
Public Interest Disclosures Policy

NSW Reconstruction Authority

September 2023

V3.0



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1. Policy

1.1 Scope

The Public Interest Disclosures Policy (the **Policy**) applies to any public official, including all NSW Reconstruction Authority (the **Authority**) staff members.

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 making a complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 1.9 of this policy for more information).

1.2 Purpose

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

The NSW Reconstruction Authority takes 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 the Authority 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 the NSW Reconstruction Authority’s Code of Conduct.

1.3 Definitions

Acronym / Term	Definition
Corrupt conduct	Conduct which is dishonest or a biased exercise of official functions by a public official. Further defined in Section 8 of the <i>Independent Commission Against Corruption Act 1988</i> (NSW) (the ICAC Act)
Detrimental action	Any detrimental action against the reporter that is substantially in response to the reporter making a disclosure. Detriment means anything that causes disadvantage or harm to person. This includes things like harm to reputation, intimidation, harassment, discrimination or any other unfair treatment. Further defined in Section 32 of the PID Act
Disclosure	A report made by a public official relating to one or more categories covered by the PID Act
Government information contravention	Any failure to properly fulfil functions under the <i>Government Information (Public Access) Act 2009</i> (NSW) (the GIPA Act)
Local government pecuniary interest contravention	Any failure to properly fulfil functions under the <i>Local Government Act 1993</i> (NSW) (the LG Act) relating to a mandatory disclosure of pecuniary interests under a local government's adopted code of conduct
Maladministration	Conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.
Mandatory PID	A disclosure about serious wrongdoing made by a public official as a result of a statutory obligation to report wrongdoing or in the course of the public official's regular duties. A disclosure made because of an obligation imposed by a code of conduct is not considered to be a mandatory PID.
Privacy Contravention	A failure by an agency or public official to exercise functions in accordance with: <ul style="list-style-type: none">• the <i>Privacy and Personal Information Protection Act 1998</i>, or• the <i>Health Records and Information Privacy Act 2002</i>.
Public Interest Disclosure Coordinator	A staff member appointed by the Chief Executive Officer (CEO) to receive and manage public interest disclosures on behalf of the NSW Reconstruction Authority, in line with Section 42 of the PID Act.
Public Interest Disclosure Officer	The CEO or a staff member appointed by the CEO to receive disclosures from other staff members,

in line with [Section 18 of the PID Act](#). These include:

- the CEO
- The Deputy CEO
- all Managers, Directors, Executive Directors and Deputy Secretaries
- all Governance Branch staff.

Public Official	A public official is defined in section 14 of the PID Act .
Reporter	An individual who makes a disclosure about one of more of the relevant categories (see 1.1) and either: <ul style="list-style-type: none">• Is a public official as defined by Section 14 of the PID Act, or• Is otherwise deemed to be a public official for the purposes of this disclosure, as per Section 14 (2) of the PID Act.
Serious and substantial waste of public money	The uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.
Staff member	Includes all public sector Senior Executives and non-executive employees who are ongoing or temporary, seconded staff working for the NSW Reconstruction Authority, graduates, interns, casual and contract staff.
Subject	The person who the disclosure is about, i.e., the person who is alleged to have committed serious wrongdoing.
Voluntary PID	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: <ul style="list-style-type: none">• A report is made by a public official• It is made to a person who can receive voluntary PIDs• The public official honestly and reasonably believes that the information they are providing shows (or tends to show) serious wrongdoing• The report was made orally or in writing• The report is voluntary (meaning it is not a mandatory or witness PID)
Witness PID	A disclosure made during an investigation into serious wrongdoing. The witness will have made the disclosure at the request of, or in response to, a requirement to provide information by a person or agency conducting the investigation. The investigation does not have to have been in relation to or arise from a voluntary PID.

