

Public Interest Disclosure Policy and Procedures

Essential Summary

This policy and procedure provides detailed information about how you can provide information regarding corrupt conduct, maladministration of a serious nature, serious and substantial waste, and government information contraventions, which you honestly believe occurs or occurred at the Department of Justice (DJ). It describes the way public interest disclosures (PIDs) can be made through an internal reporting system, and how they are managed in DJ.

This policy and procedure advises on:

- roles and responsibilities
- what should be reported and how to report
- when a report will be protected
- anonymity
- who can receive a report both within and outside DJ
- protection from reprisals
- support for those reporting wrongdoings
- sanctions for making false or misleading disclosures and
- support for the subject of a report

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1 Scope and purpose

The *Public Interest Disclosures Act 1994* (PID Act) sets out the system under which people working within the NSW public sector, including individuals who are engaged as contractors, can come forward with important information about the functioning of the public sector in a way that minimises the risk of reprisal.

The key objective of the *Public Interest Disclosures Act 1994* (PID Act) is to encourage the disclosure, in the public interest, of corrupt conduct, maladministration of a serious nature, serious and substantial waste, and government information contraventions by:

- improving established procedures for making disclosures
- protecting people from reprisals simply because they have made a disclosure
- providing for disclosures to be properly investigated and dealt with.

This policy and procedure provides detailed information about how you can provide information regarding corrupt conduct, maladministration of a serious nature, serious and substantial waste, and government information contraventions, which you honestly believe occurs or occurred at the Department of Justice (DJ). It describes the way public interest disclosures (PIDs) can be made through an internal reporting system, and how they are managed in DJ.

DJ must collect information about all incidences and the management of public interest disclosures. The Department is required to report annually to the Parliament and to the NSW Ombudsman on its obligations under the legislation, and provide six-monthly data to the Ombudsman. Individuals are not identified in this process.

This policy has been approved by the Secretary who is responsible for ensuring compliance with the PID Act and reflects the public sector core values of Integrity, Trust, Service and Accountability.

This policy and procedure supersedes all Divisional or agency-based policies on Public Interest Disclosures.

Divisional area managers must be aware of their responsibilities under this policy and procedure and align operational documents related to public interest disclosures to the Public Interest Disclosures documents.

This policy and procedure will apply from the date of effect.

2 Organisational commitment

The Department is committed to supporting and protecting staff if they report wrongdoing.

The Department strongly commits to:

- create a climate of trust, where staff are comfortable and confident about reporting wrongdoing
- encourage staff to come forward if they are aware of wrongdoing within the Department
- keep the identity of the staff member disclosing wrongdoing confidential, where this is possible and appropriate
- protect staff from any adverse action resulting from them making a report

- deal with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keep staff who make reports informed of their progress and the outcome
- encourage staff to report wrongdoing within the Department, but respect any decision to disclose wrongdoing outside the Department that is made in accordance with the provisions of the PID Act
- ensure managers and supervisors at all levels in the Department understand the benefits of reporting wrongdoing, are familiar with this policy, and are aware of the needs and concerns of those who report wrongdoing
- reassess / review the policy periodically to ensure it is relevant and effective
- provide adequate resources to:
 - encourage reports of wrongdoing
 - protect and support those who make them
 - provide training for staff about how to make reports and the benefits of internal reports to the authority and the public interest generally
 - properly investigate allegations

Under the PID Act, the Secretary is responsible for:

- DJ having an internal reporting policy
- DJ staff being aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures
- DJ complying with the policy and the Department's obligations under the PID Act.

3 Roles and Responsibilities

The policy applies to:

- Ongoing employees, whether full-time or part-time
- temporary, casual or deemed employees
- individual contractors and consultants working for DJ
- employees of contractors providing services to DJ
- Commissioned Officers, Statutory Appointees, Official Visitors, Board Members and Judicial Appointees
- other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, including volunteers
- public officials of another public authority who report wrongdoing relating to DJ

3.1 Staff

All staff have the responsibility to:

- report known and suspected wrongdoing in DJ as defined by the PID Act
- not make false or misleading reports of wrongdoing
- keep the identity of internal reporters and anyone who is the subject of a report confidential
- assist those dealing with a report, including supplying any information on request
- support staff who report wrongdoing, if you are aware of the report
- not take reprisals against another staff member that you suspect has reported wrongdoing
- notify your manager or supervisor immediately of any suspicions you have that reprisal against an internal reporter is occurring or has been threatened.

