

PUBLIC INTEREST DISCLOSURES POLICY

February 2024

**PREPARED BY:
CORPORATE GOVERNANCE UNIT**

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SUTHERLANDSHIRE



1. PURPOSE

Sutherland Shire Council (Council) is committed to maintaining trust with our community and creating a transparent and ethical workplace culture.

Council encourages and supports the reporting of wrongdoing and is committed to protecting those who report wrongdoing from any adverse action motivated by their report and keeping their identity confidential where possible.

In accordance with the *Public Interest Disclosures Act 2022* (PID Act) this Policy provides a framework for those who perform public official functions to report certain types of serious wrongdoing, classified as 'public interest disclosures', without fear of detrimental action and to support the management of these reports.

2. APPLICATION

This Policy applies to all people who perform public official functions including:

- Councillors
- Council staff – including:
 - permanent employees, whether full-time or part-time, and
 - temporary or casual employees
- other people who perform Council official functions whose conduct and activities could be investigated by an integrity agency – including:
 - members of committees and panels
 - individual contractors working for Council
 - employees of contractors providing services to Council
 - volunteers, and
 - public officials of another council or public authority who report wrongdoing relating to Sutherland Shire Council

In this Policy the term “public official” means all persons who perform public official functions including those persons listed above.

3. PRINCIPLES

3.1 Application of Principles

No one principle should be applied to the detriment of another. Principles must be collectively considered and applied to the extent that is reasonable and practicable in the circumstances.

3.2 Council is committed to creating an environment where wrongdoing is reported without fear of detrimental action

Council will:

- encourage and support the reporting of wrongdoing by creating a climate of trust



- protect those who make public interest disclosures from any detrimental actions motivated by their report
- maintain confidentiality and support and protect reporters at all stages of reporting and investigation and when this is not possible will develop a plan to support and protect reporters from risk of detrimental action.

3.3 Council is committed to managing Public Interest Disclosures in a timely and effective manner

Council will use the following steps to manage the reporting and investigation of any public interest disclosure to ensure that only valid public interest disclosures are considered and that they are managed in accordance with the Public Interest Disclosures Act 2022:

- Schedule A of this Policy to determine what can be reported as a public interest disclosure
- Schedules B and D of this Policy to determine who can receive a public interest disclosure report
- Schedule C of this Policy to determine how Council will manage public interest disclosure reports

4. RESPONSIBILITIES

4.1 Responsible Officer

The Manager Corporate Governance is the Responsible Officer for this Policy and is responsible for keeping the policy current.

4.2 Council

Council must meet its obligations and responsibilities under the relevant legislation, regulations and guidelines.

4.3 Chief Executive Officer

Council has delegated the Chief Executive Officer the authority to exercise the responsibilities detailed in this Policy.

4.4 Directors

Directors are responsible for ensuring their Directorate adheres to the requirements of this Policy and provide guidance in respect of Public Interest Disclosures within their division and the organisation.

4.5 Councillors and Staff

Councillors and staff must adhere to the requirements of this Policy.

5. POLICY COMPLIANCE

This Policy will be reviewed and re-adopted by Council once every Council term unless legislative changes necessitate otherwise.

6. RECORD KEEPING, CONFIDENTIALITY AND PRIVACY

Council adheres to and complies with the *NSW State Records Act 1998* and *Privacy and Personal Information Protection Act 1998* through its Access to Information Policy and Privacy Management Plan.

7. BREACHES OF POLICY

It is a criminal offence under the Public Interest Disclosures Act 2022 to wilfully make a false or misleading statement when reporting wrongdoing. Council will not support those who wilfully make false or misleading reports. Such conduct may also be a breach of Council's Codes of Conduct resulting in disciplinary action. In the case of Councillors, disciplinary action may also be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

8. RELATED DOCUMENTS

- Codes of Conduct
- Procedures for the Administration of the Codes of Conduct
- Fraud and Corruption Prevention Policy
- Customer Experience Charter

9. RELEVANT LEGISLATION, REGULATIONS AND GUIDELINES

- *Public Interest Disclosures Act 2022 (NSW)*
- *Local Government Act 1993 (NSW)*
- *NSW Ombudsman Public Interest Disclosure Guidelines*
- *Independent Commission Against Corruption Act 1988*
- *Privacy and Personal Information Protection Act 1998 (NSW)*
- *Government Information (Public Access) Act 2009 (NSW)*
- *Ombudsman Act 1974*

