



# **ATTACHMENTS**

**UNDER SEPARATE COVER**

**Ordinary Council Meeting**

**21 November 2023**

**Part B - Items 15.1**

**21.1**

**21.2**

**21.3**



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## Memorandum of Understanding between

**Playgroup NSW**

**and**

**Narrandera Playgroup**

**and**

**Narrandera Shire Council**

The purpose of this Memorandum of Understanding (MOU) is to identify that Playgroup NSW and Narrandera Shire Council are committed to work together in partnership to provide a new Playgroup in Narrandera to support families. This partnership aims to meet the needs of young families in Narrandera who have limited access to playgroups.

This MOU defines the commitment and contribution that each organisation will make to achieve the expectations of the parties.

### **Term**

Two (2) years from the date of formalising this MOU.

### **Venue**

The property subject to this MOU is owned by Narrandera Shire Council of 141 East Street, Narrandera NSW 2700. The property comprises a large heritage listed solid brick structure facing Twynam Street, Narrandera which is known as the Narrandera Emergency Operations Centre. Within this large solid brick building the local emergency services have a room whereby planning and the establishment of a control room can be managed in the event of an emergency situation. Part of the building is subject to another MOU with the Murrumbidgee Local Health District – Aboriginal Health which operates one (1) day per week. The other significant structure at this location is a large weatherboard structure which was once the site of the Narrandera Pre-School and previous iterations of the current Narrandera Playgroup.

The building subject to this MOU is the large weatherboard structure having metal roof cladding comprising an area of about 195 square metres including the verandah areas and external storage.

The surrounds subject to this MOU includes the area behind the Narrandera Emergency Operations Centre which has fencing, and gates installed to provide both security and safety for the occupants of the space.



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The location of the building and surrounds subject to this MOU is sited at the rear of the property described as Lot 2 Section 39 DP 758757, but known as 17-21 Twynam Street, Narrandera NSW 2700.

## Contributions

### Playgroup NSW will

1. Promote these sessions on the Playgroup NSW Website and in our e-newsletter to engage parents from the Narrandera Community.
2. Provide the Narrandera Playgroup with all required documentation for the playgroup to operate.
3. Maintain a current Public Liability/Professional Indemnity Certificate of Currency with a limit of protection of \$20,000,000 for any one claim or any one occurrence.
4. A copy of the Certificate of Currency as well as a completed risk assessment, finalised prior to access to the building, surrounds and use of the equipment, is to be uploaded to Council's Workplace Health and Safety portal known as 'Vault'.

### Narrandera Playgroup will

1. Use the building and surrounds of this MOU on a Wednesday and Friday each week for about 3 hours for the purpose of a children's playgroup. Playgroup NSW defines a playgroup as a place where 'Parents and Carers get together with their young children for a couple of hours each week to connect, learn through play and most importantly, have fun'. Other definitions include 'Playgroup is for babies, toddlers and pre-school aged children. They can be accompanied by mothers, fathers, grandparents, nannies or other carers'.
2. Advise Council by email sent to [council@narrandera.nsw.gov.au](mailto:council@narrandera.nsw.gov.au) of any activities or special events to be held other than the normal day or hours of operation, 2 weeks' notice would be appreciated – this may include but not limited to a working bee, a cleaning day or other events such as an Easter activity or a Christmas party.
3. Provide a Council approved lockbox for the safe keeping of keys – the lock box is to be installed at a location approved by Council and is to be installed by Council.
4. Return any known keys to Council. Council will then compare the keys to the keys currently held by Council and if necessary, make copies of any keys for safe keeping by Council as the property owner. The keys initially returned to



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Council will formally be issued from Council to an authorised representative of the Narrandera Playgroup.

5. Use existing internal rooms/spaces for the purpose of a kitchen facility, bathroom amenities, office space, storage spaces and a large playroom space.
6. Supply all personal consumables such as but not limited to toilet paper, sanitiser, handwashing liquid, dish washing liquid, soap products and cleaning products.
7. Maintain in a 'fit for purpose' state of repair and cleanliness those materials such as toys and furniture existing at the facility; but also supply any additional furniture and equipment to conduct activities and maintain or replace as necessary.
8. Supply and maintain a suitable fit for purpose 'First Aid Kit'.
9. Keep the facility clean and tidy both internal and external with the toilet amenities used by the children to be cleaned following use, also that the kitchen surfaces are cleaned following use.
10. Use existing external outdoor space for children's activities.
11. Notify Playgroup NSW and Narrandera Shire Council of any changes to the venue operational hours (noting that this may trigger a change in the annual hire charge), changes in office bearers or cessation of the service. A minimum of 2 weeks' notice is required from Narrandera Playgroup for the cessation of the service.
12. Ensure that each family/child has a current Playgroup NSW membership, which covers their insurance while at the playgroup.
13. Ensure that parents are responsible for the safety of their children at all times when attending the Narrandera Playgroup.
14. Require that all parents sign in and sign out of the Narrandera Playgroup facility using the supplied sign in register with families only to be at the facility during operational hours other than for approved maintenance and cleaning.
15. Respect and observe conditions of Playgroup NSW photo release policy and forms.
16. Provide Playgroup NSW staff with a copy of all relevant policies regarding the use of the venue.



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17. Have access to the smaller storage facility located on the western side of the building, (under the western verandah) for the storage of materials that are not harmful or flammable.
18. Comply with *Work Health and Safety Act, 2011* if applicable.
19. Place waste in either the general waste or recycling waste receptacles provided for the property.
20. Ensure that external hard surfaces such as the concrete bike track, the verandah floors and the cubby house are either swept or a 'garden blower' used to remove leaf litter, dust or any other matter onto the grassed areas.
21. Make every effort to limit interference with other users of the property which includes Murrumbidgee Local Health District – Aboriginal Health also on occasions there may be voting pre-poll facilities, or training sessions and conferences.
22. Avoid intentional damage to the property.
23. Report damage to Council Projects and Assets Manager with a detailed report of the incident accompanied by photographs.
24. Ensure that all external windows and doors are locked prior to exiting the building, also that lighting and heating or cooling is turned off.
25. When necessary, the Narrandera Playgroup will water the lawned areas (particularly through summer) to make sure that the surface is able to be used by the parents and children.

#### **Playgroup NSW and Narrandera Playgroup will**

1. Warrant that all relevant safety operational procedures are in place for the running of the playgroup, including all child protection and working with children compliance.
2. Promote the playgroup sessions by way of direct referral, press releases, promotion, and information on both organisations' websites.
3. Consult with Council should it be necessary to increase operational hours or increase the days of operation due to an increase in membership - Council will consider any such variations and may amend the annual hire charge to offset additional recurrent costs.



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### **Narrandera Shire Council will**

1. Provide use of the large weatherboard building with metal roof cladding at the rear of 17-21 Twynam Street, Narrandera having an approximate area of 195 square metres including the verandah areas and external storage, for the purpose of children's activities managed by the Narrandera Playgroup.
2. Permit Narrandera Playgroup staff and parents to use the adult external amenities located at the north-east corner of the main brick building.
3. Provide limited maintenance to the large weatherboard building (including fixtures and fittings deemed to be the responsibility of Council) as required so to ensure that the building remains fit for purpose.
4. Continue to have the grassed areas mowed and whipper snipped against hard edges.
5. Apply an annual hire charge of \$400 (+GST) which is a contribution to the costs for recurrent costs such as electricity, water consumption and sewer usage charges, gas consumption, also ground maintenance in addition to anticipated future capital costs. NOTE: This annual hire charge may be reviewed should there be an increase in operational hours or an increase in the days of operation.
6. Issue an annual tax invoice to the following email address: [narranderaplaygroup@gmail.com](mailto:narranderaplaygroup@gmail.com) (unless advised of a new email address by members of the Narrandera Playgroup who have the authority to amend such details).
7. Install signage on both the eastern gate and western gates asking that the gates be closed at all times.
8. Liaise with Playgroup NSW and the Narrandera Playgroup should it be necessary for Council to terminate this MoU for any reason. Council will provide at least 8 weeks notice should it be necessary for Council to terminate this MoU for any reason.

### **Review**

1. This MOU is to be evaluated by both parties two (2) months prior to the expiry date with a new MOU or hire agreement to commence at the end of this the current MOU.
2. Either party may seek variation by notifying the other parties in writing.





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3. Variations to this MOU is to be agreed by Narrandera Shire Council represented by the Governance and Engagement Manager (or equivalent to the limit of delegation) and by the delegates representing Playgroup NSW and Narrandera Playgroup.



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### IMAGES OF EXISTING STRUCTURES AND SITE IMPROVEMENTS



Narrandera Emergency Operations Centre located at 17-21 Twynam Street, Narrandera



Facility and surrounds subject to this MOU

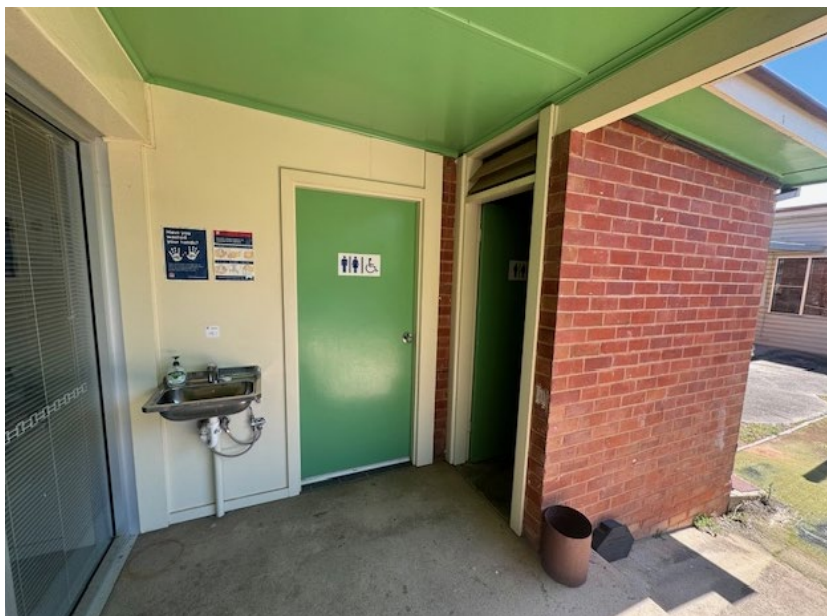


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Facility and surrounds subject to this MOU



External amenities available for use by adults





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Western access to the facility subject to this MOU



Western access to the facility subject to this MOU



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**Signatories to the Memorandum of Understanding**

This Memorandum of Understanding was made this day (*insert date of Council resolution and Minute Number here*), 2023 - Minute ( ) between Playgroup NSW and The Narrandera Playgroup and Narrandera Shire Council.

**FOR AND BEHALF OF PLAYGROUP NSW**

Name:

Title:

Signature:

Witness:

Signature:

Date:

**FOR AND BEHALF OF NARRANDERA PLAYGROUP**

Name:

Title:

Signature:

Witness:

Signature:

Date:

**FOR AND BEHALF OF THE NARRANDERA SHIRE COUNCIL**

Name:

Title:

Signature:

Witness:

Signature:

Date:

# Public Interest Disclosures Internal Reporting Policy 202X

## POL037



**Policy No:** POL037

**Policy Title:** Public Interest Disclosures Policy

**Section Responsible:** Corporate and Community Services

**Minute No/Ref:**

**Doc ID:** 8374 – Policy  
694331 - Procedures

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## 1. INTENT

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)* - as a Local Government Authority, Narrandera Shire Council is therefore an Agency.

At Narrandera Shire Council (Council) 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 agency relies upon our Councillors, staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy has an accompanying procedures manual that sets out:

- how Council will support and protect a person who comes forward with a report of serious wrongdoing
- how Council will deal with the report and our other responsibilities under the PID Act
- who to contact to make a report
- how to make a report
- the protections that are available 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
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is known as the Public Interest Disclosure Act.

This policy should be read in conjunction with the adopted Agency Information Guide, Code of Conduct, Complaints Management Policy, Customer Service Charter, Privacy Management Policy, Statement of Business Ethics Policy and the Unreasonable Complainant Conduct Policy.

This policy is available on our Narrandera Shire Council publicly available website as well as on the intranet of Narrandera Shire Council.

A copy of this policy and the procedures manual will also be provided to all staff of Narrandera Shire Council on their commencement. A hard copy of the policy and the

procedures manual can be requested from the Governance and Engagement Manager – see the procedures manual for contact details.

## 2. SCOPE

### Who does this policy apply to?

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are:

- a person employed in or by an agency or otherwise in the service of an agency
- 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
- an individual in the service of the Crown
- a statutory officer
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer
- 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
- a judicial officer
- a Member of Parliament (**MP**), including a Minister
- a person employed under the *Members of Parliament Staff Act 2013*.

The General Manager, also other nominated disclosure officers and managers within Narrandera Shire Council 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 who do not work for Narrandera Shire Council may use this policy if they want information on who they can report wrongdoing to within Council.

### Who does this policy not apply to?

This policy does not apply to:

- people who have received services from an agency and want to make a complaint about those services
- people, such as contractors, who provide services to an agency; for example, employees of a company that sold computer software to an agency.

This means that if you are not a public official, this policy does not apply to your complaint, however you can still make a voluntary PID.

## 3. OBJECTIVE

For Council to be able to deal effectively with reports of wrongdoing, it must have the right culture. Narrandera Shire Council will:



- create a climate of trust, where Councillors, staff, volunteers, contractors and subcontractors are comfortable and confident about reporting wrongdoing
- encourage Councillors, staff, volunteers, contractors and subcontractors to come forward if they have witnessed what they consider to be wrongdoing within the Council
- keep the identity of the Councillor, staff, volunteer, contractor or subcontractor disclosing wrongdoing confidential, wherever possible and appropriate
- protect Councillors, staff, volunteers, contractors and subcontractors who make disclosures from any adverse action motivated by their report
- deal with reports thoroughly and impartially and if some form of wrongdoing has been found, take appropriate action to rectify it
- keep complainants who make reports informed of their progress and the outcome
- encourage Councillors, staff, volunteers, contractors and subcontractors to report wrongdoing within the Council but respecting any decision to disclose wrongdoing outside the Council – provided that disclosure outside the Council is made in accordance with the provisions of the PID Act
- ensure that the General Manager, Deputy General Managers, Managers, Supervisors and Team Leaders at all levels within the organisation understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing.
- by providing adequate resources, both financial and in person, to:
  - encourage reports of wrongdoing
  - protect and support those who make them
  - provide training about how to make reports and the benefits of internal reports to the Council and the public interest generally
  - properly assess and investigate or otherwise deal with allegations
  - properly manage any workplace issues that the allegations identify or create
  - correct any problem that is identified.

