public authority.

**Reporter** – a person who makes a public interest disclosure.

**Reprisal** – 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 proceeding.

**Respondent** – the person who is the subject of an allegation or other concern about suspected corrupt conduct, serious maladministration or serious and substantial waste of public money.

**Serious and substantial waste of public money** – any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss of public funds or resources.

Serious and substantial waste can be:

- absolute – where the waste is regarded as significant
- systemic – where the waste indicates a pattern that results from a weakness within an organisation's systems
- material – where the waste is about the organisation's expenditure or a particular item of expenditure, or is to such an extent that it affects an organisation's capacity to perform its primary functions.

Some examples are:

- misappropriation or misuse of public property
- the purchase of unnecessary or inadequate goods and services
- staff being remunerated for skills that they do not have, but are required to have under the terms or conditions of their employment.

Waste can result from such things as:

- insufficient safeguards to prevent the theft or misuse of public property
- purchasing practices that do not ensure goods and services are necessary and adequate for their intended purpose.

## **Appendix A – Department disclosure officers**

People fulfilling the roles of the positions listed below within the department are identified as disclosure officers for the purposes of these guidelines.

- the Secretary
- the Group Deputy Secretary
- all Deputy Secretaries (Public Sector Senior Executive Band 3)
- all Executive Directors (Public Sector Senior Executive Band 2)
- all Directors (Public Sector Senior Executive Band 1)
- all Professional and Ethical Standards directorate investigators and principal investigators.

The following positions that play a role in administering public interest disclosures within the department are also considered disclosure officers:

- Director Investigations, Professional and Ethical Standards (Disclosures Coordinator)
- Executive Director, Professional and Ethical Standards (Disclosures Manager).

## **Appendix B – Public interest disclosures external investigating authorities**

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

### **For disclosures about corrupt conduct:**

Independent Commission Against Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

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

Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

Web: [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au)

### **For disclosures about serious maladministration:**

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

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

Email: [nswombo@ombo.nsw.gov.au](mailto:nswombo@ombo.nsw.gov.au)

Web: [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)

### **For disclosures about serious and substantial waste:**

Auditor-General of the NSW Audit Office

Phone: 02 9275 7100

Facsimile: 02 9275 7200

Address: Level 15, 1 Margaret Street, Sydney NSW 2000

Email: [mail@audit.nsw.gov.au](mailto:mail@audit.nsw.gov.au)

Web: [www.audit.nsw.gov.au](http://www.audit.nsw.gov.au)

### **For disclosures about breaches of the Government Information (Public Access) Act 2009:**

Information Commissioner

Toll free: 1800 472 679

Facsimile: 02 6446 9518

Address: Level 15, McKell Building, 2-24 Rawson Place, Haymarket NSW 2000

Email: [ipcinfo@oic.nsw.gov.au](mailto:ipcinfo@oic.nsw.gov.au)

Web: [www.ipc.nsw.gov.au](http://www.ipc.nsw.gov.au)