10. DEFINITION OF TERMS

Term	Meaning
Public Interest Disclosure	<p>A disclosure satisfying the applicable requirements of Part 2 of the Public Interest Disclosures Act 2022.</p> <p>There are three types of PIDs in the PID Act. These are:</p> <ol style="list-style-type: none">1. Voluntary PID: This is a PID where a report of serious wrongdoing has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.2. Mandatory PID: This is a PID where the public official has made a report about serious

PUBLIC INTEREST DISCLOSURES POLICY



	<p>wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.</p> <p>3. Witness PID: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.</p> <p>Serious wrongdoing is defined in the PID Act as corrupt conduct, serious maladministration, serious and substantial waste in local government, government information contravention, local government pecuniary interest contravention or privacy contravention.</p>
Public Official	An individual who performs public official functions as identified in Section 2 of this Policy.
Public Authority	<p>Any public authority whose conduct or activities may be investigated by an integrity agency, and includes (without limitation) each of the following:</p> <ol style="list-style-type: none"> a. A Public Services Agency b. A state owned corporation and any subsidiary of a state owned corporation c. A local government authority d. The NSW Police Force and the Law Enforcement Conduct Commission e. The Department of Parliamentary Services, The Department of the Legislative Assembly and the Department of the Legislative Council
Reporter	A public official who makes a report of a Public Interest Disclosure.

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SCHEDULE A – What should be reported?

Types of Public Interest Disclosures

There are three types of Public Interest Disclosures (PIDs) in the Public Interest Disclosures Act 2022 (PID Act). They are:

1. Voluntary PID: This is a PID where a report of serious wrongdoing has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
2. Mandatory PID: This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
3. Witness PID: This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This Policy primarily relates to **voluntary PIDs**.

What can be reported as a voluntary Public Interest Disclosure?

You should report any suspected wrongdoing you see within Sutherland Shire Council, or any activities or incidents you see within Sutherland Shire Council that you believe are wrong. Council supports and encourages any such reports as we do not condone or tolerate wrongdoing in the workplace.

Under Section 13 of the PID Act, there are six specific categories of serious wrongdoing:

- corrupt conduct;
- serious maladministration;
- serious and substantial waste in local government;
- government information contravention;
- local government pecuniary interest contravention; and
- privacy contravention

which will be dealt with under the PID Act as public interest disclosures and in accordance with this Policy.

Other wrongdoing or misconduct will be dealt with according to the relevant legislation, the Codes of Conduct, other policies referred to below or other disciplinary measures.

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID. The six categories of serious wrongdoing dealt with under the PID Act are:

1. Corrupt Conduct

Corrupt conduct involves deliberate or intentional wrongdoing involving (or affecting) a public official or agency.

For example, this could include:

- the dishonest or partial exercise of official functions by a public official

- 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.

Some practical examples include:

- a public official selling confidential information gained while working in an official capacity
- a local councillor voting in favour of a development in which the councillor has an undisclosed financial interest

2. **Serious Maladministration**

Serious maladministration is conduct that involves action or inaction of a serious nature that is unlawful, 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
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

3. **Serious and substantial waste in local government**

Serious and substantial waste in local government is the uneconomical, inefficient or ineffective use of resources, whether authorised or unauthorised, that could result in losing or wasting public money. This includes all revenue, loans and other money collected, received or held by, for or on account of, the Council.

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds
- not following a competitive tendering process for a large scale contract

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)* or the *State Records Act 1998 (SR 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 GIPA Act
- directing another person to make a decision that is contrary to the GIPA Act
- Intentionally disposing of records that must be retained under the SR Act
- Systemic issues with Council's record-keeping system that means information is not being stored appropriately

5. Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations under the Codes of Conduct to lodge disclosures of interest returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed. 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, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a chief executive officer holding an undisclosed shareholding in a company competing for a council contract
- a councillor participating in consideration of a DA for a property they or their family have an interest in

6. Privacy contravention

A privacy contravention is a failure, other than a trivial failure, to properly fulfil functions under the *Privacy and Personal Information Protection Act 1998* or the *Health Records and Information Privacy Act 2002*.

