

City of Newcastle

Policy

Internal Reporting – Public Interest Disclosures Policy

October 2018

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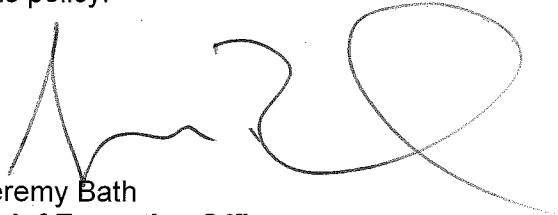
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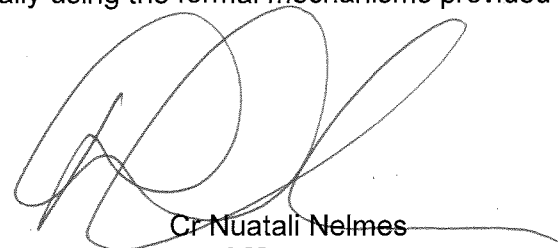
Foreword

City of Newcastle (CN) is committed to ensuring it has an open and accountable framework for receiving, assessing and dealing with public interest disclosures.

CN encourages disclosures to be made internally using the formal mechanisms provided in this policy.



Jeremy Bath
Chief Executive Officer



Cr Nuatali Nelmes
Lord Mayor

Part A Preliminary

1 Purpose

- 1.1 The purpose of the policy is to encourage and facilitate the disclosure of wrongdoing by providing a framework for:
 - 1.1.1 receiving, assessing and dealing with disclosures of wrongdoing in accordance with the PID Act; and
 - 1.1.2 ensuring CN complies with the PID Act.

2 Scope

- 2.1 This policy applies to CN Officials who disclose wrongdoing in accordance with the PID Act.

3 Principles

- 3.1 City of Newcastle (CN) commits itself to the following principles:
 - 3.1.1 **Awareness:** Ensuring CN Officials understand the benefits of disclosing wrongdoing and are familiar with this policy and the PID Act.
 - 3.1.2 **Confidentiality:** Maintaining confidentiality in relation to the identity of the CN Officials who disclose wrongdoing wherever possible and appropriate.
 - 3.1.3 **Encouraging disclosure:** Encouraging the disclosure of wrongdoing and acknowledging that CN Officials who disclose wrongdoing are exhibiting integrity and assisting CN to promote an accountable and ethical organisation.
 - 3.1.4 **Keeping people who make a disclosure informed:** Keeping individuals who make reports informed on the progress and outcome.
 - 3.1.5 **Protection and support:** Protecting and supporting CN Officials who disclose wrongdoing or who are the subject of a disclosure, including protecting the individual from adverse action as a result of the disclosure.
 - 3.1.6 **Thoroughness, impartiality and action:** Dealing with all disclosures of wrongdoing thoroughly, impartially and, if some form of wrongdoing has been found, taking appropriate action.
 - 3.1.7 **Tone from the top:** Ensuring managers at all levels understand the benefits of reporting, are familiar with this policy and aware of the needs of people who report wrongdoing.
 - 3.1.8 **Trust:** Creating an environment of trust where CN Officials feel confident and comfortable disclosing wrongdoing.

Part B Roles and responsibilities

4 CEO

- 4.1 The CEO is responsible for:
 - 4.1.1 Ensuring this policy is accurate and up to date.
 - 4.1.2 Creating awareness about this policy and the protections available under the PID Act for people who make a Public Interest Disclosure.
 - 4.1.3 Ensuring CN meets its obligations under the PID Act and this policy.
 - 4.1.4 Appointing a Disclosures Coordinator and Disclosures Officers.
 - 4.1.5 Deciding if a disclosure about wrongdoing is a Public Interest Disclosure.
 - 4.1.6 Receiving, assessing and dealing with disclosures about wrongdoing by CN Officials including referral to other authorities where appropriate.
 - 4.1.7 Ensuring there are systems in place to support and protect people who make a Public Interest Disclosure.
 - 4.1.8 Appropriately dealing with disclosures made under CN's Code of Conduct and treating disclosures as Public Interest Disclosures where appropriate to do so.
 - 4.1.9 Reporting actual or suspected corrupt conduct to the Independent Commission Against Corruption.
 - 4.1.10 Ensuring that their actions adhere to the requirements of this policy and the PID Act including protecting and maintaining the confidentiality of the CN Official making the disclosure.