3.2 Staff reporting wrongdoing:

- must only discuss the matter with authorised people and not to alert the subject of the report that a PID has been made
- must participate with the assessment of the report, by providing any information on request
- may seek support, when required, from any of the available internal and external sources
- must after reporting, immediately notify any suspicions of reprisals occurring or being threatened to your supervisor, manager or a Disclosure Coordinator.

3.3 Staff who can receive a report:

- must keep the identity of the internal reporter and the subject of a report confidential if possible and appropriate
- should when requested, meet with internal reporters privately and discreetly
- are to assist internal reporters to put their report into writing or accurately documenting oral reports that are then signed by the internal reporter
- are to forward all reports to a Disclosure Coordinator for the assessment process to be activated
- are to provide written acknowledgement and a copy of the PID Policy to the internal reporter
- are to advise the internal reporter to only discuss the matter with authorised persons
- are to explain to the internal reporter what will happen to the information provided
- are to advise the internal reporter to notify the appropriate person immediately of any suspicion that reprisal is occurring or has been threatened against them
- are to assist internal reports to communicate with the Disclosure Coordinator or support people, if necessary.

3.4 Staff nominated to assess reports:

- are to determine whether or not the report is a PID
- are to decide how the report will be dealt with, whether it is a PID or not
- are to provide the Principal Officer and/or Disclosure Manager with written advice about the initial assessment and the decision about how the report will be dealt with
- are to confirm that written advice about how the report will be dealt with is given to the internal reporter as soon as possible, preferably within 14 calendar days of the report being made
- must, in consultation with the internal reporter, assess the likelihood of their identity remaining confidential in the workplace if the report requires investigation
- must keep the identity of the internal reporter and anyone who is the subject of a report confidential, where this is practical and appropriate
- are to, if it is not possible to maintain identities confidential, develop a strategy for supporting and protecting the internal reporter and prevent reprisals, including giving the internal reporter an opportunity to discuss this proposal
- should, in consultation with the internal reporter, appoint a support person to assist them. The support person is not an investigator nor has management responsibility for deciding the response to the report
- are to provide advice to the internal reporter's manager or the Principal Officer and/or delegate on the reprisal risk minimisation systems and strategies to be established
- are to educate and remind all managers of their obligation to notify a disclosure coordinator or principal officer and/or delegate immediately of any suspicions they may have or any allegations they have received that indicate that reprisal against an internal reporter is occurring or threatened.

3.5 Managers and Supervisors

- must keep the identity of the internal reporter and anyone who is the subject of a report confidential, where this is practical and appropriate
- should provide support to the internal reporter, connecting them with necessary professional support services
- are to implement the agreed reprisal risk minimisation systems and strategies
- must notify a Disclosure Coordinator or Principal Officer immediately if they believe a staff member is being subjected to reprisal as a result of a PID
- are to manage the workplace situation, particularly if there is conflict or reprisal is threatened or takes place
- must take appropriate action against the person(s) who threatens or takes reprisal against another employee.
- are to advise the staff member reporting a concern or a report of wrongdoing that may be a PID under the PID Act, that they are to raise the matter with nominated Disclosure staff.

3.6 Disclosure Manager and/or Disclosure Coordinator

- must keep the identity of the internal reporter and anyone who is the subject of a report confidential, where this is practical and appropriate
- should continually assess the likelihood of the internal reporter being exposed to threats, reprisal or workplace conflict
- confirms the implementation of agreed reprisal risk minimisation systems and strategies
- confirms that the internal reporter is kept regularly informed about the progress of the matter
- meets the time frames documented in the acknowledgment letter where this is practical and appropriate
- responds to threats of or actual reprisals against another employee.

