

Public Interest Disclosures

Procedure

Contents

1.	<i>Procedure statement</i>	2
2.	<i>Who does this Procedure apply to?</i>	2
3.	<i>Definitions</i>	3
4.	<i>Public interest disclosures</i>	4
5.	<i>How to make a report</i>	5
	Step 1: Identify need to make Public Interest Disclosure.....	6
	Step 2: Report disclosure.....	6
	Step 3: Receive disclosure and inform the PID Coordinator.....	6
	Step 4: Initial assessment and inform the Chief Executive Officer	7
	Step 5: Send acknowledgement.....	7
	Step 6: Perform risk assessment to identify any risks to the public official.....	7
	Step 7: Determine necessary action and inform Public Official	8
	Step 8: Conduct an investigation and inform the officer who is the subject of the disclosure.....	9
	Step 9: Prepare report and inform the Chief Executive Officer.....	9
	Step 10: Implement actions/ recommendations	9
6.	<i>Disclosures to a member of Parliament or journalist</i>	10
7.	<i>Confidentiality</i>	10
8.	<i>Identification of reprisal</i>	11
9.	<i>Further resources and resources</i>	11
	9.1. Internal Policies.....	11
	9.2. Legislation.....	12
	9.3. Further Resources.....	12
10.	<i>Document management</i>	14
	APPENDIX 1: INTERNAL REPORT FORM	16
	APPENDIX 2: CHECKLIST FOR RECIPIENT OF INTERNAL REPORT	18
	APPENDIX 3:ASSESSMENT OF A REPORT AGAINST THE PID ACT 1994	20

1. Procedure statement

The *Public Interest Disclosure Act 1994* (the *PID Act*) deals with the disclosure of serious matters involving public administration. The Greater Cities Commission (the Commission) is committed to the objectives of the Act. The Commission does not tolerate corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention or local government pecuniary interest contravention (see Definitions for explanation).

The Commission recognises the value and importance of the contributions of public officials to enhance administrative and management practices. The Commission will support public interest disclosures being made by public officials regarding these matters. All reasonable steps will be taken to provide protection to public officials who make such disclosures, from any detrimental action in reprisal for the making of the disclosure.

The Commission will deal with reports thoroughly and impartially and will take appropriate action to rectify any wrongdoing found.

This Public Interest Disclosures Procedure (Procedure) outlines the principles, obligations, and requirements for making and managing public interest disclosures at the Commission. It should be read in conjunction with the Public Interest Disclosures Policy (Policy).

2. Who does this Procedure apply to?

This Procedure covers public interest disclosures made by a “public official” (as defined under s 4A of the *PID Act*), this applies all staff including:

- permanent staff;
- temporary staff;
- casual staff;
- other Government sector employees who are on secondment or assigned to the Commission;
- contractors;
- consultants;
- volunteers; and
- employees of organisations who provide services under contract to the Commission.

For the purposes of this Procedure, “Public Official” refers to all people to whom this Procedure applies.

In this Procedure, a reference to a senior executive manager means:

- Chief Executive Officer;
- Executive Director; and
- Director.

3. Definitions

<p>Corrupt conduct</p>	<p>is defined in ss 7, 8 and 9 of the <i>Independent Commission Against Corruption Act 1988</i> (ICAC Act).</p> <p>Corrupt conduct includes the dishonest or impartial exercise of official functions by a public official.</p> <p>Corrupt conduct may include, but is not limited to:</p> <ul style="list-style-type: none"> • taking or offering bribes; • public officials dishonestly using influence; • blackmail; • fraud; • theft; • election bribery; • collusive tendering; • defrauding the public revenue; or • fraudulently obtaining or retaining employment or appointment as a public official. <p>For a full definition and description, refer to the ICAC Act</p>
<p>Detrimental action</p>	<p>is defined under s 20 of the <i>PID Act</i> as an action causing, comprising or involving any of the following:</p> <ul style="list-style-type: none"> • injury, damage or loss; • intimidation or harassment; • discrimination, disadvantage or adverse treatment in relation to employment; • dismissal from, or prejudice in, employment; or • disciplinary proceedings.
<p>Maladministration</p>	<p>is defined under s 11 of the <i>PID Act</i> as conduct that involves action or inaction of a serious nature that is:</p> <ul style="list-style-type: none"> • contrary to law; or • unreasonable; unjust; oppressive or improperly discriminatory; or • based wholly or partly on improper motives.
<p>Public Interest Disclosure</p>	<p>is a report made by a public official of wrongdoing or misconduct that is a matter of public interest – namely corrupt conduct, maladministration, serious and substantial waste of public money or government information contravention by the Commission or any of its officers, or by another public authority or any of its officers. It is commonly known as whistleblowing.</p>
<p>Serious and substantial waste of public money</p>	<p>means uneconomical, inefficient or ineffective use of public resources or public money of a serious and substantial nature.</p>

Government information contravention	is defined under s 4 of the PID Act as conduct of a kind that constitutes a failure to exercise functions in accordance with any provision of the <u>Government Information (Public Access) Act 2009</u> (GIPA Act).
Local government pecuniary interest contravention	is defined under s 4 of the PID Act as the breach of an obligation imposed by the <u>Local Government Act 1993</u> in connection with a pecuniary interest.