#### **4. POLICY STATEMENT**

This policy provides information on the following:

- ways you can make a voluntary PID to Narrandera Shire Council under the PID Act
- the names and contact details for the Principal Disclosure Officers in Narrandera Shire Council
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Narrandera Shire Council
- 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
- Narrandera Shire Council procedures for dealing with disclosures

- Narrandera Shire Council procedures for managing the risk of detrimental action and reporting detrimental action
- Narrandera Shire Council record-keeping and reporting requirements
- how Narrandera Shire Council will ensure it complies with the PID Act and this policy.

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 Narrandera Shire Council (see the accompanying procedures manual for contact details)
- 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.

## 5. PROTECTIONS

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

When a voluntary PID is made, special protections are actioned under the PID Act.

Council is committed to taking all reasonable steps to protect the person who made the report from detriment as a result of having made the PID. Council is also committed to maintaining confidentiality as much as possible while the PID is being dealt with.

Council will not tolerate any form of detrimental action being taken against a person making a report, the person who may have made a report or a person 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 Council becomes aware that a voluntary PID has been made by someone employed or otherwise associated with Council, a risk assessment will be undertaken 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: 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.

## **(b) 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>	✓	✓

### 5.1 Reporting detrimental action

If the person making the report experiences adverse treatment or detrimental action, such as bullying or harassment, this needs to be reported immediately. The reporting of any experience of adverse treatment or detrimental action should be made direct to Council or an integrity agency. A list of integrity agencies is located at Annexure B of the accompanying procedures manual.

### 5.2 General support

If you do not feel comfortable speaking openly about issues to people within Narrandera Shire Council or persons from an integrity agency, Council offers an Employee Assistance Program that provides confidential and professional assistance for employees and their family who are experiencing difficulties.

The Employee Assistance Program is advertised through the internal publication called the Communique, posters which are placed at strategic locations or by contacting the Human Resources Department of Narrandera Shire Council.

### 5.3 Roles and responsibilities of Narrandera Shire Council employees

A range of people within Narrandera Shire Council have responsibilities under the PID Act – please refer to Annexure A of the accompanying procedures manual.

#### (a) The General Manager (or Head of Agency) is responsible for:

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures
- ensuring that Narrandera Shire Council complies with this policy and the PID Act
- ensuring that Narrandera Shire Council 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.

#### (b) Principal Disclosure officers

Disclosure Officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensuring that any oral reports that have been received are recorded in writing.
- 

#### (c) Managers/Supervisors/Team Leaders

The responsibilities include:

- receiving reports from persons that report to them or that they supervise
- passing on reports they receive to a Disclosure Officer or accompanying the person considering making a report to talk to a Disclosure Officer.

#### (d) All employees

All employees must:

- 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 Narrandera Shire Council
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

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

## **6. REVIEW AND DISPUTE RESOLUTION**

### **(a) Internal review**

People who make voluntary PIDs can seek internal review of the following decisions made by Narrandera Shire Council:

- that Narrandera Shire Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Narrandera Shire Council 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.

Narrandera Shire Council will ensure internal reviews are conducted in compliance with the PID Act.

If an application is made for an internal review, the applicant must apply in writing within 28 days of being informed of the decision of Narrandera Shire Council. The application should state the reasons why the decision made by Narrandera Shire Council should not have been made – additional information may also be submitted to support the application.

### **(b) Voluntary dispute resolution**

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

## **7. OTHER AGENCY OBLIGATIONS**

### **(a) Record-keeping requirements**

Narrandera Shire Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Narrandera Shire Council complies with its obligations under the *State Records Act 1998*.

### **(b) Reporting of voluntary PIDs and Narrandera Shire Council annual return to the Ombudsman**

Each year Narrandera Shire Council provides an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Narrandera Shire Council during each return period (yearly with the start date being 1 July)

- action taken by Narrandera Shire Council to deal with voluntary PIDs during the return period
- how Narrandera Shire Council promoted a culture in the workplace where PIDs are encouraged.

### **(c) How Narrandera Shire Council will ensure compliance with the PID Act and this policy**

It is important to remain compliant with amendments to the legislation with Narrandera Shire Council committed to continuing to receive email updates issued from the NSW Ombudsman's Office, this policy shall be reviewed on a 4 year cyclic basis and also schedule this policy and procedures for internal audit.

## **8. RELATED LEGISLATION**

- *Government Information (Public Access) Act 2009*
- *Independent Commission Against Corruption Act 1988*
- *Local Government Act 1993*
- *Ombudsman Act 1974*
- *Public Interest Disclosure Act 2022*

## **9. RELATED POLICIES AND DOCUMENTS**

- NSC Code of Conduct
- Complaints Management Policy
- Disciplinary Policy
- Equal Employment Opportunity Policy
- Grievance Handling
- Statement of Business Ethics Policy
- Volunteer Policy
- Work Health Safety Policy

## **10. MORE INFORMATION**

Members of Council staff and Councillors can access further advice and guidance from the disclosure coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

## **11. VARIATION**

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make changes to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

## 12. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

ES150 Public Interest Disclosures Internal Reporting Policy (2011-2020)

ES150 Protected Disclosures Policy (2009-2011)

S5100 Protected Disclosures Policy (2007-2009)

P5200 Protected Disclosures Policy (1997-2007).

### POLICY HISTORY

<b>Responsible Officer</b>	<b>Governance and Engagement Manager</b>		
<b>Approved by</b>	<b>General Manager</b>		
<b>Approval Date</b>	<b>DD Month 202Y</b>		
<b>GM Signature (Authorised staff to insert signature)</b>			
<b>Next Review</b>	<b>1 November 2027</b>		
<b>Version Number</b>	<b>Endorsed by ELT</b>	<b>Endorsed by Council</b>	<b>Date signed by GM</b>
<b>1 Adopted</b>	-	-	29/04/1997
<b>2 Reviewed</b>	-	-	25/03/2002
<b>3 Reviewed</b>	17/07/2007	24/07/2007	24/07/2007
<b>4 Reviewed</b>	-	21/04/2009	21/04/2009
<b>5 Reviewed</b>	-	23/08/2011	23/08/2011
<b>6 Reviewed</b>	24/11/2014	10/12/2014	16/12/2014
<b>7 Reviewed</b>	8/12/2020	16/03/2021	3/05/2021
<b>8 Reviewed</b>	14/02/2023	21/03/2023	3/04/2023
<b>9 Reviewed</b>	DD/MM/YYYY	DD/MM/YYYY	DD/MM/YYYY

**NOTE: This is a controlled document. If you are reading a printed copy, please check that you have the latest version via Council's website (external) or MagiQ (internal). Printed or downloaded versions of this document are uncontrolled.**



**Annexure A — Training acknowledgement if necessary**

I hereby acknowledge that I have received, read and understood a copy of Council's Public Interest Disclosures Internal Reporting Policy.	
Employee Name	
Position Title	
Signature	
Date	

# Public Interest Disclosures Internal Reporting Policy 202X - Procedures

## POL037



<b>Policy No:</b>	<b>Procedures for POL037</b>
<b>Policy Title:</b>	<b>Public Interest Disclosures Policy - Procedures</b>
<b>Section Responsible:</b>	<b>Corporate and Community Services</b>
<b>Minute No/Ref:</b>	
<b>Doc ID:</b>	<b>8374 – Policy</b> <b>694331 - Procedures</b>

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## **1. PROVISIONS**

### **1.1 How to make a report of serious wrongdoing**

#### **(a) Reports, complaints and grievances**

When a public official makes a report about a 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, Council will consider whether it is a PID. If it is a PID, the Disclosure Officer will deal with it as set out in this policy but will also make sure the processes are followed.

It is important to quickly recognise that a PID has been received. This is because once a PID is received, the person who has made the report is entitled to certain protections and there will be decisions to be made on how to deal with the PID and how to protect and support the person who has made the report.

#### **(b) 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 they are managed. People who make a mandatory PID or a witness PID are still entitled to protection.

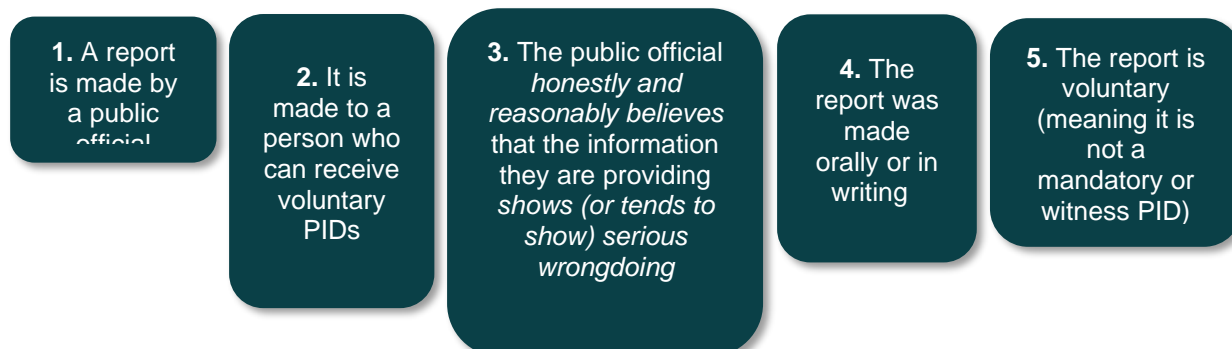
More information about protections is available further at Section 5.2 of this policy.

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:



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

The person making the report is not expected to prove that what has been reported has actually happened or is serious wrongdoing, but the person making the report must honestly believe, on reasonable grounds, that the information reported shows or tends to show serious wrongdoing.

Even though there may not be evidence that serious wrongdoing happened, a mere allegation with no supporting information is unlikely to meet this test.

If the Disclosure Officer makes an error and do not identify that a voluntary PID has been made, the person making the report will still be entitled to the protections under the PID Act.

If the person making the report believes that an error has been made by not identifying that a voluntary PID has been made, the person should raise this with another nominated Disclosure Officer or the General Manager as the Head of Agency. If the person making the report is still not satisfied with the outcome, the reporter can seek an internal review or may seek to conciliate the matter. The person making the report may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found further into this policy.

### **(c) Who can make a voluntary PID?**

Any public official can make a voluntary PID — see Section 2 titled ‘Who this policy applies to’. You are a public official if:

- you are employed by Narrandera Shire Council
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Narrandera Shire Council, or
- you work for an entity (such as a non-government organisation) who is contracted by Narrandera Shire Council to provide services or exercise functions on behalf of Narrandera Shire Council — 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 our agency. 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.

#### **(d) 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 here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe
- *serious maladministration* — 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 entities to undertake government work.

When making a report, the reporter does not need to state what category of serious wrongdoing is being reported.

#### **(e) Who can a voluntary PID be made 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 Narrandera Shire Council.

A report inside Narrandera Shire Council can be made to:

- the General Manager (as the Head of Agency)
- a principal Disclosure Officer for Narrandera Shire Council — a list of disclosure officers for Narrandera Shire Council and their contact details can be found at Annexure A of this policy
- Manager/Supervisor or Team Leader — this is the person who directly, or indirectly, supervises the person making the report. It can also be the person to which the person making the report is directly or indirectly accountable to. Where there are one or more levels of accountability, the person with whom the report is made to will make sure that the report is communicated to a Disclosure Officer on behalf of the person making the report – alternatively the person to whom the report is made will accompany the person making the report to speak with a Disclosure Officer.

### ***Making a report to a recipient outside of Narrandera Shire Council***

A report can also be made to a public official in another agency (meaning other than Narrandera Shire Council) 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 the choice is made to make a disclosure outside of Narrandera Shire Council, it is possible that your disclosure will be referred back to Narrandera Shire Council 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 – any report of wrongdoing is a voluntary PID and can only be made in the following circumstances:

- the person 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.
- the previous disclosure was not made anonymously.
- the person did not give a written waiver of the right to receive information relating to the previous disclosure.
- the person making the report did not receive the following from Narrandera Shire Council:
  - notification that Narrandera Shire Council 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 Narrandera Shire Council 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 the person making the report applied for an internal review of the agency's decision within six months of making the disclosure.

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

**(f) What form should a voluntary PID take?**

A voluntary PID can be made:

- *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 a name or anything that might identify the person making the report 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. Even if the option to remain anonymous is chosen, the reporter will still be protected under the PID Act. It may be difficult, however, for Narrandera Shire Council to investigate the matter(s) if the report is anonymous with no details provided to obtain further information.

**(e) What should be included in a report?**

As much information as possible so that the Disclosure Officer 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
- relationship with the person(s) involved, such as whether the person making the report works closely with them
- an explanation of the matter you are reporting
- how the person making the report became aware of the matter being reported
- possible witnesses
- other information that will supports the contents of the report.

**(f) What if a person is not sure if the report is a PID?**

All wrongdoing should be reported, regardless of whether the wrongdoing is minor or a serious wrongdoing. It is important for Narrandera Shire Council to understand what is or what may be occurring.

Council is responsible for making sure the report is handled appropriately under the PID Act, or if it is not a PID, that it is managed in accordance with other policies/processes or procedures.

### **(g) Deeming that a report is a voluntary PID**

The General Manager or other authorised delegate 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 a report is received that does not meet all the requirements of a voluntary PID, the reporter can ask that the matter be referred to the General Manager or authorised delegate requesting that they consider deeming the report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the General Manager or authorised delegate. 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?**

A person considering making a report, can talk to the following people within Narrandera Shire Council:

- the General Manager
- a Disclosure Officer for Narrandera Shire Council — a list of disclosure officers for Narrandera Shire Council and their contact details can be found at Annexure A of this policy
- a Deputy General Manager, a Manager, a Supervisor or a Team Leader – essentially the person who directly, or indirectly, supervises the person. Where there are one or more levels of accountability, the person with whom the report is made to will make sure that the report is communicated to a Disclosure Officer on behalf of the person making the report – alternatively the person to whom the report is made will accompany the person making the report to speak with a Disclosure Officer.