5 Lord Mayor

- 5.1 The Lord Mayor is responsible for receiving, assessing and dealing with disclosures about wrongdoing by the **CEO** including:
 - 5.1.1 Ensuring there are systems in place to support and protect people who make a Public Interest Disclosure.
 - 5.1.2 Determining if a disclosure about wrongdoing by the CEO is a Public Interest Disclosure.
 - 5.1.3 Receiving, assessing and dealing with disclosures about wrongdoing of the CEO, including referral to other authorities where appropriate.
 - 5.1.4 Appropriately dealing with disclosures made under the CN's Code of Conduct about the CEO and treating disclosures as Public Interest Disclosures where appropriate to do so.
 - 5.1.5 Reporting actual or suspected corrupt conduct by the CEO to the Independent Commission Against Corruption.
 - 5.1.6 Ensuring that their actions adhere to the requirements of this policy and the PID Act including protecting and maintaining the confidentiality of the CN Official making the disclosure.

6 Disclosures Coordinator

- 6.1 CN's Disclosures Coordinator is appointed by the CEO (refer to Annexure B for details). The Disclosures Coordinator is also the Complaints Coordinator under the Code of Conduct.
- 6.2 The Disclosures Coordinator is responsible for:

- 6.2.1 Assisting the CEO to perform the CEO's role under this policy and the PID Act.
- 6.2.2 Receiving disclosures about wrongdoing by CN Officials including referring disclosures to the CEO or Lord Mayor.
- 6.2.3 Ensuring that their actions adhere to the requirements of this policy and the PID Act including protecting and maintaining the confidentiality of the CN Official making the disclosure.
- 6.2.4 Ensure that instances of Detrimental Action are reported and dealt with under CN's Code of Conduct.

7 Disclosures Officers

- 7.1 CN's Disclosures Officers are appointed by the CEO (refer to Annexure B for details).
- 7.2 Disclosures Officers are responsible for:
 - 7.2.1 Receiving disclosures about wrongdoing by CN Officials.
 - 7.2.2 Forwarding such disclosures to the Disclosures Coordinator.
 - 7.2.3 Ensuring that their actions adhere to the requirements of this policy and the PID Act including protecting and maintaining the confidentiality of the CN Official making the disclosure.

8 CN Officials

- 8.1 CN Officials are responsible for:
 - 8.1.1 Disclosing wrongdoing.
 - 8.1.2 Supporting CN Officials who have disclosed wrongdoing as well as protecting and maintaining their confidentiality. CN Officials should never victimise or harass anyone who has made a report about wrongdoing including a disclosure under this policy.
 - 8.1.3 Reporting Detrimental Action (CN Officials who supervise staff must especially be aware of this obligation).

Part C Reporting wrongdoing

9 What should be reported?

- 9.1 CN encourages CN Officials to report all activities or incidents of wrongdoing including:
 - 9.1.1 breaches of the Code of Conduct;
 - 9.1.2 harassment or unlawful discrimination;
 - 9.1.3 reprisal action against a person who has reported wrongdoing; or
 - 9.1.4 practices that endanger the health or safety of staff or the public.
- 9.2 If a CN Official suspects that wrongdoing has occurred but the circumstances do not meet the criteria of a Public Interest Disclosure set out in section 10, they are still encouraged to report the wrongdoing in accordance with:
 - 9.2.1 [Code of Conduct](#) (discuss with supervisor or contact CN's Legal Team).
 - 9.2.2 [EEO Grievance Procedure](#) (discuss with supervisor or contact CN's Human Resources Team).
 - 9.2.3 [WHS policy and procedure](#) - where practices endanger the health or safety of CN Officials or the public (discuss with supervisor or contact CN's WHS Team).
- 9.3 CN takes all reports of wrongdoing seriously and will consider each report on its merits and make every attempt to protect those who make reports from reprisal action.