4. Public interest disclosures

If a public official honestly believes, on reasonable grounds, that information shows or tends to show wrongdoing, then the Commission needs to be informed. The Policy and this Procedure set out the framework within which an employee can confidently and safely make a report about wrongdoing, and for the report to be protected under the *PID Act*.

For a report to be a public interest disclosure and receive protection under the *PID Act*, it must meet the following requirements:

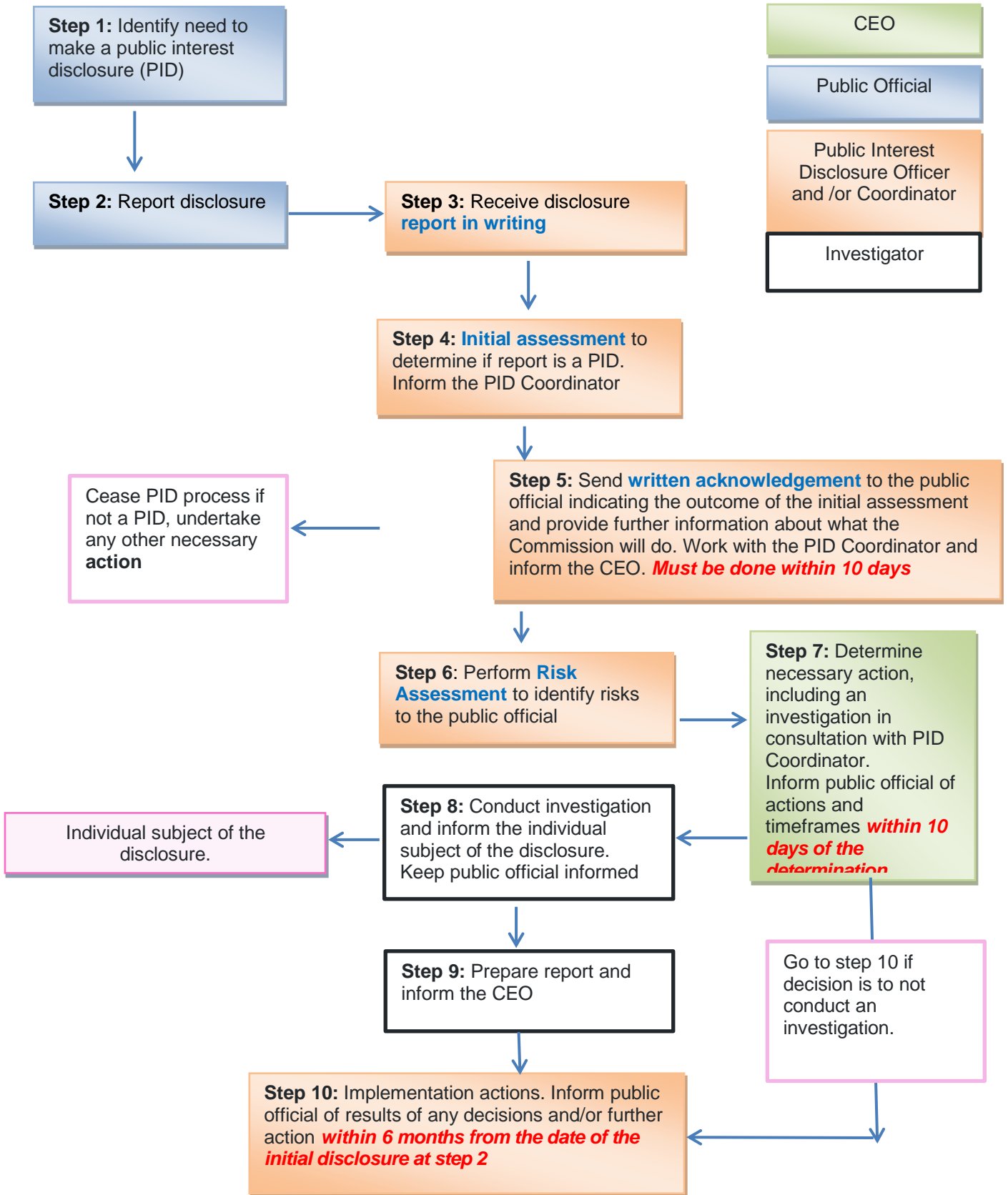
- the report must be made by a public official or someone performing the functions of a public official;
- the report must be about
 - corrupt conduct;
 - serious maladministration;
 - serious and substantial waste of public money; or
 - a breach of the Government Information (Public Access) Act 2009 (GIPA Act) by the Commission or any of its officers, or by another public authority, or any of its officers;
- the person making the report must genuinely believe that what is being alleged is true, and have information to support this belief; and
- the report must be made through the right channels to those within the Commission who have specific responsibilities relating to public interest disclosures.