3.7 Support persons:

- must keep the identity of the internal reporter and anyone who is the subject of a report confidential, where this is practical and appropriate
- are to advise the internal reporter and anyone who is the subject of a report, of the internal and external avenues available to handle concerns they may have
- are to advise the internal reporter and anyone who is the subject of a report, of the professional support services available
- must implement the agreed reprisal risk minimisation systems and strategies
- must notify a Disclosure Coordinator or Principal Officer immediately if they believe a staff member is being subjected to reprisal as a result of a PID
- must take appropriate action against the person(s) who threatens or takes reprisal against another employee

3.8 Staff who are the subject of a report:

- must only discuss the matter with authorised people
- must not attempt to identify the internal reporter
- must not take reprisals or make threats against another employee on suspicion of reporting wrongdoing. Doing so could result in imprisonment and/or misconduct action.
- must participate in the reporting process, including supplying all information on request
- should if necessary, seek support from their manager or supervisor or any available external organisation(s) and services.

4 What should be reported?

You should report any suspected serious wrongdoing you see within DJ. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial

waste of public money, and government information contravention – may be dealt with under the PID Act as public interest disclosures and according to this policy and procedure.

4.1 Corrupt conduct

Corrupt conduct is the dishonest or biased exercise of official functions by a public official.

For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, or breaching public trust
- a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

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

4.2 Maladministration

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

For example, this could include:

- making a decision and/or taking action that is unlawful
- failing to make a decision in accordance with official policy for no apparent reason

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

4.3 Serious and substantial waste of public money

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

For example, this could include:

- not following a competitive tendering process for a large scale contract
- having bad or no processes in place for a system involving large amounts of public funds.

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

4.4 Government information contravention

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

For example, this could include:

- destroying, concealing or altering records to prevent them from being released

- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

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

4.5 Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that constitute a breach of legislative, policy, regulatory etc provisions through the Department's internal reporting processes.

For example, these could include:

- suspected criminal acts
- child protection reportable conduct, and/or
- practices that endanger the health or safety of staff or the public.

You can also make reports about another public authority. You can make this type of report within DJ, to the other organisation, or to a relevant investigating authority (see section 18 of *PID Act*).

5 When will a report be protected

DJ will support any employee who reports wrongdoing. For a report to be considered a public interest disclosure, it has to meet all of the requirements under the *PID Act*. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing. This means that you must have reason to believe that wrongdoing has happened or is happening, for example if you have supporting evidence. You must have seen it happen and had other people also see it happen or have other evidence such as unbalanced accounts, missing items or contradictory records.
- The report has to be made to one or more of the following:
 - Secretary, Department of Justice
 - Disclosure Manager (See page 16)
 - Disclosure Coordinator (See pages 16 and 17)
 - Disclosure Officer
 - one of the investigating authorities nominated in the *PID Act* – see section 10 below

Reports by staff will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy
- are made with the motive of avoiding dismissal or other misconduct or performance management action.
- relate to any current or closed industrial, workers compensation, unsatisfactory performance, misconduct and/or grievance matter.

6 How to make a report

You can report wrongdoing in writing or verbally to an appropriate person or agency. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

If a report is made verbally, the person receiving the report must make a comprehensive, accurate record of the disclosure and ask the person making the disclosure to sign it. You will be provided with a copy of this signed record.

If you are concerned about being seen making a report, ask to meet in a discreet location away from the workplace.

7 Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by DJ, it is best if you identify yourself for the following reasons:

- You can be contacted to clarify or provide further information about the report
- We can provide you with feedback about the outcome of any assessment or investigation into the complaint
- We can provide the necessary protection and support

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal action.

8 Maintaining confidentiality

DJ appreciates that most staff making a report will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

We are committed to keeping your identity, and the fact you have reported wrongdoing, confidential. We will endeavour to employ the following strategies to ensure confidentiality:

- The assessor will discuss confidentiality issues with the internal reporter and assess potential risks
- Manage the risks by minimising the number of people aware of your identity, emphasising need for confidentiality and establishing secure communication channels
- Use investigative measures less likely to reveal your identity as the internal reporter

There may be situations where this is not possible or appropriate. We will discuss these circumstances with you if they arise and seek your consent. If confidentiality cannot be maintained, we will develop and implement a plan to support and protect you from risks of reprisal. We will involve you in the development of the plan.