1.4 Responsibilities

All staff must:

- be familiar and comply with this policy
- report instances of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention in accordance with the PID Act
- support reporters, including abstaining from any activity that is or could be perceived to be a reprisal
- report any suspected reprisal action to the Public Interest Disclosure Coordinator or CEO
- maintain the confidentiality of staff they know or suspect to have made a public interest disclosure.

All **Managers, Directors, Executive Directors, Heads** and the **Deputy CEO** will:

- support the CEO to embed a ‘speak-up’ culture to positively reinforce the PID process
- ensure that all staff they are responsible for are aware of their roles and responsibilities under this policy
- successfully complete mandatory training to support their role as a Public Interest Disclosure Officer within 6 months of the commencement of the PID Act 2022, or within 3 months of the commencement date of a new person into one of these roles, whichever is later
- manage disclosures made under this Policy in line with the Disclosure Officers responsibilities below
- support reporters and take all reasonable steps and protect them from reprisal
- report any suspected reprisal action to the Public Interest Disclosure Coordinator or CEO
- maintain the confidentiality of staff known or suspected to have made a disclosure
- act fairly towards staff who are the subject of a disclosure which is under consideration or investigation
- receive reports from persons that report to them or that they supervise.

The **CEO** and **Deputy CEO** will:

- foster a positive ‘speak-up’ culture to positively reinforce the PID process
- determine if a disclosure should be treated as a public interest disclosure, and decide how the disclosure will be managed
- ensure that the Authority has a policy and procedure for receiving, assessing and dealing with public interest disclosures
- ensure staff members are aware of the policy and procedure for making Public Interest Disclosures and of the protections provided by the PID Act
- ensure compliance with the policy and the Authority’s obligations under the PID Act
- appoint Public Interest Disclosure Officers with responsibility for assisting staff in completing the Public Interest Disclosure Form and submitting all completed forms to the Public Interest Disclosure Coordinator
- appoint at least one Public Interest Disclosure Coordinator, with responsibility for receiving, assessing and managing Public Interest Disclosures on behalf of the Authority
- ensure any conduct which involves a mandatory referral is referred to:
 - the Independent Commission Against Corruption in the case of corrupt conduct
 - the NSW Ombudsman in the case of Maladministration
 - the NSW Information Privacy Commissioner in the case of a Government Information contravention
 - the NSW Auditor General in the case of a Serious and substantial waste of public money
 - NSW Police in the case of potential criminal offences
- receive the final report following an investigation under this policy and determine any appropriate corrective action(s)
- ensure that mechanisms are in place to ensure that all corrective actions have been taken in the agreed timeframe
- provide an annual report to the NSW Ombudsman in compliance with the PID Act.

The NSW Reconstruction Authority’s **Public Interest Disclosure Officers** will:

- maintain confidentiality when possible and appropriate
- support reporters and take all reasonable steps to protect them from reprisal
- assist reporters who wish to complete a Public Interest Disclosure Form and submit all completed forms to the Public Interest Disclosure Coordinator
- ensure staff who are the subject of a disclosure are treated fairly and reasonably.

The NSW Reconstruction Authority's **Public Interest Disclosure Coordinator** will:

- maintain confidentiality when possible and appropriate
- support reporters and take all reasonable steps to protect them from reprisal
- ensure staff who are the subject of a disclosure are treated fairly and reasonably
- assess each report to determine if it is a public interest disclosure within the meaning of the PID Act
- determine the appropriate action to be taken in relation to the disclosure
- if considered appropriate, coordinate any internal investigation arising out of a disclosure
- report on the findings of any investigation and recommend or determine any further action
- complete any mandated NSW Ombudsman training
- work with People & Culture to ensure that any reporter who makes a disclosure under this policy is supported, regardless of whether the allegations fall under the definition of a protected disclosure
- provide the reporter with as much information as reasonably possible at the end of the investigation to assure them that the matter has been resolved.

The NSW Reconstruction Authority's **General Counsel** will have internal oversight of the agency's compliance with the PID Act.