A report will not be considered a public interest disclosure if:

- it mostly involves the merits of government policy;
- it is motivated by a desire to avoid dismissal or other disciplinary action;
- it is a complaint or grievance about workplace issues such as bullying, harassment, discrimination or practices that endanger health or safety – these will be managed under different policies.

5. How to make a report

A flow chart outlining the steps involved in managing a public interest disclosure is below:



Step 1: Identify need to make Public Interest Disclosure

If a public official honestly believes, on reasonable grounds, that information shows or tends to show wrongdoing, then the Commission needs to be informed. Making an honest disclosure helps to promote integrity, accountability, and good management in the Commission.

Step 2: Report disclosure

The public official submits their public interest disclosure. Disclosures can be submitted to any of the following nominated officers:

- Chief Executive Officer;
- Public Interest Disclosure Coordinator; or
- Public Interest Disclosures Officer.

A list of the above officers and their contact details are on the PID webpage on the intranet.

Alternatively, a Public Interest Disclosure can be lodged using the following email address: PIDreport@gsc.nsw.gov.au.

The disclosure can be in writing or made verbally. Alternatively, public officials may request a private meeting away from the workplace if they are concerned about publicly approaching any of the above nominated officers in the workplace.

A public interest disclosure report may also be made to an external investigating authority. A list of these authorities and their contact details are at the end of this Procedure.

Anonymous disclosures

There may be some situations where a public official does not want to identify themselves when making a disclosure. Although anonymous disclosures will still be dealt with appropriately by the Commission, identification is preferable in order to expedite the investigation and resolution of reported wrongdoing or misconduct in the public interest. Importantly, only identified reporters can be afforded the protections provided under the *PID Act*. Identification also allows the Commission to provide appropriate 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 a person who made a disclosure being identified by some people. If the Commission does not know who made the disclosure, it may not be possible to prevent reprisal action.

Step 3: Receive disclosure and inform the PID Coordinator

The Chief Executive Officer, PID Coordinator or PID Officer receives a disclosure.

A supervisor may also receive a disclosure, but they must refer the public official making the disclosure to a nominated PID Officer as the disclosure will not be protected under the *PID Act* otherwise.

Making an accurate record

If a disclosure is made verbally, the person receiving the disclosure must make a comprehensive record of the disclosure. This record will need to be signed by the individual making the disclosure (see Step 4). An Internal Report Form can be found at **Appendix 1**. This form is also on the intranet.

Offer support

The person receiving the disclosure should offer support to the public official who has made the disclosure.

There is a checklist to guide individuals receiving public interest disclosures, to ensure all the information required is captured and have provided all the necessary advice/information to the public official making the report. The checklist is attached at **Appendix 2**.

Inform the PID Coordinator

If the disclosure was not received by the PID Coordinator, then the PID Officer must report the disclosure and seek assistance from the PID Coordinator when necessary.

Step 4: Initial assessment and inform the Chief Executive Officer

Initial assessment

The PID Coordinator and PID Officer will consider whether the disclosure meets the requirements for protection under the *PID Act* or not. This may require seeking external advice.

This will be done using the Assessment of an internal report against the Public Interest Disclosure criteria checklist, designed to assist in deciding whether the report is a public interest disclosure. This assessment form is at Appendix 3.

Inform the Chief Executive Officer

If the report is a public interest disclosure, the PID Coordinator will inform the Chief Executive Officer of the circumstances of the disclosure, while observing the confidentiality obligations.

Step 5: Send acknowledgement

Within 10 days written acknowledgement of receipt of the disclosure must have occurred

The PID Officer will oversee the management and investigation of any disclosures. They will be responsible for keeping the public official who made the disclosure informed as to any action taken or proposed to be taken in respect of the disclosure.

Within 15 days after a disclosure is made, the PID Officer must provide to the public official:

- Written acknowledgement of receipt of the disclosure. It should include notification that the public official must maintain the confidentiality of their disclosure;
- a copy of the Policy;
- an estimated timeframe for when further updates will be received; and
- the name and contact details of the people who can advise what is happening.

The template letter to acknowledge receipt of a public interest disclosure is attached at **Appendix 4**.

Where the results of the initial assessment clearly show that the report is not a public interest disclosure, the PID Officer will inform the person who made the report in writing. If the disclosure falls into another category, the applicable policy and procedures for resolution will be followed. A template letter is attached at **Appendix 5**.

Step 6: Perform risk assessment to identify any risks to the public official

Risk assessment

When a disclosure is received, a thorough risk assessment is conducted. This will help to identify any risks to the public official who made the disclosure, as well as strategies to deal with those risks.

Responding to reprisals

If a PID Officer suspects or has concerns raised to them that there may be reprisal action against a public official who has made a disclosure of wrongdoing, the PID Officer must:

- ensure a senior member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal; and
- report the results of that investigation to the Chief Executive Officer for a decision; and
- take all necessary steps possible to stop that activity and protect the public official who made the disclosure if it has been established that reprisal action is occurring against someone who has made a disclosure of wrongdoing.