The person making the report can feel confident that any conversation about serious wrongdoing will be managed confidentially.

## **1.2 Protections**

### **(a) How is the maker of a voluntary PID protected?**

When a voluntary PID is made, special protections are actioned under the PID Act.

Council is committed to taking all reasonable steps to protect the person who made the report from detriment as a result of having made the PID. Council is also committed to maintaining confidentiality as much as possible while the PID is being dealt with.

Council will not tolerate any form of detrimental action being taken against a person making a report, the person who may have made a report or a person 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 Council becomes aware that a voluntary PID has been made by someone employed or otherwise associated with Council, a risk assessment will be undertaken 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: 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.

## **(b) 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>	✓	✓

### 1.3 Reporting detrimental action

If the person making the report experiences adverse treatment or detrimental action, such as bullying or harassment, this needs to be reported immediately. The reporting of any experience of adverse treatment or detrimental action should be made direct to Council or an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

### 1.4 General support

If you do not feel comfortable speaking openly about issues to people within Narrandera Shire Council or persons from an integrity agency, Council offers an Employee Assistance Program that provides confidential and professional assistance for employees and their family who are experiencing difficulties.

The Employee Assistance Program is advertised through the internal publication called the Communique, posters which are placed at strategic locations or by contacting the Human Resources Department of Narrandera Shire Council.

## **1.5 Roles and responsibilities of Narrandera Shire Council employees**

A range of people within Narrandera Shire Council have responsibilities under the PID Act – please refer to Annexure A of this document.

### **(a) The General Manager (or Head of Agency) is responsible for:**

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures
- ensuring that Narrandera Shire Council complies with this policy and the PID Act
- ensuring that Narrandera Shire Council 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.

### **(b) Principal Disclosure officers**

Disclosure Officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensuring that any oral reports that have been received are recorded in writing.
- 

### **(c) Managers/Supervisors/Team Leaders**

The responsibilities include:

- receiving reports from persons that report to them or that they supervise
- passing on reports they receive to a Disclosure Officer or accompanying the person considering making a report to talk to a Disclosure Officer.

**(d) All employees**

All employees must:

- 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 Narrandera Shire Council
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

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

**1.6 How a voluntary PID be dealt with?****(a) How Narrandera Shire Council will acknowledge that a report has been received and keep the person who made the report, informed**

When a Disclosure Officer at Narrandera Shire Council 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:

- 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 Narrandera Shire Council deals with the report
  - provide clear information on how to access the PID policy
  - provide details of a contact person and available support.
- if the report is a voluntary PID, the person who made the report will be informed as soon as possible on how the matter will be managed, this may include:
  - that Council is investigating the serious wrongdoing
  - that the report will be referred to a different agency (if appropriate) to deal with the voluntary PID. If this occurs, Council will provide you with details of this referral
  - If Council decides not to investigate the report and to not refer it to another agency for it to be investigated, the reasons for this decision will be advised to you. We will also notify the NSW Ombudsman of this decision.
- if Council decides to investigate the serious wrongdoing, updates will be provided at least every three months. During this time, if more frequent updates are required then this should be conveyed to the contact person dealing with your report. Once the investigation is complete, the following will be issued:
  - - 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 any actions taken in relation to the person who engaged in the

serious wrongdoing or if the serious wrongdoing was by our agency, what has been put in place to address that serious wrongdoing.

- - Corrective actions 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 – however the rights of a person who makes a report to know the outcome of that report will be considered. Where the report was an anonymous report, it may not be possible to provide this information.

### **(b) How Narrandera Shire Council will deal with voluntary PIDs**

Once a voluntary PID is received, Council will look at the information contained within the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

#### ***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 Complaints Management Policy or through an alternate process.

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

If this assessment is not considered correct or otherwise disagreed with, the matter can be raised with the person who has communicated the outcome or a Disclosure Officer, or a request can be made for an internal review or request that the matter be conciliated. Narrandera Shire Council can, but do not have to, request the NSW Ombudsman to conciliate the matter.

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

Narrandera Shire Council 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).

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

If the report is a voluntary PID:

- in most cases Council 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 Council believes an investigation is not warranted — for example, if the conduct has previously been investigated.
- 
- there may also be circumstances where Council decides 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, Council will discuss the referral with the other agency, and provide details of the referral and a contact person within the other agency.
- if it is decided not to investigate a report and to not refer the matter to another agency, Council will advise of the reasons and will also notify the NSW Ombudsman.

**(c) How Narrandera Shire Council 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 an agency.

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 Narrandera Shire Council reasonably considers 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.

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

Council 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 Council to maintain complete confidentiality during the investigation; however, Council will do all that is practical to not unnecessarily disclose information from which the maker of the report can be identified. Council will do this by:

- limiting the number of people who are aware of the maker's identity or information that could identify them.

- if Council must disclose information that may identify the maker of the PID, Council will still not disclose the actual identity of the maker of the PID, unless Council 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.
- undertake 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.
- provide 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, Narrandera Shire Council will:

- advise the person whose identity may become known
- implementing 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.

#### **(d) How Narrandera Shire Council will assess and minimise the risk of detrimental action**

Narrandera Shire Council 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.

Narrandera Shire Council 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.

Narrandera Shire Council 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 unit/role that will be responsible for undertaking a risk assessment
- explaining the approvals for risk assessment and the risk management plan, that is, rank or role of the person who has final approval
- explaining how the agency will communicate with the maker to identify risks
- listing the protections that will be offered, that is, the agency 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.

Further information on assessing the risk of detrimental action is found in the Ombudsman's guideline 'Agencies — assessing and managing the risk of detrimental action'.

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 job
- 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.

#### **(e) How Narrandera Shire Council will deal with allegations of a detrimental action offence**

If Narrandera Shire Council becomes aware of an allegation that a detrimental action offence has occurred or may occur, Narrandera Shire Council 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 or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

#### **(f) What Narrandera Shire Council 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, Narrandera Shire Council 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 employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

## **2. REVIEW AND DISPUTE RESOLUTION**

### **(a) Internal review**

People who make voluntary PIDs can seek internal review of the following decisions made by Narrandera Shire Council:

- that Narrandera Shire Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Narrandera Shire Council 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.

Narrandera Shire Council will ensure internal reviews are conducted in compliance with the PID Act.

If an application is made for an internal review, the applicant must apply in writing within 28 days of being informed of the decision of Narrandera Shire Council. The application should state the reasons why the decision made by Narrandera Shire Council should not have been made – additional information may also be submitted to support the application.

### **(b) Voluntary dispute resolution**

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

### **3. OTHER AGENCY OBLIGATIONS**

#### **(a) Record-keeping requirements**

Narrandera Shire Council must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Narrandera Shire Council complies with its obligations under the *State Records Act 1998*.

#### **(b) Reporting of voluntary PIDs and Narrandera Shire Council annual return to the Ombudsman**

Each year Narrandera Shire Council provides an annual return to the NSW Ombudsman which includes:

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

#### **(c) How Narrandera Shire Council will ensure compliance with the PID Act and this policy**

It is important to remain compliant with amendments to the legislation with Narrandera Shire Council committed to continuing to receive email updates issued from the NSW Ombudsman's Office, this policy shall be reviewed on a 4 year cyclic basis and also schedule this policy and procedures for internal audit.

### **4. RELATED LEGISLATION**

- *Government Information (Public Access) Act 2009*
- *Independent Commission Against Corruption Act 1988*
- *Local Government Act 1993*
- *Ombudsman Act 1974*
- *Public Interest Disclosure Act 2022*

### **5. RELATED POLICIES AND DOCUMENTS**

- NSC Code of Conduct
- Complaints Management Policy
- Disciplinary Policy
- Equal Employment Opportunity Policy
- Grievance Handling
- Statement of Business Ethics Policy

- Volunteer Policy
- Work Health Safety Policy

**6. MORE INFORMATION**

Members of Council staff and Councillors can access further advice and guidance from the disclosure coordinator and the NSW Ombudsman's website at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au).

**7. VARIATION**

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also make charges to this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

**8. PREVIOUS VERSIONS**

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

ES150 Public Interest Disclosures Internal Reporting Policy (2011-2020)

ES150 Protected Disclosures Policy (2009-2011)

S5100 Protected Disclosures Policy (2007-2009)

P5200 Protected Disclosures Policy (1997-2007).

**PROCEDURES HISTORY**

<b>Responsible Officer</b>	<b>Governance and Engagement Manager</b>		
<b>Approved by</b>	<b>General Manager</b>		
<b>Approval Date</b>	<b>DD Month 202Y</b>		
<b>GM Signature (Authorised staff to insert signature)</b>			
<b>Next Review</b>	<b>1 November 2027</b>		
<b>Version Number</b>	<b>Endorsed by ELT</b>	<b>Endorsed by Council</b>	<b>Date signed by GM</b>
<b>1 Adopted</b>	-	-	-
<b>2 Reviewed</b>	DD/MM/YYYY	DD/MM/YYYY	DD/MM/YYYY

**NOTE: This is a controlled document. If you are reading a printed copy, please check that you have the latest version via Council's website (external) or MagiQ (internal). Printed or downloaded versions of this document are uncontrolled.**

## **Annexure A — Names and contact details of disclosure officers for Narrandera Shire Council**

If your report involves the Mayor or a Councillor, you should meet with the General Manager.

If your report involves the General Manager, you should meet with the Mayor.

If your report involves a person or persons other than the Mayor and the General Manager, you should meet with one of the disclosure officers listed below.

### **Mayor**

Cr Neville Kschenka – 141 East Street, Narrandera NSW 2700 Telephone: 02 6959 5510

### **General Manager – Head of Agency**

George Cowan – 141 East Street, Narrandera NSW 2700 Telephone: 02 6959 5510

### **Principal Disclosure Officers**

Martin Hiscox – 141 East Street, Narrandera NSW 2700 Telephone: 02 6959 5510

Michael Pieper – 141 East Street, Narrandera NSW 2700 Telephone: 02 6959 5510

Craig Taylor - 141 East Street, Narrandera NSW 2700 Telephone: 02 6959 5510

### **Recipients of PID's but can also be Disclosure Officers**

Is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly report to – in some instances you may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

## Annexure B — List of integrity agencies

<b>Integrity agency</b> The NSW Ombudsman	<b>Integrity agency</b> Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Integrity agency</b> <b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> info@ombo.nsw.gov.au
<b>The Auditor-General</b>	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> governance@audit.nsw.gov.au
<b>Independent Commission Against Corruption</b>	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> icac@icac.nsw.gov.au
<b>The Inspector of the Independent Commission Against Corruption</b>	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> PO Box 5341, Sydney NSW 2001 <b>Email:</b> oiicac_executive@oiicac.nsw.gov.au
<b>The Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<b>Telephone:</b> 02 9321 6700 or 1800 657 079 <b>Writing:</b> GPO Box 3880, Sydney NSW 2001 <b>Email:</b> contactus@lecc.nsw.gov.au
<b>The Inspector of the Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the LECC and LECC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> GPO Box 5341, Sydney NSW 2001 <b>Email:</b> oilecc_executive@oilecc.nsw.gov.au
<b>Office of the Local Government The Privacy Commissioner</b>	<b>Local government pecuniary interest contraventions Privacy contraventions</b>	<b>Email:</b> olg@olg.nsw.gov.au <b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> ipcinfo@ipc.nsw.gov.au

**The Information  
Commissioner**

**Government information  
contraventions**

**Telephone:** 1800 472 679

**Writing:** GPO Box 7011,  
Sydney NSW 2001

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

Details of reporter <i>(You can make an anonymous report by leaving this section blank)</i>		
Name:		
Position:		
Division/Unit:		Preferred method of contact
Telephone:		<input type="checkbox"/> Telephone
Email:		<input type="checkbox"/> Email
Postal address:		<input type="checkbox"/> Post
Details of the wrongdoing being reported		
Description:		
<ul style="list-style-type: none"> <li>• <i>What happened?</i></li> <li>• <i>Where did this happen?</i></li> <li>• <i>When did this happen?</i></li> <li>• <i>Is it still happening?</i></li> <li>• <i>[Attach an additional page if required]</i></li> </ul>		
How did you become aware of this?		
Name and position of people involved in the wrongdoing:	Name Position	
Attach any additional relevant information or indicate where supporting evidence may be found:	Supporting evidence Attached	
		<input type="checkbox"/>
		<input type="checkbox"/>
Name and position of other people who may have additional information:	Name Position	
Statement		
I honestly believe that the above information shows or tends to show wrongdoing.  Signature of reporter ..... <i>(Do not sign if you want to make an anonymous report)</i>	Date report submitted <i>(Essential information)</i>	

### Annexure C — Internal Report Form





**Annexure D — Training acknowledgement if necessary**

I hereby acknowledge that I have received, read and understood a copy of Council's Public Interest Disclosures Internal Reporting Policy.	
Employee Name	
Position Title	
Signature	
Date	



# Developing your Public Interest Disclosure policy



## Developing your Public Interest Disclosure policy

### What this guideline covers

Under section 42 of the *Public Interest Disclosures Act 2022 (PID Act)*, all agencies must have a public interest disclosure (**PID**) policy.

Section 72 of the PID Act sets out the NSW Ombudsman's functions under the PID Act. One of those functions is to publish guidelines and other materials to assist agencies with their functions under the PID Act.

This guideline contains a model PID policy (**Model Policy**) which agencies can adopt, as well as guidance on developing their PID policy based on the Model Policy.

Agencies can alternatively develop their own PID policy not based on the Model Policy, but if they do, they still must have regard to any relevant Ombudsman's guidelines (including those set out in the Model Policy).

ISBN: 978-1-922862-12-9

NSW Ombudsman, Level 24, 580 George Street, Sydney NSW 2000

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

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

General inquiries 02 9286 1000

Toll free (outside Sydney metro) 1800 451 524

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## How to use the Model Policy

If an agency uses the Model Policy, it should adapt the policy so that it is suitable for the agency's context and aligns with the agency's governance structures around policy development. This means an agency should consider:

- the agency's agreed format and commonly used terms for internal policies
- the agency's process for policy development (including consultation, approval and implementation)
- whether there is anything unique to the agency that needs to be included in the PID policy but is not in the Model Policy
- the agency's established processes for dealing with public interest disclosures.