If you report wrongdoing, you must only discuss your report with those dealing with it. Although you may wish to share your concerns with other people, it is generally better to keep to yourself

the fact that you have made a report. The fewer people who know, the greater the chance that your report will remain confidential and less chance of an investigation being compromised.

9 Who can receive a report within DJ?

You are encouraged to report general wrongdoing to your supervisor. However the *PID Act* requires that – for a report to be a public interest disclosure – it must be made to a public official in accordance with the organisation’s disclosure procedures. For DJ this means this policy and procedure.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the employee making the report to one of the positions:

- Principal Officer
- Disclosure Managers and/or Disclosure Coordinators
- Disclosure Officers

These are the only roles within DJ authorised to receive a public interest disclosure.

9.1 Principal Officers

You can report wrongdoing directly to a Principal who is responsible for:

- deciding whether a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct any problem that has been identified.

The Principal Officer must make sure there are systems in place in DJ to support and protect staff who report wrongdoing.

The Principal Officer is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC).

9.2 Disclosures Managers and/or Disclosure Coordinators

Disclosures Managers and/or Disclosure Coordinators have a central or divisional role in dealing with reports made by staff. The Manager and/or Coordinator receive them, assess them, and refer them to the people within DJ who can deal with them. The Manager and/or Coordinator also track the investigation and resolution of reports, and makes sure that appropriate support and protection actions are taken.

9.3 Disclosures Officers

Disclosure Officers receive and forward reports to the relevant Disclosure Coordinator for assessment or referral.

9.4 Nominated contact roles

Strategic Human Resources	Parramatta Justice Precinct 160 Marden Street, Parramatta		
Disclosure Managers	<ul style="list-style-type: none"> • Executive Director, Strategic Human Resources • Director, Ethics, Safety and Industrial Relations 		
Ethics, Safety and Industrial Relations	Parramatta Justice Precinct 160 Marden Street, Parramatta		
Disclosure Coordinator Phone: (02) 8688 8463	<ul style="list-style-type: none"> • Senior HR Manager, Professional Standards 		
Juvenile Justice and Justice Strategy and Policy	Parramatta Justice Precinct 160 Marden Street, Parramatta	Henry Dean Building 20 Lee Street, Sydney	
Disclosure Coordinators Phone: (02) 8346 1962	<ul style="list-style-type: none"> • Senior HR Advisor, Ethics & Professional Standards • Director, HR Business Partner 		
Disclosure Officers	<ul style="list-style-type: none"> • Director, Operational Standards and Compliance • HR Advisor, Ethics & Professional Standards • Director, LawAccess • Commissioner, Victim Rights 		
Corrective Services NSW	Henry Dean Building 20 Lee Street, Sydney		
Disclosure Coordinator Phone: (02) 8346 1101	<ul style="list-style-type: none"> • Director, HR Business Partner 		
Disclosure Officer	<ul style="list-style-type: none"> • Senior HR Manager, Industrial Relations 		
Courts & Tribunal Services	Downing Centre 143-147 Liverpool Street, Sydney 2000		
Disclosure Coordinator Phone: (02) 9287 7257	<ul style="list-style-type: none"> • Senior HR Advisor, Workplace Relations 		
Strategic HR Projects and Policy and Organisational Performance and Operations Division	Parramatta Justice Precinct 160 Marden Street, Parramatta 2150	Henry Dean Building 20 Lee Street, Sydney 2000	Spring Street 10 Spring Street, Sydney 2000

Disclosure Coordinator Phone: (02) 8688 2577	<ul style="list-style-type: none"> • Senior HR Manager
Disclosure Officers	<ul style="list-style-type: none"> • Senior HR Officer, Generalist • Projects Officer HR, Generalist • Executive Director, Information Services • Executive Director, Asset Management • Director, Corporate Services Transformation • Director, Program Management Office • Director Operations
Finance	Parramatta Justice Precinct 160 Marden Street, Parramatta 2150
Disclosure Coordinator Phone: (02) 8688 7279	<ul style="list-style-type: none"> • Director, Management Accounting
Disclosure Officers	<ul style="list-style-type: none"> • Director, Procurement • Director, Financial Reporting

10 Who can receive a report outside DJ?

You are encouraged to report wrongdoing within DJ, but internal reporting is not your only option. If you follow the guidance in this policy and procedure, your report can still be a public interest disclosure.