10 When will a report of wrongdoing be dealt with under this policy?

- 10.1 A disclosure about wrongdoing is only a Public Interest Disclosure in accordance with this policy if it satisfies **all** of the following criteria:
 - 10.1.1 The CN Official making the disclosure honestly believes on reasonable grounds that the information they are disclosing shows or tends to show:
 - (a) Corrupt Conduct by CN, a CN Official or another public authority or its officers.
 - (b) Maladministration by CN, a CN Official or another public authority or its officers.
 - (c) Serious and Substantial Waste by CN or a CN Official.
 - (d) Government Information Contravention by CN, a CN Official or another public authority or its officers.
 - (e) Pecuniary Interest Contravention by CN or a CN Official.

This means, a Public Interest Disclosure cannot be based on a mere allegation or suspicion, the disclosure must be supported by facts and/or evidence.

- 10.1.2 The CN Official makes the disclosure to:
 - (a) The Lord Mayor (if the disclosure relates to the CEO).
 - (b) The CEO.
 - (c) The Disclosure Coordinator.
 - (d) A Disclosure Officer.
 - (e) An Investigating Authority.

- 10.1.3 The disclosure does not principally involve the questioning of the merits of CN's policies including a policy of the Council.
- 10.1.4 The disclosure is not made with the sole or substantial motive of avoiding dismissal or other disciplinary action.
- 10.1.5 The disclosure is not frivolous or vexatious.

11 When can Public Interest Disclosure be made to a Member of Parliament or journalist?

- 11.1 A disclosure about wrongdoing to a Member of Parliament or journalist is a Public Interest Disclosure if it satisfies **all** of the following requirements:
 - 11.1.1 The CN Official has made substantially the same disclosure in accordance with section 10 to CN or an Investigating Authority.
 - 11.1.2 In response to that disclosure, CN or the Investigating Authority:
 - (a) Determined not to investigate the disclosure.
 - (b) Determined to investigate the disclosure, but has not completed that investigation within six months of receiving the disclosure.
 - (c) Investigated the disclosure but has not recommended any action.
 - (d) Has not informed the CN Official whether the disclosure will be investigated within six months of receiving the disclosure.
 - 11.1.3 The CN Official can prove that they have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

Note: An anonymous disclosure will not satisfy the above requirements.

Part D Making a Public Interest Disclosure

12 Who should a Public Interest Disclosure be reported to?

12.1 Public Interest Disclosures should be reported as follows:

If the Public Interest Disclosure is about:	It should be reported to:
The Lord Mayor	The CEO or an Investigating Authority
The CEO	The Lord Mayor or an Investigating Authority
The Lord Mayor and CEO	An Investigating Authority
A Councillor	The Lord Mayor, CEO or an Investigating Authority
A CN Officer	The CEO, the Disclosures Coordinator, a Disclosures Officer (refer to Annexure B) or an Investigating Authority

12.2 CN Officials who are members of staff may discuss a report about wrongdoing with their supervisor in the first instance.

12.3 If a CN Official who is not a Disclosures Officer receives a disclosure about wrongdoing that they suspect could be a Public Interest Disclosure, the CN Official must refer it to the relevant person identified in the table at clause 12.1. It is important that confidentiality is maintained at all times by both the person making and receiving a report.

12.4 If a CN Official is considering disclosing wrongdoing to a person or organisation that is not listed in the policy, the CN Official should first confirm that the CN Official is not breaching their legal obligations or CN's Code of Conduct by doing so.

13 How to make a Public Interest Disclosure

13.1 CN Officials can make a Public Interest Disclosure verbally or in writing to the relevant person as listed in the table at clause 12.1.