## How to adapt the Model Policy to your agency's needs

### Using the 'Guidance' sections throughout the Model Policy

These sections contain drafting guidance and examples of agency specific information that should be included in each section of the policy.

Agencies should consider existing relevant policies and procedures within the agency when adapting the Model Policy.

Agencies should also consider their staff and relevant volunteers, subcontractors and contractors to whom their policy will apply and ensure the language used in the PID policy will make sense to those people. This is an opportunity for agencies to add agency specific information that might assist the PID policy to be well understood, adopted and appropriately applied.

### Aligning the PID policy with other relevant agency policies

The PID policy will be one of a suite of internal policy and procedures that an agency may have on how it deals with misconduct matters, internal grievances and complaints, integrity issues and code of conduct issues.

When adopting the Model Policy, agencies should ensure all relevant policies are aligned, consistent and use common language where possible.

### Arrangements for other agencies or entities to exercise an agency's PID functions

Under section 81 of the PID Act, an agency can arrange for:

- another agency to exercise its functions under the Act on behalf of the agency
- an entity, which is not an agency, to exercise some or all of the following functions or responsibilities on its behalf:
  - the function of receiving voluntary PIDs
  - the function of dealing with voluntary PIDs through investigation
  - the agency's responsibilities to ensure their staff are trained under the PID Act.

These details must be published prominently on the agency's website and intranet, and notification of them given to the NSW Ombudsman.<sup>1</sup>

An agency can only enter into an arrangement with an entity that is not an agency if the arrangement is 'in accordance' with its PID policy.<sup>2</sup> This means that the arrangements must be clearly provided for in the policy.

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- 
1. *Public Interest Disclosures Act 2022*, s 81(4).
  2. *Public Interest Disclosures Act 2022*, s 81(3).

## Summary of what must be included in an agency’s PID policy

If an agency chooses to develop its own PID policy it must ensure that the policy includes the mandatory information and procedures outlined in section 43 of the PID Act, and that it is developed having regard to relevant Ombudsman’s guidelines.

Topic	Procedures that must be included in an agency’s PID policy
<b>Acknowledging receipt of voluntary PIDs, providing information to makers of voluntary PIDs and dealing with voluntary PIDs</b> (s 43(1)(a)–(b))	Specify procedures for: <ul style="list-style-type: none"> <li>• acknowledging receipt of voluntary PIDs</li> <li>• providing information to the makers of voluntary PIDs</li> <li>• dealing with disclosures that are or may be voluntary PIDs.</li> </ul>
<b>Risk management</b> (s 43(1)(c))	Detail the agency’s procedures for assessing and minimising the risk of detrimental action, other than reasonable management action, being taken against a person as a result of a voluntary PID being made.
<b>Detrimental action</b> (s 43(1)(d))	Detail the agency’s procedures for dealing with allegations that a detrimental action offence has been committed by or against a public official associated with the agency.
<b>Maintaining confidentiality and protections</b> (s 43(1)(e) and (3))	Detail the agency’s procedures for maintaining confidentiality in relation to voluntary PIDs and protecting the identity of the makers of voluntary PIDs.  Include information about protections available under the PID Act to makers of voluntary, mandatory and witness PIDs.
<b>Corrective action</b> (s 43(1)(f))	Specify the agency’s procedures for taking appropriate corrective action in response to findings of serious wrongdoing or other misconduct that arise from voluntary PIDs relating to the agency.
<b>Record-keeping</b> (s 43(1)(g))	Outline the agency’s record-keeping procedures including how information is stored and confirm that security/access levels will be applied to all communications regarding disclosures made in accordance with the PID Act.
<b>Reporting obligations</b> (s 43(1)(g))	Specify the agency’s procedures for reporting in relation to voluntary PIDs to the NSW Ombudsman and how the agency will prepare its annual return.
<b>Establishing internal oversight and complying with the PID Act</b> (s 43(1)(h)–(i))	Provide details about how the agency will ensure it complies with the PID Act, including who or what business unit has internal oversight over compliance with the PID Act.
<b>Roles and responsibilities</b> (s 43(2))	Specify the responsibilities under the PID Act given to: <ul style="list-style-type: none"> <li>• the head of the agency</li> <li>• disclosure officers for the agency</li> </ul>

	Specify the responsibility imposed by section 51(1) on managers of public officials associated with the agency.
<b>List of disclosure officers (s 43(4))</b>	Prominently include a list identifying the agency’s disclosure officers by class, position, role or name, as well as information enabling them to be contacted.

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# Model 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 [agency name] 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 agency relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- how [agency name/we] 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
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with [names and links to the agency's relevant policies such as a Code of Conduct, documents articulating the agency's values and principles, internal policies on grievance handling, misconduct matters, and dealing with internal fraud and corruption].

**Guidance:** By articulating the *purpose* of the PID Policy, agencies have an opportunity to demonstrate their commitment to the principles in the PID Act.

It is important to create a positive and safe environment so that employees feel they can come forward and make reports, and that the agency will take active steps to protect and support them if they do so. It is also important to reassure employees that reporting wrongdoing is a normal part of working for the agency and that it is consistent with the agency's approach to upholding the integrity of the agency.

Agencies can choose to adopt the *purpose* section above or can draft their own *purpose* section. If an agency chooses to draft its own *purpose* section, wording should be included that confirms the following:

- the importance of the PID Policy and how it aligns with the existing processes in place to detect serious wrongdoing
- that the agency encourages employees (and the relevant volunteers, contractors and subcontractors) to report serious wrongdoing and other misconduct

- that the agency is committed to supporting and protecting people that report serious wrongdoing and that detrimental action against reporters will not be tolerated
- that everyone in the agency has a responsibility to speak up and act in the public interest by doing so, and that the agency will in turn, ensure that reporters are protected.

## Accessibility of this policy

This policy is available on [our/agency name] publicly available website as well as on the [intranet/insert name of the agency's intranet].

A copy of the policy is also sent to all staff of [agency name] on their commencement. A hard copy of the policy can be requested from [position or unit].

**Guidance:** Under section 47 of the PID Act, agencies have to prominently publish the PID policy on the agency's public website and the agency's intranet. If the agency does not have a public website or an intranet, they have to otherwise ensure that it is readily accessible to all public officials associated with the agency.

In the section 'Accessibility of this policy' agencies should include how the policy will be made available if it does not have a public website or intranet.

Agencies can provide more specific information here about the precise location of the policy to assist staff to locate it.

## Who does this policy apply to?

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are:

- a person employed in or by an agency or otherwise in the service of an agency
- 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
- an individual in the service of the Crown
- a statutory officer
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer
- 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
- a judicial officer
- a Member of Parliament (**MP**), including a Minister
- a person employed under the *Members of Parliament Staff Act 2013*.

The [title of the head of the agency], other nominated disclosure officers and managers within [agency name] 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 [agency name] may use this policy if they want information on who they can report wrongdoing to within [agency name].

**Guidance:** Agencies should modify ‘Who does this policy apply to’ to ensure it is applicable’ in the context of the agency.

Agencies can include specific types of public officials who they have in their agency or who are associated with their agency. For example, an agency may consider highlighting that staff of specific private entities that exercise functions on behalf of the agency are public officials. A full list of who is a public official is found in section 14 of the PID Act. Further guidance can be found in the Ombudsman guideline ‘Core concepts in the PID Act’.

If the agency engages consultants to assist the agency with their work, it should be noted that these consultants are not considered public officials under the PID Act.

Agencies can also identify here what is not covered by this policy with reference to other existing policies, such as policies on how a member of the public can complain about the agency or on how to deal with personal work-related grievances.

## Who does this policy not apply to?

This policy does not apply to:

- people who have received services from an agency and want to make a complaint about those services
- people, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.

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(i) of this policy for more information).

However, you can still make a complaint to [agency name/us]. This can be done by:

**Guidance:** Agencies should include information about complaint processes for people who are not public officials but want to make a complaint about the agency. This should include links to complaint webpages or phone numbers.

## Compliance with the PID Act

**Guidance:** Agencies can include in this section information about the review process for this policy, including:

- the policy review schedule
- who will review the policy and who will approve the version of the policy
- who can be contacted if an error or issue is found in the policy
- who will monitor the policy and consider whether it is meeting its purpose.

## What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to [agency name] under the PID Act
- the names and contact details for the nominated disclosure officers in [agency name]
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of [agency name]
- 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
- [agency name] procedures for dealing with disclosures
- [agency name] procedures for managing the risk of detrimental action and reporting detrimental action
- [agency name] record-keeping and reporting requirements
- how [agency name] will ensure it complies with the PID Act and this policy.

**Guidance:** The content contained in this section is what agencies must include in their PID policy under section 43 of the PID Act. If an agency has included more procedures or information in its PID policy outside of the mandatory topics, then these topics should be listed here.

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 [agency name]
- 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.

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

### (a) 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, but we will also make sure we follow our [name of relevant policies].

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.

**Guidance:** This section is an opportunity for agencies to provide the following information which is relevant to the agency:

- general information about how it deals with complaints, internal grievances and other misconduct matters
- that staff should report all wrongdoing and misconduct, not only reports of serious wrongdoing as defined under the PID Act, and that the agency will deal with these appropriately even if they are not a PID
- that a complaint or a grievance may also be a PID
- the avenues to report all types of wrongdoing and misconduct within the agency.

### (b) When will a report be a PID?

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

2. *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.
3. *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.
4. *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'.

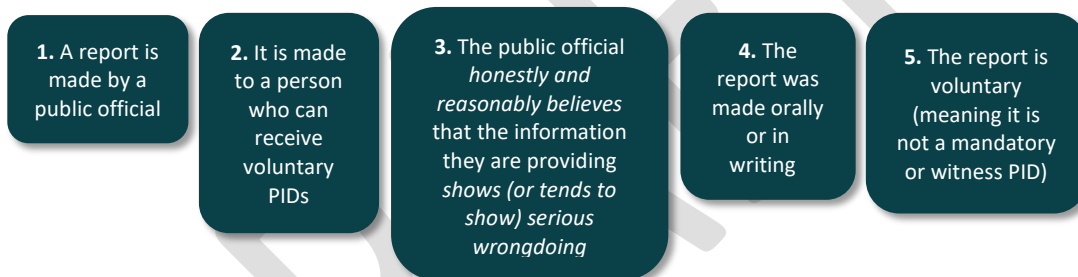
**Guidance:** Some agencies are more likely than others to receive mandatory PIDs, particularly if they have staff with certain legal obligations to report serious wrongdoing. Those agencies can include further information here about how mandatory PIDs will be dealt with and/or link to other relevant policies and legislative provisions.

Agencies can also choose to include some information on how they will generally deal with witness PIDs or reference any policies they have regarding conducting internal investigations.

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:



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 a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we make 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.

**(c) 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 if:

- you are employed by [agency name]

- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of [agency name], or
- you work for an entity (such as a non-government organisation) who is contracted by [agency name] to provide services or exercise functions on behalf of [agency name] — 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 our agency. 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.

**Guidance:** Agencies should edit this text so that it covers all public officials associated with the agency and makes sense to people who work in the agency.

Agencies can include specific types of public officials that they have in their agency or who are associated with their agency and examples to explain the concept.

For example, they may have a practice of engaging private entities to carry out their functions to the extent that it warrants being highlighted in the policy. A full list of who is a public official is found in section 14 of the Act. Further guidance can be found in the Ombudsman's guideline 'Core concepts in the PID Act'.

If the agency engages consultants to assist the agency with their work, it should be noted that these consultants are not considered public officials under the PID Act.

This section should be consistent with the section of this policy 'Who does this policy apply to?'

#### (d) 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 here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe
- *serious maladministration* — 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 entities to undertake government work.

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



**Guidance:** Agencies should consider providing examples of serious wrongdoing that are more directly linked to the work undertaken by the agency. Agencies may also reference the Ombudsman’s guideline ‘What is serious wrongdoing?’

### (e) 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 [agency name]***

You can make a report inside [agency name] to:

- [head of agency]
- a disclosure officer for [agency name] — a list of disclosure officers for [agency name] and their contact details 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 a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

**Guidance:** If an agency has arranged for an entity to receive voluntary PIDs under section 81(3)(a) of the PID Act, this should be recorded here as a reporting pathway.

There are different meanings of manager for different types of public officials under section 15 of the PID Act. Guidance should be provided on who a manager is for the employees of the agency:

- for a public official who is a *police officer* — a police officer who is of the rank of sergeant or above and is more senior in rank than the public official
- for a person employed under the *Members of Parliament Staff Act 2013* — the chief of staff of the political office holder or Member of Parliament by whom the person is employed
- for a public official who is a person *providing services or exercising functions on behalf of an agency* (including a contractor, subcontractor or volunteer) or an employee, partner or officer of an entity that provides services on behalf of an agency or exercises functions of an agency — their manager is taken to be the public official in that agency who oversees those services or functions, or who manages the relevant contract or volunteering arrangement
- for a person *declared to be a public official in the PID Regulations* — a person declared by the regulations to be the manager of the public official for the purposes of the PID Act
- for *all other public officials* — this is the person to whom the public official reports directly or indirectly, or who supervises them directly or indirectly. Agencies can include examples specific to their operations, for example if they operate on a matrix reporting model or if they have shift supervisors.

***Making a report to a recipient outside of [agency name]***

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 [agency name], it is possible that your disclosure will be referred back to [agency name/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 [agency name]:
  - notification that [agency name] 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 [agency name] 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.

**(f) 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. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for [us/agency name] to investigate the matter(s) you have disclosed if we cannot contact you for further information.

**Guidance:** Agencies should include details of any procedures that have been established to facilitate reporting and include those as a way employees can make reports. For example:

- if an agency has created an online reporting portal, a dedicated phone line or email address to which reports can be made
- if the responsibility of receiving voluntary PIDs has been delegated to another entity under section 81(3)(a) of the PID Act, information about how a report can be made to that entity.

### **(g) 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.

### **(h) 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/agency name] 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 procedures. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations or complaints.

### **(i) Deeming that a report is a voluntary PID**

The [head of agency/delegate] 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 [head of agency/delegate] 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 [head of agency/delegate]. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

**Guidance:** Agencies should include information about the process for referring a report for consideration for it to be deemed a voluntary PID. If the deeming power has been delegated, details of the delegate should be provided.