1.5 Policy Statement

This policy provides information on:

- ways you can make a voluntary PID to The Authority under the PID Act
- how to contact the nominated disclosure officers at the Authority
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of the Authority
- 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
- Procedures for dealing with disclosures and managing the risk of detrimental action and reporting detrimental action
- Record-keeping and reporting requirements
- how the Authority will ensure it complies with the PID Act and this policy.

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

- confidentially contact a nominated disclosure officer within the Authority
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: 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.

1.6 What is a Public Interest Disclosure?

Reporters can make a Public Interest Disclosure when they have an honest and reasonable belief that serious wrongdoing has occurred within a NSW Government organisation. Section 13 of the PID Act provides that serious wrongdoing refers to any of the following:

- **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 staff member recommending a family member for a 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.

Where a disclosure is made involving one or more of the above categories, the person making the report is protected from reprisal under the PID Act.

The types of Public Interest Disclosures are:

- **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
- **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
- **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.

1.7 How can a Public Interest Disclosure be made?

Reporters can make a Public Interest Disclosure when they have an honest and reasonable belief that serious wrongdoing has occurred within a NSW Government organisation by:

- completing the Authority's Public Interest Disclosure Form
- contacting one of the Authority's Public Interest Disclosure Officers, the Public Interest Disclosure Coordinator or the CEO.

A disclosure can also be made directly to an integrity agency where that agency is responsible for investigating the complaint subject matter, including:

- NSW Independent Commission Against Corruption Commissioner (for matters involving corruption)
- NSW Ombudsman (for matters involving maladministration)
- NSW Audit Office (for the serious and substantial waste of public money)
- NSW Information Privacy Commission (for GIPA Act contraventions).

A detailed list of NSW integrity agencies with contact details is available under section 1.13.

A disclosure may also be made to a Member of Parliament or journalist if it has initially been made to the Authority, or referred to the Authority by an investigating agency (refer to above) and the Authority:

- determined not to investigate the matter, or

- investigated the matter but did not complete the investigation within 6 months of the original disclosure being made, or
- investigated the matter but not did recommend any further action, or
- failed to notify the person making the disclosure, within 6 months of the disclosure being made, of whether or not the matter is to be investigated.

1.8 Will I be protected under the PID Act?

For a report to be protected, it must meet all of the following requirements of the PID Act:

- The report must be about one of the categories of wrongdoing listed in section 1.6.
- The report is made via one of the processes in section 1.7.
- The person making the report must honestly believe on reasonable grounds that the report shows or tends to show wrongdoing.

The Authority will treat all disclosures reported as demonstrating an honest belief that the report shows or tends to show wrongdoing, unless evidence suggests that this is not the case.

Protection is not available for disclosures which:

- principally question the merits of government policy
- have been made solely or substantially with the motive of avoiding dismissal or other disciplinary action
- have been made to a Member of Parliament or/ journalist without first referring the matter to the Authority.

1.9 How am I protected under the PID Act?

1.9.1 Confidentiality

The Authority is committed to keeping the identity of reporters, and the fact they have reported wrongdoing, confidential through:

- strict confidentiality – ensuring the reporter's identity remains confidential
- consent-based disclosure – disclosing the reporter's identity only with their explicit consent
- legal obligation – reminding those privy to the reporter's identity of their legal obligation to maintain confidentiality
- authorised access – restricting access to reporter-related information to authorised personnel
- ongoing assessment – continually evaluating awareness of the reporter's identity and potential motives for detrimental actions
- reporter guidance – advising the reporter on the importance of confidentiality and how to protect their identity
- ongoing education – awareness training surrounding confidentiality to be led by the Governance Branch and/or the office of the CEO as part of commitments to foster a PID positive culture.

(Refer also to section 2.1.5).

There may be situations where the disclosure of identifying information is allowed, including:

- 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 reporter or the Authority 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.

The Authority will not disclose identifying information unless it is necessary and authorised under the PID Act. The Authority will discuss with reporters whether it is possible to keep their report confidential and will develop a plan to support and protect reporters from risks of reprisal.