Step 7: Determine necessary action and inform Public Official

Determine necessary action

The Chief Executive Officer and the PID Coordinator will determine how the matter is to be actioned. Depending on the circumstances there are different actions that can be taken, including:

- nomination of an appropriate person to take responsibility for dealing with the disclosure;
- preliminary or informal investigation;
- formal investigation;
- prosecution or disciplinary action;
- referral to an investigating authority for investigation or other appropriate action; or
- referral to the Commissioner of Police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).

If appropriate in the circumstances, the Chief Executive Officer may consider issuing specific directions to help protect against reprisals, including:

- issuing warnings to those alleged to have taken reprisal action against the public official who made the disclosure of wrongdoing;
- relocating within the current workplace, the public official who made the disclosure of wrongdoing or the person alleged to have taken reprisal action;
- transferring the public official who made the disclosure or the person alleged to have taken reprisal action to another position for which they are qualified; or
- granting the public official who made the disclosure or the person the subject of the disclosure a leave of absence during the investigation of the disclosure.

Any directions in relation to the public official who made the disclosure will be made in consultation with the public official.

Inform Public Official

Within 15 working days of a decision about how the disclosure will be dealt with, the public official will be given:

- information about the action that will be taken in response to the disclosure;
- likely timeframes for any investigation;
- information about the resources available within the Commission to handle any concerns the public official may have; and
- information about external agencies and services for support.

Proceed to step 8 if the decision is to investigate or go to step 10.

Step 8: Conduct an investigation and inform the officer who is the subject of the disclosure

An investigation will be conducted by an appropriate investigator.

Procedural fairness and support for the subject of a disclosure

Procedural fairness will generally require that public officials who are the subject of disclosures be informed of the substance of the claims against them and be given a reasonable opportunity to respond.

The Commission is committed to ensuring that a public official who is the subject of a disclosure of wrongdoing is treated fairly and reasonably. Public officials will be:

- treated fairly and impartially;
- told their rights and obligations under the Commission's policies and procedures;
- kept informed during any investigation;
- given the opportunity to respond to any disclosure made against them; and
- told the result of any investigation.

Communications with the public official

During any investigation, the PID Officer or Coordinator will communicate with the public official and will provide:

- information on the ongoing nature of the investigation;
- information about the progress of the investigation and reasons for any delay; and
- advice if their identity needs to be disclosed for the purposes of investigating the matter and an opportunity to talk about this.

Step 9: Prepare report and inform the Chief Executive Officer

A confidential report on any matter that is investigated is prepared by the person designated to undertake the investigation and submitted to the Chief Executive Officer as quickly as possible.

Within ten working days of the end of any investigation, the public official will be given:

enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to the disclosure and any problem that was identified; and

advice about whether the public official may be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

Step 10: Implement actions/ recommendations

The PID Coordinator will work with the required officers, including the Chief Executive Officer, to implement the recommendations as a result of the investigation (at step 8 and 9) or other actions (determined at step 7).

Communications with the public official

Within six months from the date of the initial disclosure at step 2, the public official will be advised of the result of any decisions and/or further action in relation to the disclosure. This will be done as soon as possible.

If a decision is taken not to investigate the matter or refer it to an investigating authority, the public official will be notified of that decision.

6. Disclosures to a member of Parliament or journalist

A public official is also able to make a disclosure to a member of Parliament or a journalist in certain circumstances.

To have the protections of the *PID Act*, under s 19 of the *PID Act*, public officials reporting wrongdoing to a member of Parliament or a journalist must:

- have already made substantially the same disclosure either to:
 - the Chief Executive Officer
 - a PID Coordinator or Officer
 - a public authority
 - an officer of a public authority, or
 - an investigating authority

in accordance with the *PID Act*; and

- the Commission, public authority, officer of a public authority or investigating authority that the received the disclosure must have either:
 - decided not to investigate the matter;
 - decided to investigate the matter but not completed the investigation within six months of the original report;
 - investigated the matter but not recommended any action as a result; or
 - not notified the person who made the report, within six months of the report being made, whether the matter is to be investigated.

Most importantly – to be protected under the *PID Act* – if you report wrongdoing to a member of Parliament or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that the disclosure is substantially true (see s 19 *PID Act*).

7. Confidentiality

The Commission is committed to keeping confidential the identity of a public official who makes a public interest disclosure report, and the fact they have reported wrongdoing.

As outlined in the Policy, confidentiality about the public official making the disclosure will be maintained unless:

- the person consents in writing to the disclosure of that information, or it is generally known that the person had made the public interest disclosure (otherwise than by making the public interest disclosure) as a result of that person having voluntarily identified themselves as the person who made the disclosure; or
- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to a person whom the information provided by the disclosure may concern; or
- the Chief Executive Officer 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.