13.2 CN encourages Public Interest Disclosures to be made on CN's Public Interest Disclosure report form but if a report is made verbally, the person receiving the report should make a comprehensive record of it and ask the person making the disclosure to sign the record.

13.3 If a CN Official is concerned about being seen making a disclosure, the CN Official can ask Disclosures Coordinator or a Disclosures Officer to meet in a discreet location or after work hours.

14 Anonymous Public Interest Disclosures

14.1 There may be circumstances when CN Officials making a report of wrongdoing wish to stay anonymous. CN will accept anonymous Public Interest Disclosures addressed to:

Private and confidential
Chief Executive Officer
PO Box 489
Newcastle NSW 2300.

- 14.2 If a Public Interest Disclosure is made anonymously, CN cannot:
- 14.2.1 provide feedback (an anonymous disclosure will not meet the criteria to be escalated to a journalist or Member of Parliament);
 - 14.2.2 offer the same level of protection or support to the person making the disclosure; or
 - 14.2.3 take steps to protect a person's identity.

15 Confidentiality

CN Officials

- 15.1 A CN Official who makes a Public Interest Disclosure must keep the disclosure confidential and should only discuss the disclosure with the persons nominated as set out in their letter of acknowledgement.

CN

- 15.2 CN is committed to maintaining confidentiality around reports of wrongdoing, however, there may be situations where this is not be possible or appropriate. A person's identity will only be disclosed if:
- 15.2.1 The CN Official who made the Public Interest Disclosure consents in writing to the disclosure of that information.
 - 15.2.2 It is generally known that the CN Official has made the Public Interest Disclosure as a result of the person having voluntarily identified themselves as the person who made the Public Interest Disclosure.
 - 15.2.3 It is necessary, having regard to the principles of procedural fairness, that the identifying information be disclosed to a person whom the information provided by the Public Interest Disclosure may concern.
 - 15.2.4 The CEO or Lord Mayor (if the disclosure relates to the CEO) is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively or it is otherwise in the public interest to do so.
- 15.3 Where confidentiality cannot be maintained, CN will develop a plan to support and protect the person who made the Public Interest Disclosure from risks of Detrimental Action in consultation with the person who made the disclosure.

Part E Acknowledgement, assessment and investigation of Public Interest Disclosures

16 Acknowledgement

- 16.1 When CN receives a Public Interest Disclosure, the CEO (or the Lord Mayor in the case of a disclosure about the CEO) and the Disclosures Coordinator will:
- 16.1.1 Within 10 working days of receiving the Public Interest Disclosure, provide an acknowledgement letter and a copy of this policy to the CN Official.
 - 16.1.2 The acknowledgement letter will include the following details:
 - (a) confirmation that the Public Interest Disclosure has been received;
 - (b) the timeframes as to when CN will provide the CN Official with an update;
 - (c) names and contact details of the persons with whom the CN Official can discuss their Public Interest Disclosure, including who to contact about concerns; and
 - (d) information about support services – including services available at CN, such as EAP and the availability of external agencies.
 - 16.1.3 If the following information cannot be provided in the acknowledgment letter, CN will provide an updated letter within 10 working days and after a decision is made about how to deal with the Public Interest Disclosure, setting out:
 - (a) information about the action that will be taken in response to the report; and
 - (b) likely timeframes for any investigation.

17 Assessment

- 17.1 On receipt of a Public Interest Disclosure, the CEO or the Lord Mayor (in the case of a disclosure about the CEO) will:
- 17.1.1 assess Public Interest Disclosures in accordance with the PID Act and any applicable procedure or guideline; and
 - 17.1.2 determine what action should be taken.