You can choose to make your report to an investigating authority. You can do this first, or at any stage after your initial report to DJ. If your report is about a Principal Officer, you should make it to an investigating authority.

You can also choose to make a report to a Member of Parliament (MP) or a journalist, but only in limited circumstances.

10.1 Investigating authorities

The *PID Act* lists a number of investigating authorities in NSW that staff can report wrongdoing to and the categories of wrongdoing each authority can deal with.

These authorities include:

- the NSW Auditor-General — for serious and substantial waste
- the Independent Commission Against Corruption (ICAC) — for corrupt or fraudulent conduct
- the NSW Ombudsman — for serious maladministration
- the NSW Police Integrity Commission (PIC) — for police misconduct
- the NSW Information Commissioner — for disclosures about a government information contravention.

You should contact the relevant authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this document.

You should be aware that it is very likely the investigating authority will discuss the case with DJ. We will make every effort to assist and cooperate with the investigating authority so that the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

10.2 Members of Parliament or journalists

To have the protections of the *PID Act*, staff reporting wrongdoing to an MP or a journalist must have already made substantially the same report to one of the following:

- a Principal Officer
- a Disclosures Coordinator
- a Disclosures Officer
- an investigating authority in accordance with the *PID Act*.

Also, DJ or the investigating authority that received the report 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
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly, to be protected under the *PID Act*, if you report wrongdoing to an MP 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 you can prove that it is in fact substantially true.

If you report wrongdoing to a person or an organisation that is not listed in this policy and procedure, you will not be protected under the *PID Act*. This may mean you will be in breach of legal obligations or the code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside DJ, contact the NSW Ombudsman's Public Interest Disclosures Unit on 02 9286 1000.

11 Feedback to staff who report wrongdoing

Staff who report wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given the following information:

- an acknowledgement that your disclosure has been received
- the timeframe for when you will receive further updates
- the name and contact details of the people who can tell you what is happening
- a copy of this policy & procedure.

After a decision is made about how your report will be dealt with, you will be given:

- information about the action that will be taken in response to your report
- likely timeframes for any investigation process
- information about the resources available within DJ to handle any concerns you may have
- information about external agencies and services you can access for support.

This information should preferably be given to you within 14 calendar days from the date you make your report.

During any investigation, you will be given:

- information on the process for investigation
- information about the progress of the investigation and reasons for any delay
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this and develop a risk minimisation plan.

At the end of any investigation process, you will be given:

- sufficient information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
 - advice about whether you will be involved as a witness in any further matters, such as misconduct or criminal proceedings.
- You will not receive an acknowledgement letter or a copy of this policy if you made a report meeting the requirements of the *PID Act* incidental to the performance of your day to day functions or because you had a statutory or legal obligation to do so.

12 Protection against reprisals

The *PID Act* provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

The Department will not tolerate any reprisal action or threats against staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against an internal reporter can also be required to pay damages for any loss suffered by that person.

Detrimental action means verified action as a result of making the report causing, comprising or involving any of the following:

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

12.1 Responding to reprisals

- The Department will act to protect staff who report wrongdoing from reprisals.
- When a report is received, we will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of staff who reported the wrongdoing, as well as strategies to deal with those risks. The reporter may participate in this assessment process.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you must tell your supervisor, if they know about the report, a Disclosures Coordinator or a Principal Officer immediately.

- All supervisors must report any suspicions they have that reprisal action against an employee is occurring, or any reports that are made to them, to a Disclosures Coordinator or a Principal Officer.