Where it may not be possible or appropriate to maintain the confidentiality, the person handling the matter will discuss with the public official whether maintaining confidentiality is feasible in the circumstances. If confidentiality cannot be maintained, a plan will be developed in consultation with the public official, to support and protect them from risks of reprisal.

A public official making a public interest disclosure report must only discuss their report with those

responsible for handling it. The fewer people who know about a report, before and after it is made, the more likely it is that a person can be protected against reprisals.

All public officials involved in the handling of a public interest disclosure report, or in any investigation, including witnesses, are required to maintain confidentiality and must not disclose information about the process or allegations to any person except those involved in handling the matter.

All records related to a public interest disclosure report must be marked and identified clearly as a public interest disclosure and must be handled and kept securely.

8. Identification of reprisal

If a public official believes that detrimental action has been or is being taken against them or someone else who has reported wrongdoing in reprisal for making a report, they should tell their supervisor, a PID Officer, the PID Coordinator or the Chief Executive Officer of the Commission immediately.

All Managers must report to a PID Officer, the PID Coordinator or the Chief Executive Officer about any suspicions they hold that detrimental action in reprisal against a public official reporting wrongdoing is occurring.

The Commission will ensure that any evidence of detrimental action taken against a public official that is substantially in reprisal for that person making a public interest disclosure is referred to the Commissioner of Police, the ICAC, or if the evidence relates to the NSW Police Force, to the Law Enforcement Conduct Commission (LECC).

Public officials who report reprisal action will be kept informed of the progress of any investigation and the outcome.

Public officials who have reported wrongdoing and feel that any reprisal action is not being dealt with effectively should contact the NSW Ombudsman or ICAC, depending on the type of wrongdoing reported. Contact details are contained at the end of this Procedure.

9. Further resources and resources

9.1. Internal Policies

- Public Interest Disclosures Policy
- Code of Ethics and Conduct – Staff
- Acceptable Use of Official Resources – ICT Policy
- Conflict of Interest Policy
- Conflict of Interest Procedure
- Engaging with Lobbyists and Business Contacts Policy
- Engaging with Lobbyists and Business Contacts Procedure
- Fraud and Corruption Control Policy
- Gifts, Benefits and Hospitality Policy
- Gifts, Benefits and Hospitality Procedure
- Privacy Management Plan
- Procurement Policy

- Records Management Policy
- Risk Management Policy

9.2. Legislation

Commonwealth

- *Fair Work Act 2009*

NSW

- *Crimes Act 1900*
- *Crown Employees (Planning Officers) 2016*
- *Crown Employees (Public Service Conditions of Employment) Award 2009*
- *Government Information (Public Access) Act 2009*
- *Government Sector Employment (General) Rules 2014*
- *Government Sector Employment Act 2013*
- *Government Sector Employment Regulation 2014*
- *Government Sector Finance Act 2018*
- *Independent Commission Against Corruption Act 1988*
- *Ombudsman Act 1974*
- *Privacy and Personal Information Protection Act 1998*
- *Public Finance and Audit Act 1983*
- *Public Interest Disclosures Act 1994*
- *State Records Act 1998*

9.3. Further Resources

To make a Public Interest Disclosure using internal channels, please use the following email address: PIDreport@gsc.nsw.gov.au

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, 2000

Postal Address: GPO Box 500, Sydney, 2001

For disclosures about maladministration:

NSW Ombudsman

Phone: 02 9286 1000

Toll Free: 1800 451 524

Translating and Interpreter Service (TIS): 131 450

National Relay Service (NRS): 1300 555 727

Facsimile: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

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

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office

Phone: 02 9275 7100

Email: mail@audit.nsw.gov.au

Web: www.audit.nsw.gov.au

Address: Level 19, Tower 2 Darling Park, 201 Sussex St, Sydney NSW 2000

Postal Address: Audit Office of NSW, Enquiries, GPO Box 12, Sydney NSW 2001

For disclosures about breaches of the GIPA Act:

Information Commissioner

Phone: 1800 472 679

National Relay Service (NRS): 133 677

Translating and Interpreting Service (TIS): 131 450

Fax: 02 6446 9518

Email: ipcinfo@ipc.nsw.gov.au

Web: www.ipc.nsw.gov.au

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

Postal Address: GPO Box 7011, Sydney, 2001

For disclosures about local government:

Office of Local Government

Phone: 02 4428 4100

Email: olg@olg.nsw.gov.au

Web: www.olg.nsw.gov.au

Address: 5 O'Keeffe Avenue, Nowra, 2541

Postal Address: Locked Bag 3015, Nowra, 2541

10. Document management

Approver	Executive Director, People and Corporate Services
Author	Governance Officer, Governance & Legal Director, Governance & Legal
Revision history	Version 1 - March 2022
Next review date	March 2024
Responsible branch	People and Corporate Services
CM9 Reference	DOC22/3527

Appendix

Form/Template/Info/Guide

Appendix 1 – Internal Report Form

Appendix 2 – Checklist for recipient of internal report

Appendix 3 – Assessment of an internal report against the criteria in the *PID Act 1994*

Appendix 4 – Letter Template – receipt acknowledgement

Appendix 5 – Letter template – result of assessment

Appendix 1: Internal report form

To be completed by an internal reporter and submitted to a Greater Cities Commission Public Interest Disclosure Officer.