For example, this could include:

- unlawfully accessing a person's personal information or health information on a Council database for personal use or non-work related matters, or disclosing this information to a third party
- failing to properly ensure that access to any health information is restricted to the appropriate part of Council
- agencies that retain health information for one purpose disclosing it internally to another section of the agency

What is not a Public Interest Disclosure?

Reports related to the above categories of conduct can attract the specific protections of the PID Act. However, Council encourages the reporting of any wrongdoing even if it is not considered a Public Interest Disclosure.

For example, such wrong doing could include:

- bullying, harassment or unlawful discrimination
- detrimental action against a person who has reported wrongdoing, and
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a manager, team leader or supervisor, in line with Council's policies.

SCHEDULE A TO PUBLIC INTEREST DISCLOSURES POLICY



These policies include:

- Codes of Conduct
- Procedures for the Administration of the Codes of Conduct
- Customer Experience Charter
- Fraud and Corruption Prevention Policy
- Work Health and Safety Policy

Even if these reports are not dealt with as public interest disclosures, Council will consider each matter and make every attempt to protect the public official member making the report from any form of detrimental action.

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SCHEDULE B – Who can receive a report?

1. Internal Reporting

The PID Act requires that for a report to be a voluntary Public Interest Disclosure, it must be made to certain public officials.

You can make a report inside Sutherland Shire Council to:

- The Chief Executive Officer
- a disclosure officer for Sutherland Shire Council — a list of disclosure officers and how to contact them can be found at Schedule D of this policy
- your People Leader — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.

Any team leader or supervisor who receives a report that they believe may be a protected disclosure must refer the report to one of the positions listed in Schedule D.

If your report involves a Councillor, you should make it to the Chief Executive Officer. If your report relates to the Chief Executive Officer, you should make it to the Mayor at mayor@ssc.nsw.gov.au.

2. External Reporting

Internal reporting is not the only option. You can choose to make your report to a public official in another agency or an integrity agency. These include:

- the head of another agency — this means the head of any public service agency
- an integrity agency — a list of integrity agencies is located at the end of Schedule B
- a disclosure officer for another agency — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
- a Minister or a member of a Minister's staff but the report must be made in writing.

If you choose to make a voluntary disclosure outside of Sutherland Shire Council, it is possible that your disclosure will be referred back to Council so that appropriate action can be taken.

You can do this first, or at any stage after your initial report to the Council. If your report is about the Chief Executive Officer or the Mayor, you should consider making it to an integrity agency. You can also choose to make a report to a Member of Parliament or a journalist, but only in limited circumstances.

2.1 Integrity agencies

The PID Act lists a number of integrity agencies in NSW that wrongdoing can be reported to and the categories of wrongdoing each authority can deal with. In certain circumstances it may be preferable to

make a report of wrongdoing to an integrity agency, for example a report about either the Chief Executive Officer or the Mayor.

In relation to Council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct
- the NSW Ombudsman — for maladministration
- the Auditor General – for serious and substantial waste in local government
- the Information Commissioner — for government information contravention
- the Privacy Commissioner – for privacy contravention
- the Office of Local Government — for disclosures about local councils
- the Secretary of the Department of Planning and Environment when exercising functions under the following provisions of the *Local Government Act 1993*:
 - Chapter 13, Part 5, Division 1
 - Chapter 14, Part 1, Division 3
 - Chapter 14, Part 3, Division 1
 - section 734A

You should contact the relevant integrity agency for advice about how to make a voluntary disclosure to them. Contact details for each integrity agency are provided at the end of Schedule B.

You should be aware that it is very likely the integrity agency will discuss the case with the Sutherland Shire Council. Council will make every effort to assist and cooperate with the integrity agency to ensure the matter is dealt with appropriately and there is a satisfactory outcome. Council will also provide appropriate support and assistance to those who report wrongdoing to an integrity agency, if Council is made aware that this has occurred.