If a reporter discloses wrongdoing, it is important that they only discuss their report with those responsible for dealing with it. This will include the Public Interest Disclosure Coordinator, the CEO and any staff appointed to investigate the matter.

Any staff involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality. Any person who breaches these obligations may be subject to disciplinary action.

1.9.2 Protections against detrimental action

The PID Act protects reporters by imposing penalties on anyone who takes detrimental action against a reporter in response to that person making a disclosure. There are criminal penalties for reprisals, including imprisonment or fines. The Authority has an obligation under the PID Act to report any suspected reprisal action to the NSW Commissioner of Police or the Independent Commission Against Corruption. People who take detrimental actions against reporters may also be required to pay damages for any loss suffered by the reporter.

The Authority has a zero-tolerance approach to reprisals against reporters. Reprisal actions may constitute misconduct and may result in disciplinary action.

1.9.3 Responding to allegations of detrimental action

The Authority will not tolerate any detrimental action being taken by any person against reporters, investigators, witnesses or the person the report is about and will mitigate detrimental action by:

- undertaking a risk assessment and developing a risk management plan ensuring that risk is reassessed throughout the handling of the matter
- communicating with the reporter, investigators, witnesses or the person the report is about regarding the protection options and supports available.

If a reporter believes that detrimental action has been or is being taken against them or someone else, they should tell their supervisor, the Public Interest Disclosure Coordinator, or the CEO immediately. All managers, Directors, Executive Directors, Heads and the Deputy CEO must report to the Public Interest Disclosure Coordinator or the CEO any suspicions they hold that detrimental action is occurring.

If the Authority becomes aware of an allegation that a detrimental action offence has occurred or may occur, the Authority will:

- take all reasonable steps to stop the action and protect the person
- take appropriate disciplinary action against anyone that has taken detrimental action

- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

Reporters who disclose detrimental action will be kept informed of the progress of any investigation and the outcome. If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, the Authority will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action and 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.

Reporters who have disclosed detrimental action and feel that it is not being dealt with effectively should contact the NSW Ombudsman or the ICAC, depending on the type of wrongdoing reported.

1.9.4 Protection against legal action

Reporters who make a disclosure in accordance with the PID Act will not be subject to liability and no action, claim or demand can be taken against them for making the disclosure.

Reporters will not have breached any confidentiality or secrecy obligations and will have the defence of absolute privilege in defamation.

1.9.5 Deeming a report is a Voluntary PID

The CEO of the Authority 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 the protections under the PID Act.

These protections encompass strict confidentiality, safeguarding the reporter's identity throughout the disclosure process. Access is limited to authorised personnel, and awareness of the reporter's identity is coupled with a legal obligation of confidentiality, as described throughout section 1.9.

1.9.6 Right to Internal Review

Reporters may seek an internal review of certain decision relating to their disclosure including:

- a decision the agency is not required by Section 49(1) of the PID Act to deal with the disclosure as a voluntary PID
- a decision under Section 49(2) of the PID Act to cease to deal with the disclosure as a voluntary PID
- a decision noted in Section 55(3) of the PID Act in relation to the disclosure:
 - the decision to neither investigate nor refer the serious wrongdoing
 - the decision to cease an investigation without completing it or referring it.

An application for internal review must be lodged within 28 days of the maker being informed of the agency's decision. It must be made in writing and state the reasons why the applicant considers the decision should not have been made.

The internal review of the decision will be conducted by a staff member who was not substantially involved in making the decision or dealing with the disclosure. The internal reviewer can confirm the agency's decision or decide that it be dealt with as a voluntary PID.

1.10 Can I make an anonymous disclosure?

Although anonymous disclosures will be accepted and investigated by the Authority, it is best if reporters identify themselves. Identification allows the Authority to provide reporters with any necessary protection and support, as well as feedback about the outcome of any investigation into the disclosure.

It is also important to realise that an anonymous disclosure may not prevent the reporter from being identified by some people. If the Authority does not know who made the disclosure, it may not be possible to prevent detrimental action (section 1.9) under the PID Act.