18 Investigation

- 18.1 The CEO or the Lord Mayor (in the case of a disclosure about the CEO) may determine to investigate the Public Interest Disclosure.
- 18.2 During any investigation, the CN Official who made the Public Interest Disclosure will be given:
- 18.2.1 information on the ongoing nature of the investigation;
 - 18.2.2 information about the progress of the investigation and reasons for any delay; and
 - 18.2.3 advice if their identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.
- 18.3 At the end of any investigation, the CN Official who made the Public Interest Disclosure will be given:

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

Part F Detrimental Action

19 Reporting Detrimental Action

- 19.1 CN will not tolerate any Detrimental Action being taken against a CN Official for making a Public Interest Disclosure.
- 19.2 If a CN Official who has made a Public Interest Disclosure believes that Detrimental Action is being taken against them for making a Public Interest Disclosure, they should report the action immediately in accordance with the table at clause 13.1.
- 19.3 If a CN Official believes that Detrimental Action is being taken against another CN Official for making a Public Interest Disclosure, the CN Official should report the action immediately in accordance with the table at clause 12.1.

20 Response to Detrimental Action

Penalties, discipline and liability

- 20.1 The PID Act provides protection for people who report wrongdoing in accordance with this policy and the PID Act. Findings of Detrimental Action may:
 - 20.1.1 result in a person being guilty of an offence as provided in the PID Act with criminal penalties applying;
 - 20.1.2 be a breach of CN's Code of Conduct for which disciplinary action may be taken in accordance with the Award; or
 - 20.1.3 result in a person who has taken Detrimental Action being liable for payment of damages for any loss suffered in accordance with the PID Act.

CEO to respond to reports of Detrimental Action

- 20.2 If CN receives a Public Interest Disclosure in accordance with the policy, the Lord Mayor, CEO or Disclosures Coordinator must:
 - 20.2.1 conduct a risk assessment to identify any risks to the CN Official who made the Public Interest Disclosure;
 - 20.2.2 collaborate with the CN Official who made the Public Interest Disclosure to develop strategies to address those risks, which may include:
 - 20.2.2.1 issuing warnings to CN Officials about the consequences of any Detrimental Action taken against the CN Official who made the Public Interest Disclosure;
 - 20.2.2.2 relocating or transferring the CN Official who made the Public Interest Disclosure and/or the CN Official who the disclosure was about; or
 - 20.2.2.3 granting the CN Official who made the Public Interest Disclosure and/or the CN Official who the disclosure was about a leave of absence during any investigation; and
- 20.3 If a CN Official who has reported wrongdoing feels that any Detrimental Action is not being dealt with effectively, they should contact the NSW Ombudsman, the Independent Commission Against Corruption, or the Division of Local Government (refer to Annexure A for contact details).

Part G Support and protection

21 Protection against legal action

- 21.1 If a CN Official makes a Public Interest Disclosure, the CN Official will:
- 21.1.1 not be subject to any liability for making the Public Interest Disclosure;
 - 21.1.2 be protected from any claim or demand taken against them for making the Public Interest Disclosure;
 - 21.1.3 not have breached any confidentiality or secrecy obligations in relation to the Public Interest Disclosure; or
 - 21.1.4 have the defence of absolute privilege in defamation.

22 False and misleading statements

- 22.1 CN Officials must not make false or misleading statements when making a disclosure. This is an offence under the PID Act.

23 Support for CN Officials reporting wrongdoing

- 23.1 CN will ensure that CN Officials who have reported wrongdoing, regardless of whether they have made a Public Interest Disclosure, are provided with access to support. The support available includes:
- 23.1.1 CN's [Employee Assistance Program](#); and
 - 23.1.2 the availability of CN's [Workplace Contact Officers](#) in various work areas.

24 Support for CN Officials who are the subject of a Public Interest Disclosure

- 24.1 CN will ensure that the CN Official who is the subject of a Public Interest Disclosure is:
- 24.1.1 treated fairly and with impartiality;
 - 24.1.2 informed of their rights and obligations;
 - 24.1.3 kept informed during any investigation;
 - 24.1.4 given the opportunity to respond to any allegation made against them;
 - 24.1.5 advised of the outcome of any investigation;
 - 24.1.6 provided with information about support available from CN or external agencies; and
 - 24.1.7 provided with access to CN's [Employee Assistance Program](#).