If a Disclosures Coordinator becomes aware of reprisal action against a person who has made a disclosure, they will:

- facilitate with a senior and experienced employee, who has not been involved in dealing with the initial disclosure, an investigation into the suspected reprisal
- give the results of that investigation to the Principal Officer for a decision
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the employee who made the disclosure
- arrange for disciplinary and/or criminal action to be taken against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If you report reprisal action, you will be kept informed of the progress of any investigation process and the outcome.

The Principal Officer can issue specific directions to help protect against reprisals, including:

- issuing warnings to those alleged to have taken reprisal action against the employee who made the disclosure
- relocating the internal reporter or the subject employee within the current workplace
- transferring the internal reporter or the employee who is the subject of the allegation or assigning them to another appropriate role
- granting the internal reporter or the subject employee special leave of absence during the investigation of the disclosure.

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC, depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this document.

12.2 Protection against legal action

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

13 Support for those reporting wrongdoing

The Department will make sure that staff who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are given access to appropriate professional support services.

A support person can be appointed for each person who reports wrongdoing. This person is responsible for providing and organising additional support, particularly to those who are suffering any form of reprisal.

The support person will be nominated by the Principal Officer or a Disclosure Coordinator.

14 Sanctions for making false or misleading disclosures

It is important that all employees are aware that it is a criminal offence under the *PID Act* to **wilfully** make any false statement or to mislead or attempt to mislead when reporting wrongdoing. The maximum penalty (2013) is \$5,500 or imprisonment for a maximum of two years, or both.

15 Support for the subject of a report

The Department is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under the *PID Act* and DJ policies and procedures
- kept informed during any investigation process
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

16 Governance

This policy will be reviewed every twelve months.

16.1 Role of DJ Principal Officer

The DJ Principal Officer has a central governance role for all DJ Divisions.

Governance includes:

- ensuring that the roles of Disclosure Managers and Disclosure Coordinators and Disclosure Officers within the DJ are nominated and filled
- coordinating the work of the Disclosure Managers and Disclosure Coordinators
- ensuring that this policy is kept up-to-date and made available to all employees
- reporting annually on the incidence and management of public interest disclosures within the Department and its Business Divisions, and providing a copy of that report and other reports as required to the NSW Ombudsman

17 More information

Employees can get advice and guidance from a Disclosure Coordinator, a Disclosure Officer and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

18 Resources

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 21, 133 Castlereagh Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

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

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office

Phone: 02 9275 7100

Facsimile: 02 9275 7200

Email: mail@audit.nsw.gov.au

Web: www.audit.nsw.gov.au

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

For disclosures about breaches of the GIPA Act:

Information Commissioner

Toll free: 1800 463 626

Facsimile: 02 8114 3756

Email: oinfo@oic.nsw.gov.au

Web: www.oic.nsw.gov.au

Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000

For disclosures about police misconduct:

Police Integrity Commission (PIC)

Phone: 02 9321 6700

Toll free: 1800 657 079

Facsimile: 02 9321 6799

Email: contactus@pic.nsw.gov.auWeb: www.pic.nsw.gov.auAddress: Level 3, 111 Elizabeth Street, Sydney
NSW 2000

19 Templates

[Template-Internal-Reporting-Form](#)[Template Checklist for recipient of internal report](#)[Template Initial assessment of internal report](#)[Template PID acknowledgment letter](#)[Template PID assessment of internal report](#)[Template reporting annually on public interest disclosures](#)

20 Document information

Title:	Public Interest Disclosure Policy and Procedure
Division:	Strategic Human Resources
Prepared by:	Strategic Human Resources Ethics, Safety and IR Branch
Approver:	Secretary
Date of effect:	October 2014
Review date:	October 2017
File reference:	14/01115
Key words:	Fraud, corruption, corrupt conduct, maladministration, public interest disclosure

21 Document history

Version	Date	Reason for Amendment
1.0	Sept 2014	Consolidated Department policy. Business Division based policies to be rescinded.
2.0	18/09/2015	Formatted into Departmental style guide
3.0	22/09/2015	Updated with trained disclosure coordinators/officers

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