1.11 How can I get support after making a disclosure?

The Authority will ensure that reporters, regardless of whether their report is treated as a Public Interest Disclosure, are provided with access to any professional support they may need as a result of the reporting process.

Staff may access the Authority's Employee Assistance Program (EAP) regardless of whether they are the reporter, a witness or a support person.

Staff may also contact a Mental Health First Aider. These are staff members who have received specific training to recognise, understand and respond to signs of challenges faced by staff members.

All staff support resources can be accessed via the intranet.

Anyone involved may also discuss their support options with the Public Interest Disclosure Coordinator.

1.12 False and misleading statements

It is a criminal offence under the PID Act to wilfully make a false statement, mislead, or attempt to mislead an investigating authority, public authority or public official when making a disclosure to them.

1.13 References

Legislation – Acts and Regulations

- Public Interest Disclosures Act 2022
- Independent Commission Against Corruption Act 1988
- Local Government Act 1993
- Workplace Health and Safety Act 2011
- Privacy and Personal Information Protection Act 1998
- the Health Records and Information Privacy Act 2002.

External documents

- NSW Ombudsman Model Internal Reporting Policy – State Government – July 2020
- Public Interest Disclosure Guideline A2 'Internal Reporting Policy and Procedures' - 2015
- Public Interest Disclosure Guideline B2 'What should be reported' - 2020

NSW Reconstruction Authority Policies

- NSW Reconstruction Authority Code of Conduct
- NSW Reconstruction Authority External Complaints Policy

NSW Integrity Agencies and contact details (current at the time of writing)

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

The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: 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

1.14 Accessibility of this policy

The policy is made available to all staff on commencement with the Authority and is additionally available with the associated form on the Authority's intranet and website.

1.15 Contacts

A list of disclosure officers can be found on the intranet and the Authority's website.

To make a Public Interest Disclosure, please complete the Public Interest Disclosure form and email it to PID@reconstruction.nsw.gov.au.

For questions about the Public Interest Disclosure Policy, to obtain a hard copy, or for general questions about the process or any other queries, please contact the Governance Branch at governance@reconstruction.nsw.gov.au.

2. Procedure

2.1 Making a disclosure

This procedure outlines the key steps that occur when a public official becomes aware of disclosable wrongdoing and makes a report. At the end of this process, a report will be received by the Public Interest Disclosure Coordinator, a determination of next steps will be made and the reporter will be advised of the determination.

2.1.1 What should I include in my report?

A report should include as much information as possible to assist the Authority in dealing with the report effectively. The type of information that should be included 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
- any other information that may support the report.

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

All wrongdoing should be reported, regardless of whether you think it is serious wrongdoing. It is important for the Authority to understand what is or may be occurring.

The Authority is then responsible for making sure the report is handled appropriately under the PID Act, or if it is not a PID, in line with other procedures.

2.1.3 Disclosure made by reporter

The reporter must make a disclosure via one of the methods in section 1.7 and will be received by the Public Interest Disclosure Coordinator. If the disclosure is made internally the Disclosure will be assessed in section 2.1.6 below.

At the end of this step, the Public Interest Disclosure Coordinator will save a copy of the disclosure and any evidence in a secure folder within the NSW Reconstruction Authority's Electronic Document and Records Management System (EDRMS).

2.1.4 Acknowledgement of receipt

When a disclosure officer in the Authority 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 the Authority deals with the report
 - clear information on how to access this PID policy
 - details of a contact person and available supports

2.1.5 How is the maker of a voluntary PID protected?

When a person makes a voluntary PID to the Authority they will receive special protections under the PID Act. The Authority is committed to taking all reasonable steps to protect a reporter from detriment as a result of having made a PID. The Authority is also committed to maintaining a reporter's confidentiality as much as possible while the PID is being dealt with. The Authority will not tolerate any type of detrimental action being taken against a person because they have made a report, might make a report or are believed to have made a report.