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

**Guidance:** This should include contact details for business units or disclosure officers who can provide further information so that concerns can be addressed. You should include information about how someone can do this confidentially.

## 2. Protections

### (a) 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 [agency] that concerns serious wrongdoing relating to [agency] has been made, [we/agency name] 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.

**Guidance:** Agencies should provide agency specific context relating to the mandatory reports that staff are required to make as part of their role. Information about secrecy and confidentiality provisions relevant to the agency's work should also be included.

- *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.

**Guidance:** Under section 43(3)(a) of the PID Act, agencies must include information about the protections available to makers of voluntary PIDs.

## (b) 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
<b>Detrimental action</b> — 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.	✓	✓
<b>Right to compensation</b> — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
<b>Ability to seek injunction</b> — 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.	✓	✓
<b>Immunity from civil and criminal liability</b> — 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>	✓	✓

**Guidance:** Under section 43(3)(b) of the PID Act, agencies must include information about the protections available to makers of witness and mandatory PIDs in an agency’s PID policy.

### 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 [agency/us], or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

**Guidance:** Agencies should explain how people who experience detrimental action can alert the agency. This may be by contacting a disclosure officer or a particular unit within the agency. Agencies should also include ways a person can report detrimental action, that is, by email and phone, and provide those contact details.

### 4. General support

**Guidance:** Agencies should list what supports will be made available to people who have made a report and how they can access these supports.

Agencies may refer to the NSW Ombudsman if an employee has questions about the PID Act and reporting generally.

For example, agencies should allocate to the maker of the report a person who will be their key contact person and who will take steps to protect their interests, for example, if they are at risk of detrimental action.

Agencies may also link the person who has made the report to wellbeing support through the Employee Assistance Program or another program.

## 5. Roles and responsibilities of [agency name] employees

Certain people within [agency name] have responsibilities under the PID Act.

### [Head of agency]

#### (a) The [head of agency] is responsible for:

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures
- ensuring the [agency name] complies with this policy and the PID Act
- ensuring that the [agency name] 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.

#### (b) Disclosure officers

Disclosure officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)
- ensuring that any oral reports that have been received are recorded in writing.

**Guidance:** If an agency has designated other roles such as a 'Disclosure Coordinator' or 'Chief Disclosure Coordinator', then the responsibilities for those persons should also be listed in this section.

#### (c) Managers

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise

- passing on reports they receive to a disclosure officer.

#### **(d) All employees**

All employees must:

- 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 [agency name]
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

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

**Guidance:** These are the minimum roles under section 43(2) of the PID Act that must be included in an agency's PID policy (with the addition of 'all employees'). If agencies have given responsibilities to different persons, other roles or specific units within the agency, then this information should be included. Agencies should also modify any content to appropriately reflect the responsibilities of the head of agency and disclosure officers.

## **6. How we will deal with voluntary PIDs**

### **(a) How [we/agency name] will acknowledge that we have received a report and keep the person who made it informed**

When a disclosure officer in [agency name] 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/agency name] deals 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.

**Guidance:** Under section 43(1)(b) of the PID Act, agencies must set out the procedures they have in place for what they will do as soon as a report is received by them and the procedures for providing information to the maker of a voluntary PID. This will include acknowledging that the report has been received, setting expectations with the person who made the report about the next steps, and how and when the agency will keep the maker of the report up to date. Agencies should also identify what support structures they will have in place to protect and support the maker of the report. This could include information about:

- the unit within the agency or the person that will update the maker (in many cases it will be the disclosure officer who received the report, or it may be the investigator to whom the matter is allocated)
- the expected timeframes for updates from the agency
- how the acknowledgment and updates will be provided, that is, by way of secure email, by phone discussions or virtually via Teams or another platform
- how the agency will engage with the maker of the report to establish whether they are at risk of detrimental action, whether they need support networks to be put in place and how this will be assessed on an ongoing basis.

### **(b) How [we/agency name] will deal with voluntary PIDs**

Once a report that may be a voluntary PID is received [we/agency name] will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

**Guidance:** Under section 43(1)(a) of the PID Act, agencies must outline its procedures for dealing with reports that are or may be voluntary PIDs. Agencies should outline what the process will be in the agency once a disclosure officer receives a PID.

Will it continue to be dealt with by that person, or will it be referred to a particular unit within the agency to assess the report and to allocate it to a suitable person?

Will the assessment undertaken be quality checked by someone else, such as by someone who works in the legal section?

Outlining this process here will help set the expectations of people who make a report as to what they can expect.

Your agency may have a slightly different process if a report is received by the head of the agency. If this is the case, then this should also be outlined here.

### ***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 [name of relevant internal complaints or grievance handling process] 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 a disclosure officer, request an internal review or request that the matter be conciliated. [We/agency name] can, but do not have to, request the NSW Ombudsman to conciliate the matter.

**Guidance:** Agencies should explain where the report will be referred and what supports will be offered. Agencies should also outline any specific processes/documents they have in relation to internal reviews and raising concerns about the assessment of a report.

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

[We/agency name] 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).

**Guidance:** Agencies should include the procedure they will follow when advising the maker of a report that they have ceased dealing with the report as a voluntary PID.

The PID Act states that agencies must provide reasons to the maker of a purported PID if the agency has ceased dealing with the report as a voluntary PID. A purported PID is one that is made to one of the recipients of voluntary PIDs set out in the PID Act, and it is not a witness or mandatory PID and the maker has stated it is a voluntary PID.

It is best practice to always notify makers of reports that an agency has ceased to deal with their matter 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.

**Guidance:** If an agency typically appoints an external investigator, the process for this should be outlined here. This should include who will continue to maintain contact with the maker of the report.

If an agency has a particular process for determining which matters will go down an investigation pathway, this should be mentioned here so that the expectations of the makers of reports are set from the beginning.

**(c) How [we/agency name] 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 an agency.

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/agency] reasonably considers 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:

**Guidance:** Under section 43(1)(e) of the PID Act, an agency’s PID policy must outline its procedures for maintaining confidentiality in relation to voluntary PIDs and protecting the maker’s identity. Agencies should include what steps they will follow to maintain confidentiality. These could include:

- We will limit 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.
- We will ensure 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.
- We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- We will undertake 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.
- We will provide 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/agency name] will:

**Guidance:** Agencies should list the procedures that apply when confidentiality cannot be maintained. This could include:

- advising the person whose identity may become known
- updating the agency’s risk assessment and risk management plan
- implementing strategies to minimise the risk of detrimental action
- providing additional supports to the person who has made the PID
- reminding 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.

**(d) How [we/agency name] will assess and minimise the risk of detrimental action**

[We/agency name] 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/agency name] 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/agency name] will take steps to assess and minimise the risk of detrimental action by:

**Guidance:** Under section 43(1(c) of the PID Act, agencies must specify what steps they will undertake to assess and minimise the risk of detrimental action. Information that could be included in the procedures includes:

- 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 unit/role that will be responsible for undertaking a risk assessment
- explaining the approvals for risk assessment and the risk management plan, that is, rank or role of the person who has final approval
- explaining how the agency will communicate with the maker to identify risks
- listing the protections that will be offered, that is, the agency 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.

Further information on assessing the risk of detrimental action is found in the Ombudsman’s guideline ‘Agencies — assessing and managing the risk of detrimental action’.

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 job
- 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.

### **(e) How [we/agency name] will deal with allegations of a detrimental action offence**

If [we/agency name] become(s) aware of an allegation that a detrimental action offence has occurred or may occur, [we/agency name] 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 or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

**Guidance:** Agencies should set out:

- who is responsible for making referrals about alleged detrimental action offences
- to whom the victim of detrimental action should speak to within the agency
- how the person who the alleged detrimental action has been taken against will be updated and what supports will be offered.

### **(f) What [agency name] 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/agency name] 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 employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

**Guidance:** Under section 43(1)(f) of the PID Act, agencies must include information about the procedure for taking corrective such as:

- who receives the findings of an investigation (this may change depending on the complexity of the investigation, and will be set out in the Terms of Reference or Investigation Plan)
- what steps will be taken to address any recommendations in the findings
- which person/business unit will be responsible for ensuring corrective action takes place
- how the maker will be notified of the proposed or recommended corrective action.

## 7. Review and dispute resolution

### (a) Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by [agency name]:

- that [agency name] is not required to deal with the report as a voluntary PID
- to stop dealing with the report because [we/agency name] 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.

[We/agency name] 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 within 28 days of being informed of [our/agency's name] decision. The application should state the reasons why you consider [we/agency's name] decision should not have been made. You may also submit any other relevant material with your application.

**Guidance:** Agencies should include information about where internal review applications should be sent to, which person or unit within the agency will conduct the review and what timeframes the agency will set for completion of the review.

### (b) Voluntary dispute resolution

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

## 8. Other agency obligations

### (a) Record-keeping requirements

[We/agency name] must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that [agency name] complies with its obligations under the *State Records Act 1998*.

**Guidance:** Agencies should explain how information is stored and confirm that security/access levels will be applied to all communications regarding reports made in accordance with the PID Act.

### (b) Reporting of voluntary PIDs and [agency name] annual return to the Ombudsman

Each year [we/agency name] provide an annual return to the NSW Ombudsman which includes:

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

**Guidance:** Agencies should explain:

- who is responsible for collecting information about voluntary PIDs and the other information captured in the annual return
- how that information is stored
- who prepares the annual return.

### (c) How [we/agency name] will ensure compliance with the PID Act and this policy

**Guidance:** It is important for an agency to have mechanisms in place for monitoring the effectiveness of its PID policy and for ensuring compliance with the PID Act. An agency should list:

- what oversight arrangements will be in place at the agency and who will be responsible for this oversight
- the agency's compliance measures — will this be through regular audits and reporting (including review timeframes)?
- what measures the agency will take to address non-compliance
- whether reports about compliance will be provided to audit and risk committees.

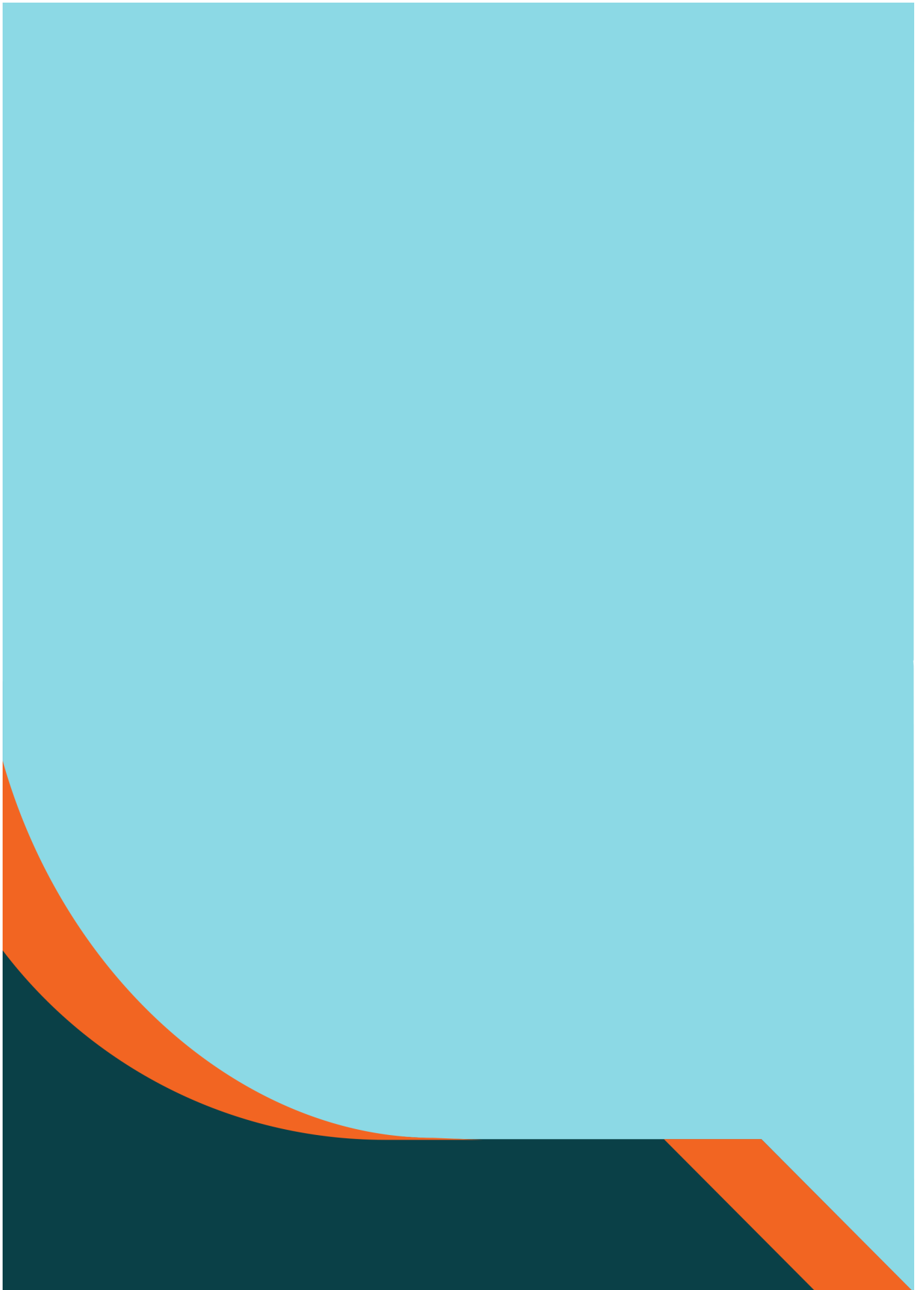


**Annexure A — Names and contact details of disclosure officers for [agency name]**

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## Annexure B — List of integrity agencies

Integrity agency	What they investigate	Contact information
<b>The NSW Ombudsman</b>	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
<b>The Auditor-General</b>	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
<b>Independent Commission Against Corruption</b>	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
<b>The Inspector of the Independent Commission Against Corruption</b>	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> PO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>
<b>The Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<b>Telephone:</b> 02 9321 6700 or 1800 657 079 <b>Writing:</b> GPO Box 3880, Sydney NSW 2001 <b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>
<b>The Inspector of the Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the LECC and LECC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> GPO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oilecc_executive@oilecc.nsw.gov.au">oilecc_executive@oilecc.nsw.gov.au</a>
<b>Office of the Local Government</b>	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>The Privacy Commissioner</b>	<b>Privacy contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
<b>The Information Commissioner</b>	<b>Government information contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>



# Overview of the new *Public Interest Disclosures Act 2022*

On 1 October 2023 there will be new public interest disclosure (PID) legislation in NSW which completely replaces the *Public Interest Disclosures Act 1994* (1994 Act). This information sheet will provide an overview of key components of the *Public Interest Disclosures Act 2022* (PID Act 2022 or the Act).