Part H Resourcing and reporting

25 Resourcing

- 25.1 CN will ensure it allocates adequate resources to:
 - 25.1.1 encourage reports of wrongdoing;
 - 25.1.2 protect and support those who make them;
 - 25.1.3 provide training about how to make reports and the benefits of internal reports to CN and the public interest generally;
 - 25.1.4 properly investigate allegations;
 - 25.1.5 properly manage any workplace issues that the allegations identify or that result from a report; and
 - 25.1.6 appropriately address any identified problems.

26 Reporting to NSW Ombudsman

- 26.1 The CEO and CN's Disclosures Coordinator are responsible for ensuring CN submits reports to the NSW Ombudsman's Office in accordance with its obligations under the PID Act.

Annexure A – Investigating Authorities

For disclosures about Corrupt Conduct:

Independent Commission Against Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

Email: icac@icac.nsw.gov.au

Web: www.icac.nsw.gov.au

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

For disclosures about Maladministration:

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Translating and Interpreter Service (TIS): 131 450

National Relay Service: 1300 555 727 then ask for 02 9286 1000

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

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

For disclosures about breaches of the GIPA Act:

Information Commissioner

Toll free: 1800 472 679

Translating and Interpreter Service (TIS): 131 450

National Relay Service: 131 677

Email: ipcinfo@ipc.nsw.gov.au

Web: www.ipc.nsw.gov.au

Address: Level 17, 201 Elizabeth Street, Sydney NSW 2000

For disclosures about corrupt conduct, maladministration, serious and substantial waste, breaches of GIPA or pecuniary interest contraventions:

Division of Local Government, Department of Premier and Cabinet

Phone: 02 4428 4100

Tel. typewriter (TTY): 02 4428 4209

Interpreter Services: 02 4428 4100 and request interpreter services

Facsimile: 02 4428 4199

Email: olg@olg.nsw.gov.au

Web: www.olg.nsw.gov.au

Address: 5 O’Keeffe Avenue, Nowra, NSW 2541

NOTE: It is very likely the Investigating Authority will discuss reports made to them with CN. CN will assist and cooperate with the Investigating Authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. CN will also provide appropriate support and assistance to individuals who report wrongdoing to an Investigating Authority.

Annexure B – Disclosures Coordinator and Disclosures Officers

The CEO has made the following appointments:

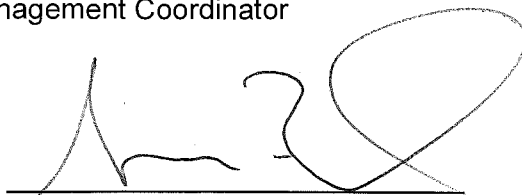
Disclosures Coordinator:

Manager Legal

Disclosures Officers:

Director Governance
Director Strategy and Engagement
Director People and Culture
Director Infrastructure and Planning
Director City-Wide Services
Chief Financial Officer
Manager Regulatory Planning and Assessment
Manager Information Technology
Manager Major Events and Corporate Affairs
Manager Corporate and Community Planning
Manager HR Operations
Manager Depot Operations
Manager Assets and Projects
Manager Civil Construction and Maintenance
Manager Property
Art Gallery Director
Museum Director
Manager Civil Services
Manager Libraries and Learning
Manager Customer Services
Manager Waste Services
Manager Park and Recreation
Governance and Council Executive Support Coordinator
Legal and Governance Officer
Legal and Information Officer
Internal Audit Officer
Development Assessment Team Coordinator
Environmental Health Coordinator
Project Management Coordinator

Signed:



Jeremy Bath
Chief Executive Officer

Date:

26/11/18

Annexure C - Definitions

CEO means Chief Executive Officer of the City of Newcastle and includes their delegate or authorised representative.