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

- the Authority will restrict the number of individuals who are privy to the identity of the reporter or any information that could reveal their identity
- in situations where it becomes necessary to disclose information that might reveal the reporter's identity, The Authority will refrain from disclosing their actual identity unless explicit consent has been obtained from the reporter
- the Authority will ensure that any individual who becomes aware of the reporter's identity is reminded of their legal obligation to maintain strict confidentiality regarding this information
- access to emails, files, or any documentation containing information related to the reporter's identity will be limited solely to authorised personnel within The Authority
- the Authority will conduct a thorough assessment to determine whether anyone is aware of the reporter's identity. Additionally, this assessment will evaluate whether these individuals have any motives to engage in detrimental actions against the reporter or hinder the progress of the investigation
- the Authority will provide the reporter with information emphasising the importance of maintaining confidentiality. Guidance will be provided on how to safeguard their identity, such as advising them not to discuss their report with other members of staff.

2.1.6 Disclosure is assessed

When a Public Interest Disclosure Coordinator receives a disclosure, they will conduct an initial assessment of the disclosure using the Disclosure Assessment Checklist. This will include the following steps:

- Assessment of whether the disclosure meets the criteria for a PID
- A risk assessment, considering risks to the reporter and the Authority
- An assessment and minimisation of the risk of detrimental action
- Determination of next steps – even if the disclosure does not meet the criteria to be treated as a PID, the Authority may determine to investigate further or otherwise action the complaint.

In considering steps to assess and minimise the risk of detrimental action, consideration will be given to whether there has been detriment to a person. This can include:

- 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 type of disadvantage.

At the end of this step, the Public Interest Disclosure Coordinator will have determined whether the Disclosure met the criteria for a PID and will recommend next steps, including the

development of a risk management plan. A copy of the Disclosure Assessment Checklist and any related correspondence will be saved in the same secure folder within the NSW Reconstruction Authority's EDRMS.

2.1.7 Briefing to CEO

Once the Public Interest Disclosure Coordinator has reviewed the disclosure and made a recommendation, a briefing to the CEO will be prepared.

2.1.8 Initial response to a reporter

The Public Interest Disclosure Coordinator will draft correspondence to the reporter and advise them whether the Authority:

- will take no further action (and the reasons why)
- does not consider the disclosure a PID, but will investigate the concerns raised
- will refer the complaint to another agency (either due to a mandatory referral or as best-practice)
- will treat the matter as a PID and arrange an investigation.

This step will occur within 45 days of the initial disclosure, provided that the complaint was not made anonymously. If the Authority determined to take no further action, the matter is considered closed and the reporter will be advised of this.

If the Authority decides to investigate the concerns raised, refer the matter to another agency or treat the matter as a PID, the reporter will be advised of any next steps that will occur and their involvement.

If the Authority determines that the matter does meet the criteria for a PID and elects to investigate the matter, the Public Interest Disclosure Coordinator will oversee the investigation process. At the end of the investigation, a determination will be made as to whether the wrongdoing occurred, remedial actions may be suggested, and the reporter will be advised of the outcome.

2.1.9 Determine type of investigation

At this step, the Public Interest Disclosure Coordinator will determine whether to manage the disclosure via:

- Preliminary or informal investigation by NSW Reconstruction Authority staff
- Formal investigation by an external investigator
- Prosecution or disciplinary action by the NSW Reconstruction Authority
- Referral to an investigating agency (identified in section 1.7)
- Referral to the Commissioner of Police (if a criminal matter).

Where the Public Interest Disclosure Coordinator appoints an investigator (Internally or Externally) they will prepare a letter of appointment for the investigator which:

- Outlines the allegations
- Defines the scope of the investigation
- Authorises the investigator to request records, conduct interviews and any other necessary steps.

This letter is to be signed by the CEO prior to the commencement of the investigation.

If the Authority determines to refer the matter to an investigating agency or the Commissioner of Police, no further action is to be taken by the Authority.