## Background

Good government relies on public officials speaking up when they witness, or otherwise become aware of, wrongdoing in the public sector.

A strong 'speak up' culture that encourages public officials to report wrongdoing is important to ensure the integrity of the public sector.

An integral 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 detriment
- taking active steps to maintain the confidentiality of reports
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

From 1 October 2023 that framework will be the PID Act 2022.

The PID Act 2022 provides for public officials to have multiple pathways to report serious wrongdoing. This includes reporting to a disclosure officer, their manager and other agencies, such as integrity agencies.

The threshold for what is considered detrimental action has been lowered, and the associated penalties for the detrimental action offence have been increased, when compared to the 1994 Act.

Clarity is provided in the PID Act 2022 on what agencies are expected to do with a report when it is received, how they must deal with a report once it is identified

that it is a PID and what they must do if serious wrongdoing is found to have occurred. The PID Act 2022 also outlines when an agency must communicate with a PID maker and with the NSW Ombudsman.

Under this framework, all agencies must ensure they have:

- systems in place to manage confidentiality
- welfare support mechanisms for PID makers and,
- procedures for assessing the risk of detrimental action and implementing risk mitigation strategies.

## Categories of PIDs

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 Act.

The Act recognises that there are 3 types of PIDs, and that some people who are not public officials, may also make reports or provide information and require protection from detrimental action.

Under the Act, there are 3 types of PIDs. These are:

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

**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.

**Witness PID:** This is a PID where a person discloses information in the course of an investigation of serious wrongdoing following a request or requirement of the investigator.

Most of the obligations on agencies in the Act relate specifically to voluntary PIDs – these include how a voluntary PID must be assessed, what information must be given to the maker of the voluntary PID, how the voluntary PID must be investigated or otherwise dealt with, and what must be reported to the Ombudsman about voluntary PIDs.

The protection against detrimental action and immunity from civil and criminal liability for breaching a duty of secrecy or confidentiality when making a PID, apply to all 3 types of PID.

## Serious wrongdoing

In order to ensure that agencies identify when they have received a voluntary PID, it is important to understand what serious wrongdoing is.

Serious wrongdoing is defined under section 13 of the Act as meaning one or more of the following:

- corrupt conduct
- serious maladministration
- a government information contravention
- a local government pecuniary interest contravention
- a privacy contravention
- a serious and substantial waste of public money.

## Identifying a voluntary PID

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’.

This is where a public official made 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:

1. The report has been made by a public official
2. The report has been made to a suitable recipient

3. The report must disclose information that the person honestly and on reasonable grounds believes shows or tends to show serious wrongdoing
4. The report is made in writing or orally (but if it is made to a Minister or ministerial staff, it must be made in writing)
5. The report was made voluntarily, i.e., it is not a mandatory or a witness PID.

The Act contains a deeming provision which gives the head of an agency a delegable power to deem a report to be a voluntary PID, even if it does not have all 5 features of a PID. By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

## Recipients of PIDs

For a report to be a voluntary PID, it must have been made to one or more of the following people:

- the person’s manager
- a ‘disclosure officer’ in any agency – this could be:
  - the agency where the person works
  - the agency to which the wrongdoing related (if not the agency where the person works)
- another agency, including an integrity agency (such as the NSW Ombudsman’s Office, the ICAC, or the Audit Office)
- the head of any agency
- a Minister or Ministerial staff (but only if the report is made in writing)
- a journalist or MP (in very limited circumstances).

Where a voluntary PID is made to the person’s manager, it is the manager’s responsibility to make sure the PID is communicated to a disclosure officer, as soon as reasonably practicable, so it can be properly assessed and dealt with.

The disclosure officers of an agency, together with their contact details, will be set out in the agency’s PID policy on its website.

## Disclosure officers

Disclosure officers are one of the key people to whom a report will be made in an agency.

Disclosure officers are those identified as ‘disclosure officers’ in the agency’s PID policy, which can be found on the agency’s intranet and public website.

In addition to those listed in an agency's PID Policy, the following people are also disclosure officers under the Act:

- the head of an agency,
- the most senior ongoing employee who ordinarily works at a permanently maintained worksite where more than 1 employee works, and
- the member of an unelected governing body within an agency.

It is important that agencies nominate a sufficient number of disclosure officers for the size of the agency, and within the permanently maintained worksites across the agency. The purpose of this is to ensure that public officials have sufficient access to report serious wrongdoing.

## Integrity agencies

The PID Act classifies certain agencies as 'integrity agencies'. Integrity agencies have an important role in the Act.

There is no requirement under the Act that a public official report serious wrongdoing to the 'right' agency for the report to constitute a PID. They may choose to make the report to an integrity agency (or any other agency) instead of to the agency they work in.

Generally, PIDs would be expected to be directed to the most relevant integrity agency – for example, a report of corrupt conduct would be reported to the ICAC, a report of serious maladministration to the NSW Ombudsman, and a report of a government information contravention to the NSW Information and Privacy Commission.

The integrity agency will make a decision on how it will deal with the report, which may include referring it back to the agency where the PID maker works or is otherwise associated with.

## Protecting the identity of PID makers

Agencies have an obligation to ensure that information which identifies, or tends to identify, a person as the maker of a voluntary PID is not unlawfully disclosed. This is called "identifying information" in the Act.

The Act allows for circumstances in which a public official or agency can lawfully disclose identifying information. These circumstances include where the disclosure of the information is necessary for the report to be effectively dealt with.

## Detrimental action

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 includes, but is not limited to actions such as intimidation, bullying and reputational damage.

The Act contains robust protections to ensure that a person who has made a PID does not suffer detrimental action.

Under the Act it is a criminal offence to take detrimental action against a person based on the suspicion, belief or awareness that a person had made, may have made, or may make a PID. This is known as a detrimental action offence.

Agencies have a duty to assess the risk of detrimental action against a PID maker, and to minimise the risk of detrimental action, as soon as they become aware the voluntary PID has been made and on an ongoing basis while the matter is being dealt with.

Injunctions can be sought from the Supreme Court to prevent the commission of a detrimental action offence, or to stop a person committing a detrimental action offence. Generally, an injunction would be sought by a PID maker or an integrity agency, on their behalf.

If unlawful detrimental action is taken against someone, they are entitled to seek compensation through the courts for injury, damage or loss suffered.

## Key terms

A glossary of key terms is contained in Appendix A.

## Further information

This information is intended to provide an overview of the PID Act 2022 and introduce the core concepts of the Act. More information can be found on the [NSW Ombudsman website](#). Alternatively, you can send an email to [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au).

## Appendix A: Glossary of key terms

Key term	Definition
<b>Agency</b>	<p>‘Agency’ is defined in section 16 of the PID Act to mean any of the following:</p> <ul style="list-style-type: none"> <li>• a Public Service agency</li> <li>• a group of staff comprising each of the following services, or a separate group of that staff:                             <ul style="list-style-type: none"> <li>– the NSW Police Force</li> <li>– the Teaching Service of New South Wales</li> <li>– the NSW Health Service</li> <li>– the Transport Service of New South Wales</li> </ul> </li> <li>• a statutory body representing the Crown</li> <li>• an integrity agency</li> <li>• a public authority whose conduct or activities are authorised to be investigated by an integrity agency under another Act or law</li> <li>• a State owned corporation or its subsidiaries</li> <li>• a Local Government Authority</li> <li>• a Local Aboriginal Land Council</li> <li>• the Department of Parliamentary Services, the Department of the Legislative Assembly and the Department of the Legislative Council</li> <li>• a Minister’s office is not an agency for the purposes of the PID Act.</li> </ul>
<b>Detriment</b>	<p>Detriment is defined in section 32(1) of the Act as disadvantage to a person, including:</p> <ul style="list-style-type: none"> <li>• injury, damage or loss</li> <li>• property damage</li> <li>• reputational damage</li> <li>• intimidation, bullying or harassment</li> <li>• unfavourable treatment in relation to another person’s job</li> <li>• discrimination, prejudice or adverse treatment</li> <li>• disciplinary proceedings or disciplinary action.</li> </ul>
<b>Detrimental action</b>	<p>Detrimental action is defined in section 32(2) of the Act as 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).</p>
<b>Identifying information</b>	<p>Under section 64(1) of the Act, identifying information is information which tends to identify a person as the maker of a voluntary PID.</p>
<b>Integrity agency</b>	<p>The following are ‘integrity agencies’ as defined under section 19 of the PID Act:</p> <ul style="list-style-type: none"> <li>• the Ombudsman</li> <li>• the Auditor-General</li> <li>• the Independent Commission Against Corruption</li> <li>• the Law Enforcement Conduct Commission</li> <li>• the Inspector of the Independent Commission Against Corruption</li> <li>• the Inspector of the Law Enforcement Conduct Commission</li> <li>• the Secretary of the Department of Planning, Industry and Environment (when exercising certain functions under the Local Government Act 1993)</li> <li>• the Privacy Commissioner</li> <li>• the Information Commissioner</li> <li>• a person or body declared by the regulations to be an integrity agency.</li> </ul>

<p><b>Public interest disclosure</b></p>	<p>The term public interest disclosure is defined in section 21 of the PID Act to mean:</p> <ul style="list-style-type: none"> <li>• a voluntary PID</li> <li>• a witness PID or</li> <li>• a mandatory PID.</li> </ul>
<p><b>Public official</b></p>	<p>‘Public official’ is defined in section 14 of the PID Act as follows:</p> <ul style="list-style-type: none"> <li>• a person employed in or by an agency or otherwise in the service of an agency</li> <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>• if an entity, under a contract, subcontract or other arrangement, is to provide services on behalf of an agency or exercise functions of an agency in whole or in part—an employee, partner or officer of the entity who is to be involved in providing the services in whole or in part, or who is to exercise the functions</li> <li>• a judicial officer</li> <li>• a member of Parliament, including a Minister</li> <li>• a person employed under the Members of Parliament Staff Act 2013.</li> </ul>

ISBN: 978-1-922862-10-5

NSW Ombudsman  
 Level 24, 580 George Street  
 Sydney NSW 2000

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

Web [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au)  
 General inquiries 02 9286 1000  
 Toll free (outside Sydney metro) 1800 451 524

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# Busking Policy 202X

## POL029



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<b>Policy No:</b>	<b>POL029</b>
<b>Policy Title:</b>	<b>Busking Policy</b>
<b>Section Responsible:</b>	<b>Corporate and Community Services</b>
<b>Minute No:</b>	<b>XXX</b>
<b>Doc ID:</b>	<b>8344</b>

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## 1. INTENT

- To Encourage performers and events which to contribute to the cultural life of Narrandera Shire.
- To Provide alternative performance options to for performers.
- To Provide a platform for community expression.
- To Identify and qualify locations suitable as busking sites.
- To Manage busking within the Narrandera Shire local government area.

## 2. SCOPE

- This policy applies to any person, persons, group or groups performing in a public space within the Narrandera Shire local government area.
- Busking is only permitted in on pedestrian footpaths in East Street, Narrandera, or within Kiesling Lane, precinct, or outside the Narrandera Railway Station, outside the Visitor Information Centre-Narrandera Destination and Discovery Hub (NDDH), or the village centres of Barellan and Grong Grong, all Council parks and gardens and all Council sporting and cultural facilities. Location maps are attached to this policy The East Street and VIC precincts are defined on a map and are also included as part of the within the busking application form.
- The Narrandera War Memorial Gardens is not to be used for busking purposes.

## 3. PROVISIONS

### 3.1 REQUIREMENTS

- Applications for a busking permit/s allowing busking within in the Narrandera Shire Council designated areas must be sought through the Narrandera Shire Council.
- Buskers must hold their authorised permit on their person, to and must be shown at the request of Narrandera Council Rangers/Officers or adjoining property owners or tenants.
- Council reserves the right to cancel a permit should BUSKERS the applicant or Busker not comply with this policy.

- Applicants for a busking permit/s ~~do not have to pay a fee~~ **who do not** hold their own Public Liability insurance with a minimum \$20 Million coverage, must pay the annual charge detailed within Council's annual fees and charges to access Council's Local Community Insurance Scheme; the applicant must also pay the booking fee for each busking occasion.
- Applicants for a permit **who do** hold their own Public Liability insurance with a minimum \$20 Million coverage need only pay the booking fee for each busking occasion – a valid certificate of currency must be supplied.
- Not for profit performers must still apply for a permit.
- Children under 18 years of age ~~old~~ must still apply for a permit, **however an appropriate adult must make the application**. Proof of parental or legal guardian consent must be provided for applicants under the age of 18 years **to reduce the risk of potential breaches of the *Modern Slavery Act, 2018***. Presentation of a Medicare Card with both the parents or legal guardians name with the name of the child will suffice.
- For the purposes of identification, applicants are required to present proof of identity in one of the following forms at the time of application: ~~before a Busking Permit will be issued~~:
  - A **S**tudent identity/proof of age card.
  - A **C**urrent passport with photo.
  - A **C**redit card with signature.
  - Current photo driver's licence.
- Buskers must remain in their hired **approved** area or areas as ~~determined~~ **detailed** on ~~issue of a~~ **the** permit.
- ~~Buskers must display or have on their person their permit.~~
- Buskers must not solicit funds; **however**, Buskers can accept volunteered monetary appreciations.
- Permits are not transferable **from an applicant to another person; however, the date of performance may be altered due to events such as a weather event**.
- Buskers must ~~carry out~~ **follow directives** ~~directions~~ issued by NSW Police force, Ambulance, Fire and any other Emergency Services or Narrandera Shire Council Rangers/Officers.
- Narrandera Shire Council Rangers and Officers may at any time request Buskers to immediately terminate their performance if the Ranger/Officer deems the activity as too loud, offensive, dangerous or as causing harm to private or public property or for any other reason found to be a breach of the law.
- Buskers must not unreasonably restrict or cause obstruction to pedestrian flow or entrances to shops or buildings. An unobstructed corridor with a minimum width of ~~1.2~~ **1.5** metres must be maintained.
- Buskers must ~~make sure~~ **ensure** their site does not pose a threat to public safety.