2.2 Members of Parliament or Journalists

To have the protections of the PID Act, public officials reporting wrongdoing to a Member of Parliament (MP) or a journalist if the following circumstances have been met:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following after making your report:
 - notification that Council, or the agency which you reported your PID to, will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - the following information at the end of the investigation period:
 - notice of Council's, or the agency which you reported your PID to, decision to investigate the serious wrongdoing
 - a description of the results of an investigation into the serious wrongdoing

- details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

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

2.3 Other External Reporting

If you report wrongdoing to a person or an organisation that is not listed above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or Council's Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside Sutherland Shire Council, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of Schedule B.

3. Resources

Advice and guidance is available from Council's Disclosures Coordinator (Manager Corporate Governance) and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

The contact details for external integrity agencies that can receive a public interest disclosure, or provide further advice are listed below.

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW 2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au

SCHEDULE B TO PUBLIC INTEREST DISCLOSURES POLICY



Integrity agency	What they investigate	Contact information
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au

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SCHEDULE C – How voluntary reports are managed

1. Organisational commitment

Sutherland Shire Council will:

- keep the identity of the reporter confidential, wherever possible and appropriate
- protect staff who make disclosures from any adverse action motivated by their report
- deal with reports thoroughly and impartially and, if some form of wrongdoing has been found, take appropriate action to rectify it
- keep reporters informed of their progress and the outcome
- respect any decision to disclose wrongdoing outside the organisation – if that outside disclosure is made in accordance with the PID Act
- ensure Council managers, team leaders and supervisors understand the benefits of reporting wrongdoing, are familiar with this policy, and are aware of the needs of those who report wrongdoing

Sutherland Shire Council will provide adequate resources to:

- encourage reports of wrongdoing
- protect and support those who make them
- provide training for key personnel
- investigate allegations
- properly manage any workplace issues that the allegations identify or create
- remedy any wrongdoing that is found
- re-assess / review the Policy at least once per Council term to ensure it remains relevant and effective

2. Roles and Responsibilities

2.1 The role of Sutherland Shire Council

Sutherland Shire Council has a responsibility to establish and maintain a working environment that encourages the reporting of wrongdoing and supporting those who make reports. This includes keeping the identity of reporters confidential where practical and appropriate and taking steps to protect reporters from detrimental action and manage workplace conflict.

Council will assess all reports of wrongdoing it receives from staff and councillors and deal with them appropriately. Once wrongdoing has been reported, the Council takes 'ownership' of the matter. This means it is up to Council to decide whether a report should be investigated, and if so, how it should be investigated and by whom. Council will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any person the subject of a report.

Council must provide an annual return to the NSW Ombudsman which includes:

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

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

To ensure Council complies with the PID Act and deals with all reports of wrongdoing properly, all staff and councillors with roles outlined in this Policy will receive training on their responsibilities.

2.2 The role of staff and councillors

Staff and councillors play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All Council staff and councillors are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.

Staff and councillors must not:

- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all Council staff and councillors involved in the internal reporting process must adhere to the Sutherland Shire Council's Codes of Conduct. A breach of the Codes could result in disciplinary action.

2.3 Roles of key positions

Chief Executive Officer

The Chief Executive Officer has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture and ensuring Sutherland Shire Council complies with the PID Act. The Chief Executive Officer can receive voluntary reports from public officials and councillors and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a public interest disclosure, and to decide how the report will be dealt with
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- ensure there are strategies in place to support reporters, protect reporters from detrimental action and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decision-maker
- take appropriate corrective action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a detrimental action offence under section 34 of the PID Act to the Commissioner of Police and the ICAC.

Mayor

The Mayor can receive voluntary reports from staff and councillors about the Chief Executive Officer. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- refer reports to an integrity agency, where appropriate
- liaise with the Disclosures Coordinator to ensure there are strategies in place to support reporters, protect reporters from detrimental action and manage workplace conflict that may arise in relation to a report
- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a detrimental action offence under section 34 of the PID Act to the Commissioner of Police and the ICAC.

Disclosures Coordinator

The Disclosures Coordinator has a central role in Sutherland Shire Council's internal reporting system. The Disclosures Coordinator can receive and assess voluntary reports, and is the primary point of contact for the reporter. The Disclosures Coordinator has a responsibility to:

- receive reports and assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the Chief Executive Officer)
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- coordinate the response to a report
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of detrimental action and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to those involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure Sutherland Shire Council complies with the PID Act
- provide the annual return to the NSW Ombudsman in accordance with section 78(1) of the PID Act.