Details of reporter (you can make an anonymous report by leaving this section blank)

Name:	Click here to enter text.	Phone:	Click here to enter text.
Role Title:	Click here to enter text.	Email:	Click here to enter text.
Group:	Click here to enter text.	Postal address:	Click here to enter text.
Preferred method of contact:			
<input type="checkbox"/> Telephone	<input type="checkbox"/> Email	<input type="checkbox"/> Post	

DETAILS OF THE WRONGDOING BEING REPORTED

Description:

- What happened?
- Where did this happen? Click here to enter text.
- When did this happen?
- Is this still happening?

(attach an additional page if required)

How did you become aware of this? Click here to enter text.

Name and position of people involved in the wrongdoing:	Name:	Role Title:
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Attach any additional relevant information or indicate where supporting evidence may be found:	Supporting Evidence: <small>Click here to enter text.</small>	Attached: <input type="checkbox"/>
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Name and position of other people who may have additional information:	Name:	Role Title:
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STATEMENT

I honestly believe that the above information shows or tends to show wrongdoing.

Signature of reporter:
(Do not sign if you want to make an anonymous report)

Date report submitted:
(Essential information)

OUTCOME OF INVESTIGATION

Document key findings and recommendations

IMPLEMENTATION – ACTIONS TAKEN

Document how the recommendations have been actioned

ACKNOWLEDGEMENT

Acknowledgement by the PID Officer

Signature of PID Officer

Click here to enter full name.

Date report submitted:
(Essential information)

Appendix 2: Checklist for recipient of internal report

To be completed by the Public Interest Disclosure Officer

Internal Report

Report received by: [Click here to enter text.](#)

Date report received: [Click here to enter text.](#)

- Verbal
- Written
- Anonymous

If the report was made verbally, the report has been documented in writing and signed: Yes No

The reporter has been thanked for coming forward with their concerns: Yes No

Confidentiality/Risk of reprisal

Who else knows that the report has been made: [Click here to enter text.](#)

Is the reporter concerned with their identity will become known in the workplace? Why? [Click here to enter text.](#)

Is the reporter concerned that they may suffer reprisal action for making the report if their identity becomes known? From whom? [Click here to enter text.](#)

What professional relationship does the reporter have with any subject(s) of the report? [Click here to enter text.](#)

Previous Reporting

Yes No **The reporter has raised this matter to another person within your organisation.**

If yes, who was it reported to, when was it reported, what action was/is being taken?

[Click here to enter text.](#)

Support

Yes No **The reporter has been advised of our employee assistance program.**

Yes No **The reporter requires support.**

Support

If the reporter requires support, what type of support?

[Click here to enter text.](#)

Reporter's expectations

What does the reporter expect from this process?

[Click here to enter text.](#)

What does the reporter expect will happen to any subject(s) of disclosures?

[Click here to enter text.](#)

Additional information the recipient of a report may be aware of

- Yes No The reporter is currently/has previously been the subject of performance issues.
 - Yes No The reporter is currently/has previously been the subject of disciplinary proceedings relating to this matter.
 - Yes No The reporter is currently/has previously been the subject of criminal investigation related to this matter.
 - Yes No The reporter is currently/has previously been the subject of workplace changes.
-

If yes to any of the above, provide any known details.

[Click here to enter text.](#)

Signature of PID Officer:

Date:

Name of PID Officer:

Appendix 3: Assessment of a report against the *PID Act* 1994

To be completed by the Public Interest Disclosure Officer to determine whether the report meets the criteria of a public interest disclosure.

Public Interest Disclosures Act Criteria	Comments
<p>1 Is the reporter a public official <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Anonymous</p>	<p>If the reporter is not a <i>public official</i>, as defined in the <i>PID Act</i>, when the conduct that is the subject of the report took place, the report is not a PID.</p> <p>If the reporter is anonymous, the content of the report may indicate that the reporter is a public official. In such cases it is always best to assume the reporter is a public official unless there is evidence to indicate otherwise.</p>
<p>2 Is the report about the conduct of a public official or a public authority? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If the report is not about the conduct of a <i>public official</i> or <i>public authority</i>, as defined in the <i>PID Act</i>, the report is not a PID.</p>
<p>3 Is the report about one of the categories of conduct in the <i>PID Act</i> ? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <ul style="list-style-type: none"> <input type="checkbox"/> Breach of the GIPA Act <input type="checkbox"/> Serious maladministration <input type="checkbox"/> LG pecuniary interest contravention <input type="checkbox"/> Corrupt conduct <input type="checkbox"/> Serious and substantial waste of public money 	<p>If the report is not about one of the categories of conduct in the <i>PID Act</i> it is not a PID.</p> <p>For more information about these categories of conduct see NSW Ombudsman PID Procedure.</p> <p>If you have answered no because you believe the maladministration or waste of public money was not serious or substantial enough, clearly record your reasons over the page.</p>
<p>4 Does the reporter have <u>reasonable grounds</u> to honestly believe that the information they have reported <u>shows or tends to show the alleged wrongdoing</u>? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>Assume the reporter has an honest belief unless there is evidence to the contrary.</p> <p>If another person, given the same conditions, would take the same viewpoint, this is reasonable grounds.</p> <p>The reporter must be able to show or tend to show evidence of the</p>