- Buskers must keep their designated site clean while performing, ~~also and~~ at the time of departure the site must be clean.
- Buskers must not use dangerous implements or materials as part of their performance.
- Buskers must not perform longer than three (3) hours at any one ~~hired area~~ **approved location** without the permission of Narrandera Shire Council.
- Busking may only be conducted within the **generally accepted normal** business hours operating ~~in~~ **within** the **approved** precinct. ~~approved within the permit.~~
- Buskers must not sell or make offers for sale of any commodity without the permission of Narrandera Shire Council.
- Buskers must not advertise or be seen to be endorsing any product of any kind in conjunction with their performance without the permission of Narrandera Shire Council.
- Display structures must not be used i.e. – **such as** A-frames.
- Buskers must not use mains voltage amplification without the permission of Narrandera Shire Council. Buskers may use battery-operated amplification without the permission of Narrandera Shire Council. **Amplification must be kept at a level that would be reasonably acceptable for the area.**
- By signing the ~~Hiring Application/Permit for Hired Busking Area in Narrandera Shire Council~~ **busking application**, the applicant ~~must agree~~s to comply with conditions **contained within this policy.** ~~laid out in the Narrandera Shire Council's Busking Policy~~
- Buskers must make themselves aware of and comply with **any health** Orders made regarding public health ~~and gatherings.~~

### ~~3.2~~ **INSURANCE**

- ~~• Buskers who hold public liability insurance with a minimum cover of \$20 million must provide council a certificate of currency for that policy as evidence of cover.~~
- ~~• For applicants not holding insurance an application may be lodged for cover through council's Local Community Insurance Scheme (LCIS). The application fee will be as prescribed annually in council's Fees & Charges.~~

## **4. DEFINITIONS**

- **Busker:** A person conducting an act/performance to be seen by the general public. The act may be arranged or impromptu performances including the playing of a musical instrument, dancing, singing, clowning, or juggling, or doing other acts of a similar nature in public. Buskers may or may not accept volunteered monetary appreciations.
- **Child:** A child is defined as a person who is under the age of 18 years of age.
- **Dangerous materials and implements:** Materials and implements that pose a risk, or uncertain outcomes for people. This includes ~~material:~~

- **Dangerous** materials that gives off any kind of heat or toxicity ,~~Dangerous materials include~~ **including** flammable materials and chemicals, fireworks, smoke, flares, heated elements.
- Dangerous implements include knives, spears, swords, spikes, sharp implements, and any other implement that pose a threat of harm to any person.
- **Non-profit performer:** A person performing an act/performance to be seen by the general public but who or which does not accept volunteered monetary appreciations is still a Busker.
- **Performance:** Musical, dramatic, or other entertainment involving musical, theatrical, or circus performance skills.
- **Soliciting funds:** The act of asking, begging, seeking or requesting money or goods from members of the public.
- **Prohibited activities:** Narrandera Shire Council does not define the following as a busking performance **and are therefore not** ~~These acts will not be permitted:~~
  - Fortune **telling by tarot card or the reading of palms**, ~~palm readers, masseurs or massage therapists~~, **messages of propaganda that a reasonable person would consider offensive**, the display of items **what a reasonable person would consider offensive**, vendors and artists selling portraits or other works, **vendors selling commercial goods such as toys or services such as remedial massage therapy.**

## 5. ROLES AND RESPONSIBILITIES

- Corporate **and Community** Services responsible for **the** issuing of permits.
- Compliance **staff for the regulation of the** ~~implementation of~~ busking **permit.** ~~provisions.~~

## 6. RELATED LEGISLATION

- *Local Government Act, 1993*
- *Local Government (General) Regulation, 2021*
- *Modern Slavery Act, 2018*
- *Roads Act, 1993*

## 7. RELATED POLICIES AND DOCUMENTS

- Busking Application form **(MagiQ #24876)??**
- Busking Permit template (MagiQ #437354)

## 8. VARIATION

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes where applicable. Council may also amend this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

## 9. PREVIOUS VERSIONS

Reference to a superseded policy number and/or name is also considered a reference to the new policy number. This policy was previously named:

- CS80 Busking Policy 2018.

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### POLICY HISTORY

<b>Responsible Officer</b>	<b>Deputy General Manager Corporate &amp; Community</b>		
<b>Approved by</b>	<b>General Manager</b>		
<b>Approval Date</b>	<b>DD Month 202Y</b>		
<b>GM Signature</b> <i>(Authorised staff to insert signature)</i>			
<b>Next Review</b>	<b>31 December 2027</b>		
<b>Version Number</b>	<b>Endorsed by ELT</b>	<b>Resolved by Council</b>	<b>Date signed by GM</b>
<b>1 Adopted</b>	-	19/07/2005	19/07/2005
<b>2 Reviewed</b>	15/01/2018	-	15/01/2018
<b>3 Reviewed</b>	11/08/2020	15/09/2020	4/12/2020
<b>4 Reviewed</b>	31/08/2023	DD/MM/YYYY	DD/MM/YYYY

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# Attachment (1)

Image 1 - Narrandera

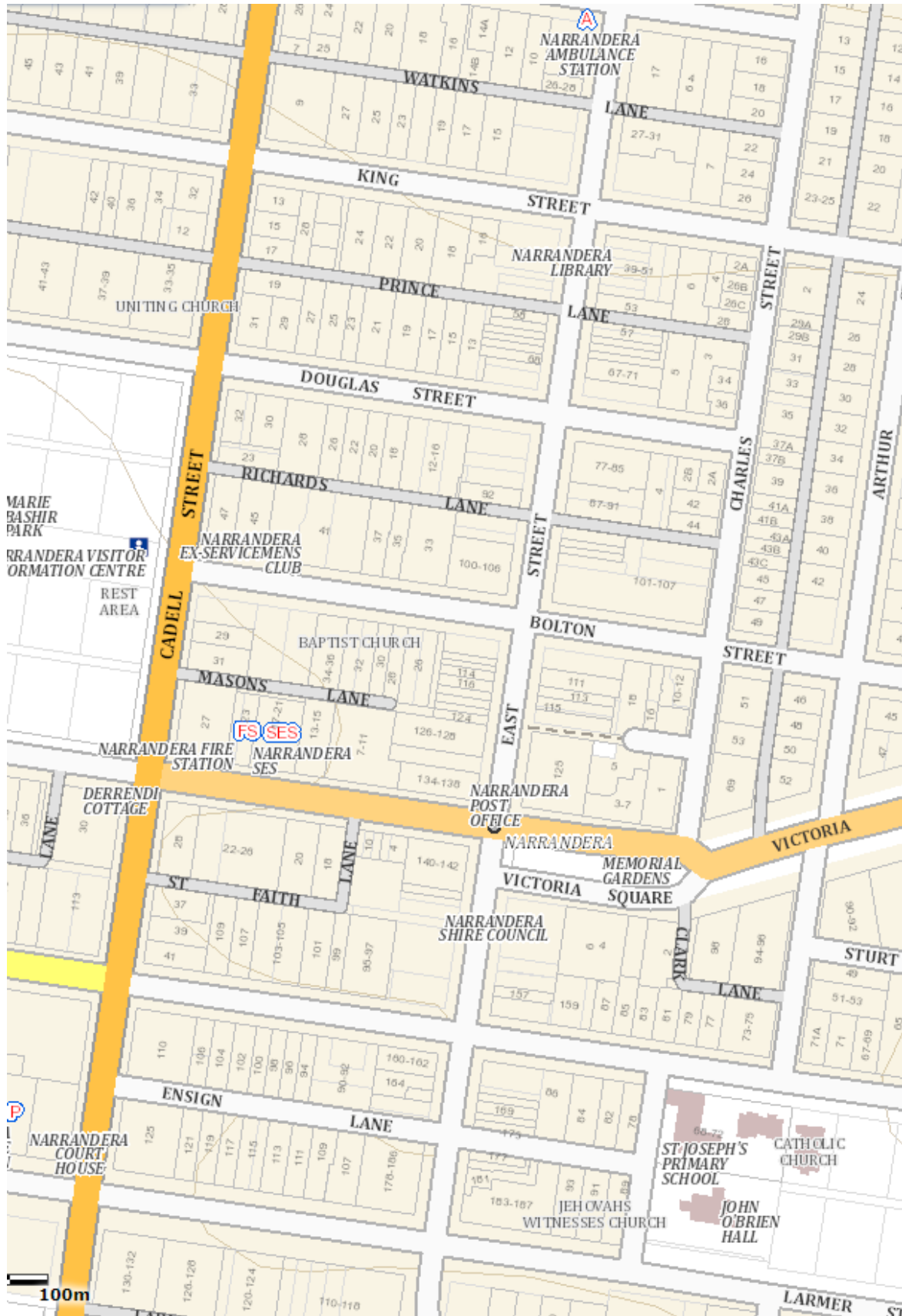


Image 2 – Barellan

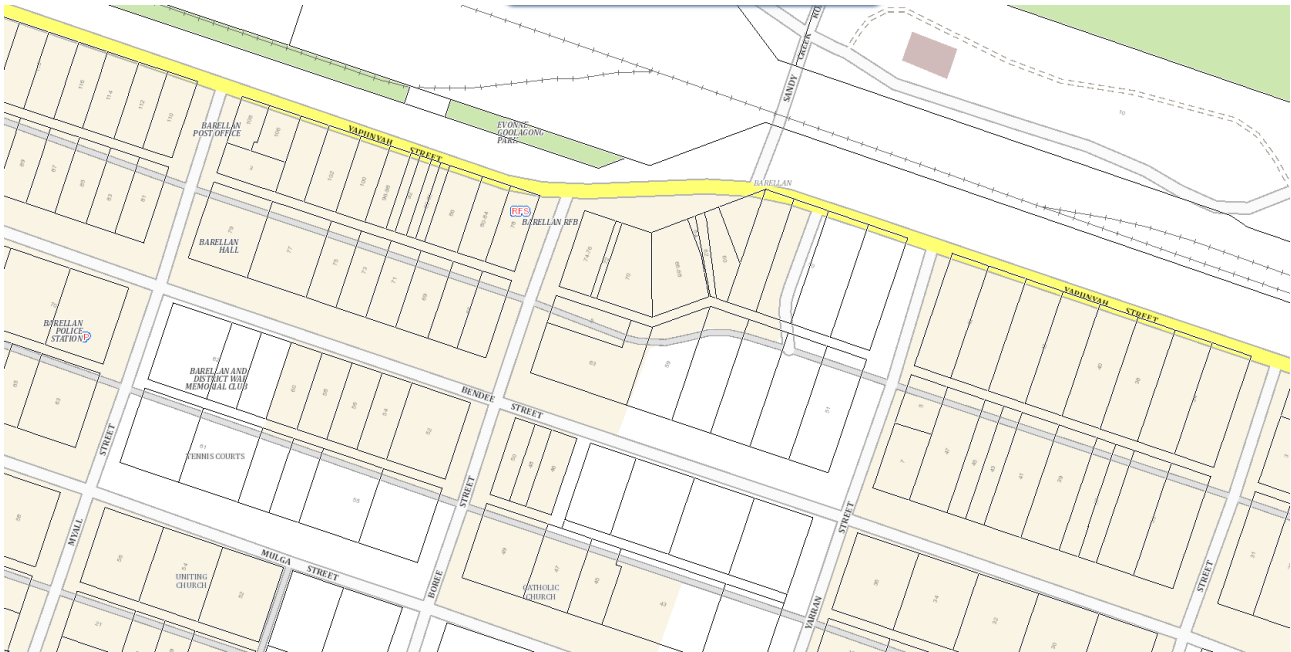


Image 3 – Grong Grong





# Payments to ARIC Independent Members Policy 202X POL162



<b>Policy No:</b>	<b>POL162</b>
<b>Policy Title:</b>	<b>Payments to ARIC Independent Members Policy</b>
<b>Section Responsible:</b>	<b>Governance</b>
<b>Minute No/Ref:</b>	<b>XXXXXXX</b>
<b>Doc ID:</b>	<b>692979</b>

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## 1. INTENT

This policy enables payment of a meeting fee and reasonable reimbursement of expenses to independent Audit, Risk and Improvement Committee (ARIC) members. The policy details the support made available to ARIC members to enable the Committee to function effectively and efficiently.

The aim of the policy ensures accountability, transparency and seeks to align ARIC expenses and facilities with community expectations.

Payment of a meeting fee and the reimbursement of expenses to independent members should be at a level to attract suitably qualified and experienced independent committee members, but at a level that is affordable by Council.

The policy has been prepared in accordance with the *Local Government Act 1993* (the Act) and the *Local Government (General) Regulation 2021* (the Regulation).

Reference has been made to the Office of Local Government's Guidelines for the payment of expenses and provision of facilities to Mayors and Members in NSW and the draft Risk Management & Internal Audit Guidelines issued by the Office of Local Government in December 2022.

ARIC Independent Members have the option to receive remuneration and the reimbursement of expenses, or members can decline to receive payment. Should an independent member not wish to receive remuneration or the reimbursement of expenses, the independent member should advise the Governance and Engagement Manager of this decision in writing.

## 2. SCOPE

The purpose of this policy is to detail the amounts payable to independent members and expenditure to be reimbursed to independent members of ARIC.

In accordance with the guidelines issued by the Office of Local Government in December 2022, the Narrandera Shire Council ARIC comprises:

- Three independent voting members

- One Councillor non-voting member

### **3. OBJECTIVE**

The objectives of this policy are to:

- ensure that fair remuneration is provided for independent ARIC members, recognising the increased responsibility of the position of Chairperson in the operations of the Committee.
- ensure that accountability and transparency applies to the reimbursement of expenses.

### **4. PROVISIONS**

#### **4.1 PRIVATE BENEFIT**

Committee members must not obtain private benefit from any expense or facility provided under this policy.

Incidental private use of Council equipment and facilities by the members may occur from time to time such as photocopying or making a telephone call. Such incidental private use does not require a compensatory payment back to Council.

The Committee should avoid obtaining any greater private benefit than an incidental benefit. Where there are unavoidable circumstances and more substantial private use of Council facilities does occur, the Committee member must reimburse the council.