Disclosures Officers

Disclosures Officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive voluntary reports of wrongdoing and assist staff and councillors to make reports.

Disclosures Officers have a responsibility to:

- receive reports and carry out a preliminary assessment to ascertain if it falls within the criteria of a voluntary PID. If assessed as a PID, forward to the Disclosures Coordinator or Chief Executive Officer for full assessment
- if verbal reports are received, document in writing and have the document signed and dated by the reporter
- make arrangements to ensure reporters can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about detrimental action or workplace conflict

People Leaders

People Leaders are responsible for:

- receiving reports from staff members that report to them or that they supervise
- passing on these reports to a Disclosure Officer

3. Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the Chief Executive Officer where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

4. When will a report be treated as a voluntary public interest disclosure?

Sutherland Shire Council will support any public officials who report wrongdoing. For a report to be considered a voluntary public interest disclosure, it has to meet all of the requirements under the PID Act.

These requirements are:

- the report is made by a public official
- the report has to be made to either the Chief Executive Officer or, for reports about the Chief Executive Officer to the Mayor, a position nominated in this Policy, an integrity agency or in limited circumstances to an MP or journalist (Refer to Schedule B)
- the report must be about one of the following six categories of serious wrongdoing – corrupt conduct, serious maladministration, serious and substantial waste in local government, government information contravention, privacy contravention, or local government pecuniary interest contravention (Refer to Schedule A).

- the person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show serious wrongdoing
- the report was made in writing or verbally
- the report is voluntary (meaning not a mandatory or witness PID)

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

- mostly question the merits of government policy, including the policy of the governing body of the Council
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action

5. How to make a report

You can report wrongdoing in writing or verbally. 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 record of the disclosure and ask the person making the disclosure to sign this record. The staff member should keep a copy of this record.

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

Reporting forms are available at Schedule C of this Policy, Council's internal intranet or public [website](#).

6. Can a report be anonymous?

There will be some situations where you may not want to identify yourself when you make a report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act.

Although these reports will still be dealt with by Sutherland Shire Council, it is best if you identify yourself. This allows Council to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations. It may be difficult for Council to investigate the matter(s) you have disclosed if we cannot contact you for further information.

It is also important to realise that an anonymous disclosure may not prevent you from being identified. If Council does not know who made the report, it is very difficult to prevent any detrimental action should others identify you.

7. Maintaining Confidentiality

Sutherland Shire Council realises many reporters will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing. Under s64(1) of the PID Act,

information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

However, there are certain circumstances under s64(2) of the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or [we/agency] reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

Council is committed to keeping your identity, and the fact you have reported wrongdoing, confidential. However there may be situations where this may not be possible or appropriate. Council will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, Council will develop a plan to support and protect you from risk of detrimental action. You will be involved in developing this plan. You will also be told if your report will be dealt with under Council's Code of Conduct, as this may mean certain information will have to be tabled at a Council Meeting.

If you report wrongdoing, you should only discuss your report with those dealing with it. This will include the Disclosures Coordinator, the Chief Executive Officer and the Mayor where appropriate. If you discuss your report more broadly, you may affect the outcome of any investigation.

The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any detrimental action.

Any staff or Councillors involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

8. Feedback to Reporters

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

8.1 Acknowledgment

When you make a voluntary report, you will be given an acknowledgement stating:

- that the report will be assessed to identify whether it is a PID
- that the PID Act applies to how Council deals with the report
- how you can access this PID policy
- details of a contact person and available supports.

Council will attempt to get this information to you within five working days from the date you make your report.

If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report.

This may include:

- that we are investigating the serious wrongdoing
- that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
- If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.

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 or other action
- information about the resources available within Sutherland Shire Council to handle any concerns you may have
- information about external agencies and services you can access for support.

This information will be given to you within 10 working days from the date you make your report.

Please note, if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgment letter or a copy of this Policy.

8.2 Progress updates

During any investigation, you will be given:

- information about the progress of the investigation and reasons for any delay
- advice of any decision by Council not to proceed with the matter
- advice if your identity needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this

If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.