2.1.10 Commencing an investigation

At this step, the Public Interest Disclosure Coordinator, with the concurrence of the CEO will appoint an investigator to undertake an investigation of the matter. The investigator may be an internal staff member or an external investigator. Once an investigator is appointed, the Public Interest Disclosure Coordinator will:

- Formally engage the investigator via a letter of authorisation (internal staff) or through a services contract (external investigators)
- Notify the subject of the report of the claims against them, providing a reasonable opportunity to respond to the allegations
- Notify the reporter of the investigation commencing, including their role (i.e., participating in interviews, providing additional evidence etc.).

2.1.11 Conduct investigation

The investigator will develop an investigation plan which will be procedurally fair, providing the person who is the subject of the report ample opportunity to respond to the claims and any findings.

The investigator will be open and transparent in their communications with all parties.

At the end of this step, a final report will be provided to the Public Interest Disclosure Coordinator.

2.1.12 Advise the CEO

The Public Interest Disclosure Coordinator will provide a brief to the CEO attaching the final report. This brief will ask the CEO to note the findings and endorse / reject implementation of any recommendations made.

2.1.13 Inform reporter of the outcome

The Public Interest Disclosure Coordinator will advise the reporter of:

- The findings of the investigation
- Action taken and/or is proposed to be taken in response to the disclosure
- Any recommendations made following the investigation of the disclosure.

2.1.14 Implement recommendations or other actions

The implementation of the recommendations of the investigation or other actions will be communicated to the relevant Executive Director, Head and / or any other relevant members of the Executive Leadership Team, as required.

2.1.15 Electronic records management

Given the sensitive nature of Public Interest Disclosures, all records associated with a disclosure, the reporter or the subject are to be kept confidential and must be kept in a secure location within EDRMS (the Authority's electronic records management system). Access to the folder containing these records must be limited to only Authority staff members involved in the administration of the PID process.

2.2 Dealing with allegations of detrimental action

If the Authority becomes aware of an allegation that a detrimental action offence has occurred or may occur, either from the reporter or by any other means, the Authority will:

- take all necessary measures to halt the action and ensure the protection of those involved

- initiate suitable disciplinary actions against any individuals found responsible for taking detrimental actions
- report any evidence related to a detrimental action offense to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission, depending on the relevant authority
- notify the NSW Ombudsman regarding the allegation of a detrimental action offense being committed.

Reporters who have experienced alleged detrimental action should note the following guidance:

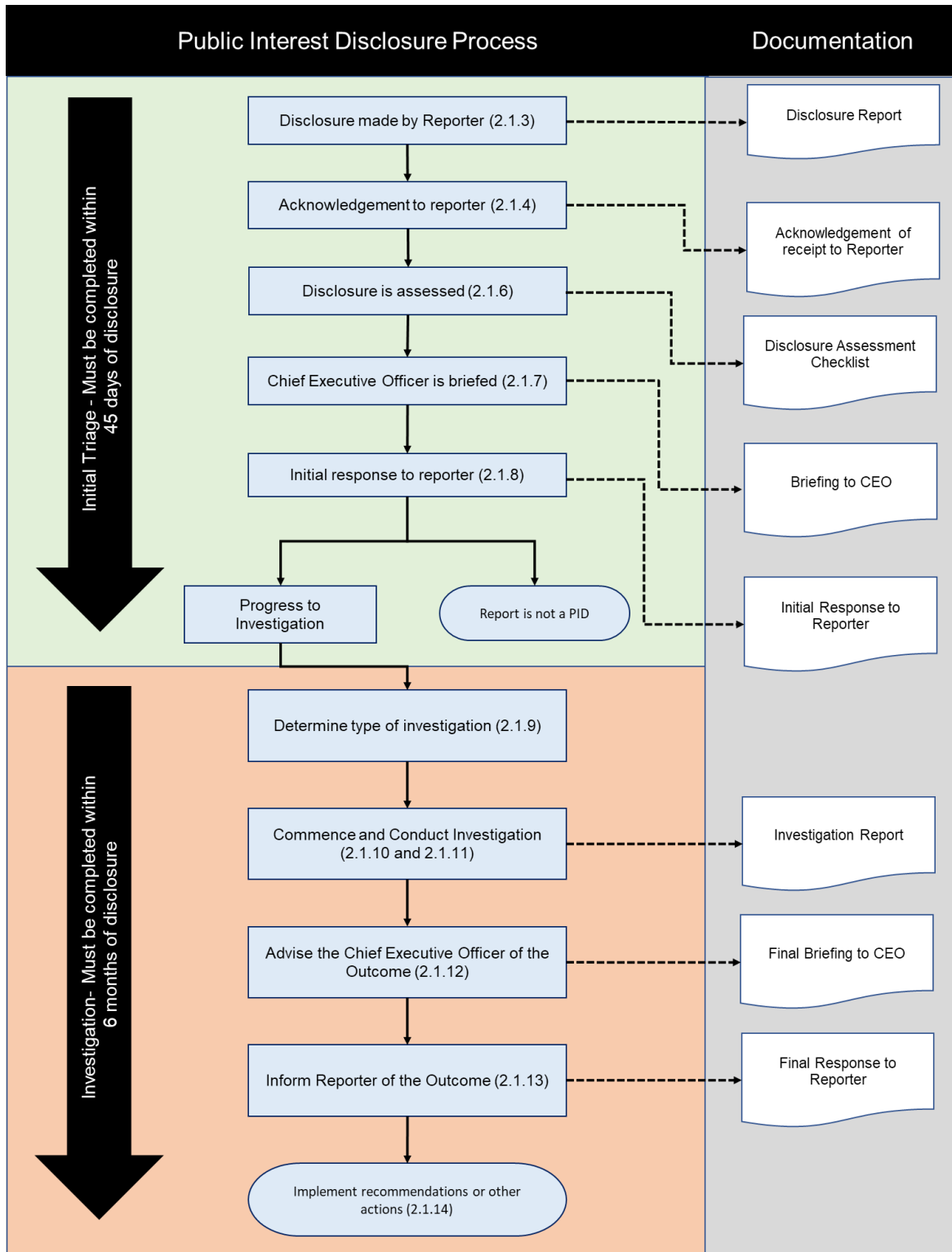
- reporters can discuss instances of suspected detrimental action to any disclosure officer, as set out in section 1.4
- disclosure officers are responsible for making referrals about alleged detrimental action offences to the Public Interest Disclosure Coordinator
- the person who has allegedly experienced detrimental action will be regularly updated on the progress of the investigation by the disclosure officer and offered appropriate support as needed, such as the Employee Assistance Program.

2.3 Corrective action in substantiated instances of serious wrongdoing

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

- issuing a formal apology
- enhancing internal policies to effectively prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where necessary
- taking employment action against individuals involved in the wrongdoing, which may involve termination of employment, relocation, a caution, or reprimand
- providing compensation to individuals who have been adversely affected by serious wrongdoing or other misconduct.

Attachment A – Public Interest Disclosure Process Map



3. Document Version Control

Document Name:	Public Interest Disclosures Policy
EDRMS Reference:	D23/87718
Document Status:	Final
Version Number:	3.0
Date of publication:	3 October 2023
Review date:	September 2025
Owner:	Director, Governance Branch
Endorsed By:	Executive Leadership Team
Distribution:	Internal and External

4. Change History

Version	Issue Date	Team	Details / Reason for Change
1.0	June 2022	Governance Branch	Initial creation of document based on Department of Premier and Cabinet (best practices) with inclusion of additional material for local context.
2.0	February 2023	Governance Branch	Rebranded for NSW Reconstruction Authority, amendments made to align with the new Public Interest Disclosure Act 2022.
3.0	September 2023	Governance Branch	Further changes in line with Public Interest Disclosure Act 2022