#### **4.2 REMUNERATION**

##### **4.2.1 Meeting Fee Payment**

Meeting fees are payable to independent members of the ARIC only.

Fees payable for Narrandera Shire Council elected members (Councillors) are determined by a Council resolution. It is this resolution of Council that will determine the meeting fee payable to the individual independent members of ARIC.

##### **4.2.2 Meeting Fee for ARIC Chairperson**

At the ARIC meeting of 5 July 2023, it was recommended to Council that the ARIC Chairperson be remunerated at the amount equivalent to the standard monthly payment for a Narrandera Shire Councillor for each ARIC meeting attended by the ARIC Chairperson.

### 5.3 UPDATE ON THE RECRUITMENT OF MR STEWART TODD ALSO REMUNERATION ISSUES RAISED BY THE CHAIRPERSON

#### COMMITTEE RESOLUTION [

Moved: Mrs Gayle Murphy

Seconded: Cr Narelle Payne

That the Audit, Risk and Improvement Committee:

1. Recommends to Council that a policy be developed for travelling and accommodation expenses for ARIC Committee members considering WHS requirements and the reimbursement of any travelling expenses.
2. Recommends to Council that due to the new Office of Local Government guidelines for Council ARIC Committees, also the increased role and responsibilities of the ARIC Chairperson, that Council approve payment to the ARIC Chairperson of the amount equivalent to the monthly payment for a Councillor for each ARIC meeting attended by the ARIC Chairperson.

**CARRIED**

Council endorsed this recommendation at its 15 August 2023 meeting.

### 14.2 AUDIT, RISK AND IMPROVEMENT S355 COMMITTEE - MINUTES - 9 AUGUST 2023

#### RESOLUTION [23/14]

Moved: Cr Narelle Payne

Seconded: Cr Jenny Clarke OAM

That Council:

1. Receives and notes the Minutes of the Extraordinary Audit, Risk and Improvement S355 Committee held on Wednesday 9 August 2023.

**CARRIED**

#### 4.2.3 Meeting Fee for ARIC Independent Members

At the ARIC meeting of 8 March 2023, it was resolved to recommend to Council that independent ARIC members be remunerated at the amount of 75% of the standard monthly payment for a Narrandera Shire Councillor, for each ARIC meeting attended by the independent ARIC member.

#### **6.4 RISK MANAGEMENT AND INTERNAL AUDIT FOR LOCAL GOVERNMENT IN NSW**

##### **COMMITTEE RESOLUTION [**

Moved: Mrs Gayle Murphy  
 Seconded: Cr Cameron Lande]

That the Audit, Risk and Improvement Committee:

1. Supports the attached Terms of Reference and Internal Audit Charter adopted by Council 21 February 2023; and
2. Suggests that a remuneration payment be offered to the ARIC voting members as 75% of the Councillors monthly fee for attendance at the ARIC meetings held in that month, with the option for members to opt out of payment effective from implementation.
3. Supports the implementation of the new changes as soon as convenient.

**[CARRIED]**

Council endorsed this recommendation at its 21 March 2023 meeting.

#### **13.4 AUDIT, RISK AND IMPROVEMENT S355 COMMITTEE - MINUTES - 8 MARCH 2023**

##### **RESOLUTION [23/03]**

Moved: Cr Cameron Lander  
 Seconded: Cr Sue Ruffle]

That Council:

1. Receives and notes the Minutes of the Audit, Risk and Improvement S355 Committee held on Wednesday 8 March 2023, noting the following Committee Resolutions,

#### **6.4 RISK MANAGEMENT AND INTERNAL AUDIT FOR LOCAL GOVERNMENT IN NSW**

##### **COMMITTEE RESOLUTION**

Moved: Mrs Gayle Murphy  
 Seconded: Cr Cameron Lander

That the Audit, Risk and Improvement Committee:

1. Supports the attached Terms of Reference and Internal Audit Charter adopted by Council 21 February 2023; and
2. Suggests that a remuneration payment be offered to the ARIC voting members as 75% of the Councillors monthly fee for attendance at the ARIC meetings held in that month, with the option for members to opt out of payment effective from implementation.
3. Supports the implementation of the new changes as soon as convenient.

**CARRIED**

#### **6.6 PROVISION OF INTERNAL AUDIT SERVICES FROM 1 OCTOBER 2023**

##### **COMMITTEE RESOLUTION**

Moved: Cr Cameron Lander

Seconded: Mrs Gayle Murphy

That the Audit, Risk and Improvement Committee:

1. Authorise the Chairperson to progress a Request for Quotation for the provision of internal audit services concluding 30 September 2026 by the 30 June 2023; and
2. Following the closing date that the Chairperson assess the submissions and make a recommendation for appointment to the ARIC extra ordinary meeting proposed for 9 August 2023.

**CARRIED**

**[CARRIED]**

#### **4.2.4 Travel Allowance for ARIC Independent Members**

A travel allowance for a personal car shall be claimable using the following formula:

If an independent member has a petrol or diesel vehicle the reimbursement will be distance divided by 100, multiplied by 8 Litres of fuel per hundred kilometres, multiplied by the weekly average for either diesel or petrol based on the NSW State Average for the week prior to the ARIC meeting [www.aip.com.au/pricing](http://www.aip.com.au/pricing) .

For example - (700 kilometres divided by 100) x 8 x \$2.00 = \$112.00.

If an independent member has a hybrid vehicle or an electric vehicle, reimbursement will be by negotiation.

#### **4.2.5 Superannuation**

Councils are obliged under the *Superannuation Guarantee (Administration) Act*, 1992 to make compulsory superannuation guarantee contributions on behalf of Audit, Risk and Improvement Committee Chairpersons and independent members where they are remunerated.

Superannuation contributions will be paid at the same rate that applies to Council employees.

## **5. EXPENSES**

### **5.1 Attendance at events**

Attendance at conferences, professional development, or travel for ARIC business by independent members is to be approved in advance by the Chairperson of the Committee. If the Chairperson intends to attend an event, the Chairperson should seek concurrence from the General Manager.

Approval for professional development activities is subject to a prior written request to either the Chairperson or the General Manager outlining:

- details of the proposed professional development;
- relevance of the topics and presenters to current council and ARIC priorities and business and the exercise of committee duties;
- cost of the conference or seminar; and
- available budget.

Councillor committee members should have ARIC matters listed in their professional development plan.

### **5.2 Spouse or Partner Expenses**

No spouse or partner expenses are payable for ARIC members. Individual Committee members are required to meet all expenses incurred by spouse or partner in attending conferences and seminars.

### **5.3 General expenses**

All expenses provided under this policy will be for a purpose specific to the functions of the ARIC. Allowances for general expenses are not permitted under this policy.

### **5.4 General travel arrangements and expenses to attend ordinary or special meetings of ARIC or attend other events**

All travel by members should be undertaken using the most direct route and the most practicable and economical mode of transport – reimbursement shall be calculated by using the method described in Section 4.2.4.

ARIC members seeking to be reimbursed for use of a private vehicle must keep a record and include details of the travel on their claim form including the date, distance and purpose of travel being claimed.

Where distances or practicality prevents travel by motor vehicle and attendance by remote access such as Zoom or Teams is not available, the Chairperson or the General Manager will give consideration to paying for either a return first class travel by rail or return economy class airfare together with taxi fares to and from the closest railway station or airport.

Where road travel is required/chosen by the independent member and where the drive time is over 6 hours one way then the independent member will be provided with 1 night accommodation and a meal allowance. The provision of 1 night accommodation supports Council's duty of care to members – generally the meal allowance will be \$75 per night with accommodation being the actual cost incurred but limited to \$200.00 per night.

### **5.5 Overseas and interstate travel expenses**

Council will not provide overseas travel for independent members of the Committee.

The Chairperson or the General Manager will make an informed decision if a member request interstate travel. The members seeking approval for any interstate travel must submit a business case to support their request.

The business case should include:

- objectives to be achieved by attending, including an explanation of how by attending the knowledge gained will assist ARIC but also align with current Council priorities and business
- who is to take part in the travel
- duration and itinerary of travel
- a detailed budget including a statement of any amounts expected to be reimbursed by the participant/s.
- for air travel that is reimbursed, members will not accrue points from the airline's frequent flyer program as this is considered a private benefit.

### **5.6 Travel expenses not paid by Council**

Council will not pay or reimburse the cost for any penalty notices arising from travel using either a Council vehicle or a personal vehicle the cost shall be borne by the ARIC member or the Council staff member driving the vehicle at the time.

### **5.7 Incidental expenses**

Where independent members attend events incidental expenses may be authorised for reimbursement by the Chairperson or the General Manager.

### **5.8 Insurances**

Section 382 of the *Local Government Act*, 1993 requires Council to arrangements for adequate insurance against public liability and professional indemnity.

Council has an annual Professional Indemnity-Public Liability insurance policy with StateWide Mutual – the definition of 'Member' means the following:





## DEFINITIONS

In this Wording the following definitions shall apply:

"The Member" means

1. The Member named in the Schedule.
2. The Mayor, President, Chairman, Councillors, Board Members, Executives, Officers and Employees of the Member, members of any committee established by The Member under the Local Government Act or any other enabling legislation, and Welfare Organisations, Fire, Medical and Emergency Services and Voluntary Workers whilst acting within the scope of their duties for and on behalf of The Member.

The Narrandera Shire Council Audit, Risk and Improvement Committee has been established under the *Local Government Act, 1993*.

## 6. FACILITIES

### 6.1 Facilities

Council will provide the following facilities to the Committee to assist them to effectively perform their duties:

- administrative support for the purpose of meeting agenda preparation and distribution, Minute taking and the distribution of Minutes
- an online portal called 'Council Connect' to view documents relevant to ARIC
- a meeting room with technology allowing for members or guests to participate remotely
- access to the Governance and Engagement Manager for direct support with Committee functions.

### 6.2 Stationery

Council will provide stationery and writing materials for meetings and workshops as required.

## 7. PROCESSES

Payment of the meeting fee and the reimbursement of expenses will be through Council's processes.

Final approval for payments made under this policy will be granted by the Director of Corporate and Community Service or the General Manager.

## **7.1 Direct payment**

Reimbursement will require individual ARIC members to be set up in Council's creditor payment system with a creditor number and payment will be by EFT into the ARIC members nominated bank account. Council does not pay by cheque or cash.

## **7.2 Reimbursement**

All claims for reimbursement of expenses incurred must be made on the prescribed form, supported by valid receipts and/or tax invoices submitted to the Governance and Engagement Manager.

Claims will not be paid using EFTPOS receipts as substantiation.

## **7.3 Notification**

If a claim is approved, payment will be made directly or reimbursed through accounts payable. An email remittance advice will issue when the payment is made.

If a claim is refused, the ARIC member will be informed in writing that the claim has been refused and the reason for the refusal.

## **7.4 Reimbursement to Council**

If Council has incurred an expense on behalf of a member that exceeds a reasonable limit, exceeds reasonable incidental private use or is not provided for in this policy - Council will invoice the member for the expense with the member to reimburse Council for that expense within 28 days of the invoice date.

If the ARIC member is not able to reimburse Council within 28 days of the invoice date, the member should submit a written explanation to the General Manager. The General Manager may elect to deduct the amount from the member's allowance.

## **7.5 Disputes**

If a member disputes a determination under this policy, the member should discuss the matter initially with the Governance and Engagement Manager who may need to seek a decision from the Chairperson or the General Manager.

## **7.6 Return of facilities**

All facilities or equipment supplied under this policy are to be relinquished immediately upon an independent member ceasing to hold a position within ARIC.

## **7.7 Reporting**

The ARIC Chairperson or Council will report on the payments made to ARIC members or any facilities provided to ARIC members as required by legislation.

## **7.8 Breaches**

Suspected breaches of this policy or the reporting of serious wrongdoing is to be reported to the Governance and Engagement Manager. The Governance and Engagement

Manager will make an assessment if the matter should be managed as a Public Interest Disclosure.

Alleged breaches of this policy shall be dealt with through Council's normal policies and procedures.

## **7.9 Special Circumstances**

If extraordinary circumstances arise where it is impractical for the strict terms of this policy to be applied the ARIC Chairperson or the General Manager may consider and authorise a one-off variation to the policy to meet those circumstances.

## **7.10 Status of the Policy**

This policy, once adopted, is to remain in force unless it is reviewed by the Audit, Risk and Improvement Committee and adopted by Council.

## **8. DEFINITIONS**

- ARIC: Audit, Risk and Improvement Committee
- NSC: Narrandera Shire Council

## **9. RELATED LEGISLATION**

- *Local Government Act, 1993*
- *Local Government (General) Regulation, 2021*
- Model Code of Conduct for Local Councils in NSW 2020
- OLG Guidelines for the payment of expenses and provision of facilities for Mayors and Councillors in NSW
- OLG Draft Risk Management and Internal Audit Guidelines (December 2022)

## **10. RELATED POLICIES AND DOCUMENTS**

- ARIC Terms of Reference
- Internal Audit Charter
- Narrandera Shire Council Code of Conduct
- Public Interest Disclosures Policy

## **11. VARIATION**

Council reserves the right to review, vary or revoke this policy in accordance with legislation, regulation and award changes, where applicable. Council may also amend this policy and the relevant procedures from time-to-time to improve the effectiveness of its operation.

**12. PREVIOUS VERSIONS**

This is a new policy and there are no previous versions.

**POLICY HISTORY**

<b>Responsible Officer</b>	<b>Governance and Engagement Manager</b>		
<b>Approved by</b>	<b>General Manager</b>		
<b>Approval Date</b>	<b>DD Month 202Y</b>		
<b>GM Signature</b> <i>(Authorised staff to insert signature)</i>			
<b>Next Review</b>	<b>DD Month 202Y</b>		
<b>Version Number</b>	<b>Endorsed by ELT</b>	<b>Endorsed by Council</b>	<b>Date signed by GM</b>
1 Adopted	28/09/2023	DD/MM/YYYY	DD/MM/YYYY
2 Reviewed	DD/MM/YYYY	DD/MM/YYYY	DD/MM/YYYY

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**13. Acknowledgement of Training Received (if required)**

I hereby acknowledge that I have received, read and understood a copy of Council's XXXXX Policy.	
Employee Name	
Position Title	
Signature	
Date	