8.3 Feedback

If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:

- a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
- information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.

Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.

There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.

If you have made an anonymous report, in many cases we may not be able to provide this information to you.

9. Protection Against Detrimental Actions

Sutherland Shire Council will not tolerate any detrimental action against anyone who reports wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for those who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in detrimental action for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

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

A person who is found to have committed a detrimental action offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action is also a breach of the Council's Code of Conduct which may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

It is important for staff and councillors to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects reporters from detrimental action being taken against them because they have made, or are believed to have made, a voluntary public interest disclosure. It does not protect reporters from disciplinary or other management action where Sutherland Shire Council has reasonable grounds to take such action.

9.1 Responding to detrimental actions

Sutherland Shire Council will act to protect those who report wrongdoing from detrimental actions.

When a report is received, Council will ensure that a thorough risk assessment is conducted. This will identify any risk to the public official who reported the wrongdoing, as well as strategies to deal with those risks.

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in detrimental action for making a report, you should tell your team leader or supervisor, the Disclosures Coordinator or the Chief Executive Officer immediately. In the case of an allegation of detrimental action by the Chief Executive Officer, you can alternatively report this to the Mayor.

All team leaders and supervisors must report any suspicions they have that detrimental action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the Chief Executive Officer. In the case of an allegation of detrimental action by the Chief Executive Officer, you can alternatively report this to the Mayor.

If Council becomes aware of or suspects that detrimental action is being or has been taken against a person who has made a disclosure, Council will:

- assess the allegation of detrimental action to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the detrimental action allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that detrimental action is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in detrimental action for making a disclosure
- refer any breach of Part 9 of Council's Code of Conduct (detrimental action) by a councillor or the Chief Executive Officer to the Office of Local Government.
- refer any evidence of a detrimental action offence under section 34 of the PID Act to the Commissioner of Police and the ICAC.

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

9.2 Managing the risk of detrimental action and workplace conflict

Sutherland Shire Council will undertake a thorough risk assessment to identify the risk of detrimental action in detrimental action for reporting, as well as indirect but related risk of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Sutherland Shire Council may:

- issuing warnings to those alleged to have taken detrimental action against the reporter
- relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These directions will only be taken if the reporter of the disclosure agrees to it. The Disclosures Coordinator will make it clear to other staff that this action was taken in consultation with the reporter and with management support – and it is not a punishment.

If you have reported wrongdoing and feel that any detrimental action is not being dealt with effectively, contact the Office of Local Government, NSW Ombudsman or the ICAC – depending on the type of wrongdoing you reported. Contact details for all these integrity agencies are included in this Policy.

9.3 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.

10. Support for those reporting wrongdoing

Sutherland Shire Council will make sure that staff who have reported wrongdoing, regardless of whether they have made a protected disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management, counselling services, legal or career advice.

Council also have staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of detrimental action. Any request for support should be made to Council's Disclosures Coordinator.

All team leaders and supervisors must notify the Disclosures Coordinator if they believe a reporter is suffering any detrimental action as a result of disclosing wrongdoing.

11. Sanctions for making false or misleading disclosures

Sutherland Shire Council will not support staff or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the Codes of Conduct resulting in disciplinary action. In the case of councillors, disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