References to the Chief Executive Officer are references to the General Manager appointed under the *Local Government Act 1993* (NSW).

City of Newcastle (CN) means Newcastle City Council.

CN Official means a:

- Councillor;
- CN Officer (including part time, temporary and casual officers);
- individuals engaged by CN under a contract to provide services to or on behalf of CN (such as consultants and contractors); or
- individuals having public official functions where their conduct could be investigated by an Investigating Authority (such as members of CN committees and volunteers).

Council means the elected Council.

Corrupt Conduct means dishonest or partial exercise of official functions by a CN Official. For example:

- improperly using knowledge, power or position for personal gain or the advantage of others;
- acting dishonestly or unfairly, or breaching public trust; or
- using their position in a way that is dishonest, biased or breaches public trust.

For more information about corrupt conduct, see the [NSW Ombudsman's guideline on what can be reported](#).

Detrimental Action means action causing, comprising or involving:

- injury, damage or loss;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from or prejudice in employment; and
- disciplinary proceedings.

Government Information Contravention means a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (**GIPA Act**). For example:

- destroying, concealing or altering records to prevent them from being released;
- knowingly making decisions that are contrary to the legislation; or
- directing another person to make a decision that is contrary to the legislation.

For more information about government information contravention, see the [NSW Ombudsman's guideline on what can be reported](#).

Investigating Authority means an authority listed in Annexure A. CN Officials can contact the relevant authority for advice about how to make a disclosure.

Local Government Pecuniary Interest Contravention means the failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. For example:

- a senior CN Officer recommending a family member for a CN contract and not declaring the relationship; or

- a senior CN Officer holding an undisclosed shareholding in a company competing for a CN contract.

For more information about local government pecuniary interest contravention, see [NSW Ombudsman's guideline on what can be reported](#).

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

- making a decision and/or taking action that is unlawful; or
- refusing to grant an approval for reasons that are not related to the merits of their application.

For more information about maladministration, see [NSW Ombudsman's guideline on what can be reported](#).

PID Act means the *Public Interest Disclosure Act 1994* (NSW).

Serious and Substantial Waste means the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of CN. For example:

- poor project management practices leading to projects running over time; or
- having poor or no processes in place for a system involving large amounts of public funds.

For more information about serious and substantial waste, see [NSW Ombudsman's guideline on what can be reported](#).

Unless stated otherwise, a reference to a section or clause is a reference to a section or clause of this Policy.

Annexure D - Policy Authorisations

Function	Position Number / Title
Appointment of Disclosures Coordinator and Disclosures Officers	CEO

Document Control

Policy title	Internal Reporting - Public Interest Disclosures Policy
Policy owner	Chief Executive Officer
Policy expert/writer	Manager Legal
Associated Procedure Title (if applicable)	N/A
Procedure owner (if applicable)	N/A
Prepared by	Legal Service Unit
Approved by	Council
Date approved	23/10/2018
Policy approval form reference	ECM# 5740951
Commencement Date	23/10/2018
Next revision date (date policy will be revised)	30/09/2020
Termination date	30/09/2021
Version	Version four
Category	Governance
Keywords	public interest, disclosures, whistle blowing, wrongdoing, reporting, corruption, maladministration
Details of previous versions	Internal Reporting - Public Interest Disclosures Policy – Version 3 – ECM # 3882578
Legislative amendments	Nil
Relevant strategic direction	Open and Collaborative Leadership
Relevant strategy	Open and Transparent Governance Strategy Fraud and Corruption Control Strategy
Relevant legislation/codes (reference specific sections)	<i>Local Government Act 1993 (NSW)</i> <i>Local Government (General) Regulation 2005 (NSW)</i> <i>Public Interest Disclosures Act 1994 (NSW)</i>

Other related policies/ documents/ strategies	Code of Conduct EEO Grievance Procedure
Related forms	Public Interest Disclosure reporting form
Required on website	Yes
Authorisations	Functions authorised under this Policy at Annexure D