**Public Interest Disclosures Act
Criteria**

Comments

					alleged wrongdoing, i.e. they witnessed it, or they have documentary or other evidence. It cannot be hearsay. If you have answered no, clearly record your reasons over the page.	
5	Was the report made to the CEO, or GCC PID Officer nominated to receive disclosures in the public authority's Internal Reporting Policy?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	If the report was not made to the <i>principal officer</i> or a <i>nominated disclosures officer</i> , the report is not a PID. If the reporter has not made the report to an authorised person, they should be redirected to one.
6	Does the report primarily question the merits of government policy?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	If the report <i>primarily questions the merits of government policy</i> the report is not a PID.
7	Is there substantial evidence indicating that the report was made solely or substantially with the motive of avoiding dismissal or other disciplinary action?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	If the report has been made <i>solely or substantially with the motive of avoiding dismissal or other disciplinary action</i> the report is not a PID. A high evidential threshold is required to conclude the reporter's motives were improper. If you have answered yes, you should have sound reasons and clearly record those reasons over the page.

Further Comments

- The PID assessment should be based on the content of the disclosure, not the outcome of any investigation.
- An internal reporter does not have to explicitly indicate that they are making a PID or ask to be protected.
- If in doubt, err on the side of caution and interpret the *PID Act* broadly – i.e. assume that the *PID Act* applies and proceed accordingly.

Assessment

Based on this assessment, should the report be treated as a Public Interest Disclosure?

Yes No

If yes, the following steps will be taken:

[Click here to enter text.](#)

If no, the following steps will be taken:

[Click here to enter text.](#)

If yes, was the PID made:

incidental to the performance of reporter's day-to-day functions,

- under a statutory or other legal obligation on the reporter,
- otherwise.

Signature of PID Officer:

Date:

Name of PID Officer:

Name
Company
Address
Suburb State Postcode

Ref: 22/XXXXX

Re: Internal report of suspected wrongdoing
[to be used where it is assessed that the report is a public interest disclosure]

00 Month 20YY

Dear Name,

I am writing in relation to your [letter/email] addressed to [Officer's Name], received [date]. You reported [brief description of report].

[or]

I am writing in relation to your conversation with [Officer's Name], on [date]. I understand that you reported [brief description of report]

Thank you for coming forward with this information.

A copy of the Greater Cities Commission's Public Interest Disclosures Policy and Procedure is attached to this letter and can also be found on CM9 in SF/FA653016. As the Disclosures Officer I am responsible for dealing with reports of wrongdoing made by our staff.

I have assessed your report and decided to treat this matter as a public interest disclosure, in accordance with the requirements of *the Public Interest Disclosures Act 1994*.

What the Commission will do with your report

Having received your report, the Commission will decide how to deal with this information and to take appropriate action. We expect you to assist in this process and provide further information you may be aware of, if requested.

The Commission will advise you of what action we have taken or intend to take by [date no later than six months after date received]. Please be aware, however, that the Commission [may/will] not be able to provide you with personal or employment related information about those involved in the conduct you have reported.

Protection from reprisal

Under Section 20 of the *Public Interest Disclosures Act 1994* it is a criminal offence for someone to take detrimental action against another person which is substantially in reprisal for that person having made a public interest disclosure.

The Commission will take appropriate steps to help protect you from reprisal action that may result from having made a report. If practicable, we will make every effort to keep your identity confidential.

Please be aware however that this may not be possible or appropriate in some circumstances. We will be in contact soon to discuss whether maintaining confidentiality is possible and appropriate in your case.

To minimise the risk of your identity being disclosed it is important that you only discuss this matter with me, the Public Interest Disclosures Officer/Coordinator, or someone authorised to deal with this matter. In particular, do not inform any person involved in the alleged wrongdoing that you have made a report about them.

Failure to maintain confidentiality may limit the Commission's ability to protect you from reprisal action and could be detrimental to any investigation.

[Optional line where concerns reporter has intentionally breached confidentiality]:
Wilfully disregarding these instructions will be treated as a serious matter.

Support options

I acknowledge that making a report in the workplace can be difficult and appreciate that you have brought this to the Commission's attention.

If you are experiencing difficulties or require support you can contact AccessEAP, our employee assistance program provider on 1800 818 728, via email at info@accesseap.com.au or visit its website www.accesseap.com.au. If you require additional support throughout this process, please contact me to arrange a support officer.

You are welcome to call me on [direct phone number] if you have any questions about this letter or would like further information about how the Commission will be dealing with your report.

Please contact me immediately if you believe someone has taken, or intends to take, detrimental action against you in reprisal for making this report.

If you have any questions about this letter or would like further information, please contact the contact officer <NAME OF CONTACT OFFICER> on <OFFICE NUMBER ONLY> or alternatively email PIDreport@gsc.nsw.gov.au marked to my attention.

Yours sincerely,

< NAME public interest disclosures officer>
<AUTHORISED DELEGATE TITLE>

Attachments:

Attachment A: Greater Cities Commission Public Interest Disclosure Policy

Attachment B: Greater Cities Commission Public Interest Disclosure Procedure

Name
Company
Address
Suburb State Postcode

Ref: 22/XXXXX

Re: Internal report of suspected wrongdoing: result of assessment
[to be used where it is assessed that the report is NOT a public interest disclosure]

00 Month 20YY

Dear Name,

Thank you for taking the time to discuss your concern about [topic] on [date] with me. You raised your concern with a disclosures officer nominated in our Internal Reporting Procedure on [date] as a person authorised to accept reports of wrongdoing that may be public interest disclosures (PIDs).

I have carefully assessed your concern and the supporting information/evidence you provided. As advised in our conversation on [date], the Greater Cities Commission (the Commission) cannot treat your concern as a PID because it does not meet at least one of the requirements of the *Public Interest Disclosures Act 1994 (PID Act)*. In this regard, it is my assessment that the concern you have raised: [Explain why the concern raised is not a PID using one of the following criteria]

- Questions the merits of government policy [contrary to s. 17 of the *PID Act*].
- Was made primarily to avoid dismissal or disciplinary action [contrary to s. 18 of the *PID Act*].
- It is not a PID because you are not a public official as defined by the *PID Act* / or were not a public official as defined by the *PID Act* when you raised the concern [as required by s. 8 of the *PID Act*].
- It is not about a public authority or public official, including a person who acts in or performs a public official function [contrary to s. 8 of the *PID Act*].
- It is not about serious wrongdoing (i.e. a report about a matter of sufficient importance to be categorised as a public interest issue).
- It is not about one of the categories of conduct defined in the *PID Act*, i.e.:
 - Corrupt conduct
 - Serious maladministration
 - Serious and substantial waste of public money
 - Failure to comply with the *Government Information (Public Access) Act 2009*
 - Pecuniary interest contravention under the *Local Government Act 1993*
- It is an allegation that contains little or no information/evidence that shows or tends to show that the alleged conduct has occurred/is occurring [contrary to the requirements of the *PID Act*].
- It is more appropriately categorised as a performance management issue.
- It is a workplace grievance or interpersonal conflict.

- It alleges bullying or harassment of an individual, i.e. it does not show or tend to show a course of conduct or systemic workplace issue.

Although your concern cannot be treated as a PID, the Commission values public officials raising concerns and it has been decided that your concern will be: [Explain what action will be taken]

- Resolved managerially and your concern will be forwarded to your supervisor for their information / or action.
- Handled as a grievance in line with the Grievance Resolution Policy and Procedures.
- Handled as a complaint in line with the External Complaint Handling Policy.
- Handled as a harassment, bullying or an unlawful discrimination complaint in line with the Bullying Free Workplace Policy.
- Dealt with as a work, health, and safety concern because there is the possibility of a health and safety risk to public officials or the public.
- Dealt with under the DPC Code of Conduct.
- Dealt with through the performance management process.
- Referred to the police as it is a criminal matter.

[name/title] will keep you updated about how the Commission will handle your concern. You are also welcome to contact [him/her] directly on [direct phone number].

Raising a concern in the workplace can be difficult, and we appreciate that you brought this matter to our attention.

If you are experiencing difficulties or require support you can contact AccessEAP, our employee assistance program provider on 1800 818 728, via email at info@accesseap.com.au or visit its website www.accesseap.com.au. If you fear or experience any adverse action resulting from having brought this matter to our attention, please contact your supervisor and myself as soon as possible.

If you have any questions about this letter or would like further information, please contact the contact officer <NAME OF CONTACT OFFICER> on <OFFICE NUMBER ONLY> or alternatively email PIDreport@gsc.nsw.gov.au marked to my attention.

If you disagree with the assessment/outcome you are welcome to contact the NSW Ombudsman's Public Interest Disclosures Unit on 02 9286 1000 for advice.

Yours sincerely

< NAME public interest disclosures officer>
<AUTHORISED DELEGATE TITLE>

<DATE DD/MM/YY>

**Greater Cities
Commission**

Level 11, 6 PSQ,
10 Darcy Street
Parramatta NSW
2150

PO Box 257
Parramatta NSW
2124

Office hours:
Monday to Friday
9.00am – 5.00pm

T: (02) 8289 6200
W: greatercities.au