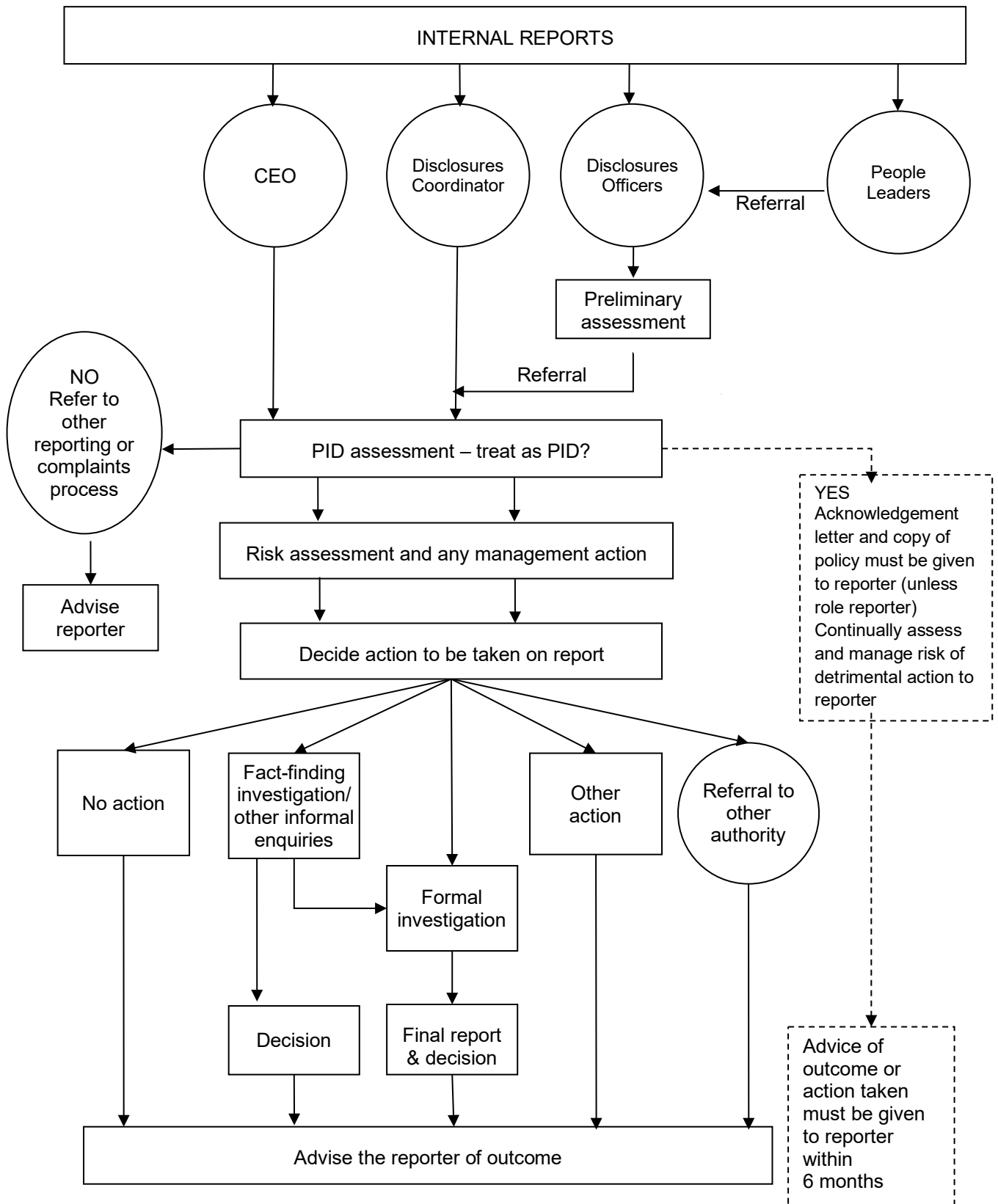
12. Support for the persons who are the subject of a report

Sutherland Shire Council is committed to ensuring those who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate. If you are the subject of a report, you will be:

- advised of the details of the allegation
- treated fairly and impartially
- told your rights and obligations under Council policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against you
- told the result of any investigation, including any decision made about whether or not further action will be taken against you.

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

13. Internal Reporting Process



SCHEDULE C TO PUBLIC INTEREST DISCLOSURES POLICY



14. Reporting Form

<p>To make a public interest disclosure simply complete the form below or the online forms available on Councils Intranet or website. To be completed by an internal reporter and submitted to a nominated Disclosures Officer (Refer to the Public Interest Disclosures Policy for further details)</p>									
<p>Details of reporter (You can make an anonymous report by leaving this section blank)</p>									
Name:									
Position:									
Division/Unit:	Preferred method of contact								
Telephone:	<input type="checkbox"/> Telephone								
Email:	<input type="checkbox"/> Email								
Postal address:	<input type="checkbox"/> Post								
<p>Details of the wrongdoing being reported (Please attach additional information if required)</p>									
<p>Description:</p> <ul style="list-style-type: none"> • What happened? • Where did this happen? • When did this happen? • Is it still happening? <p>[Attach an additional page if required]</p>									
How did you become aware of this?									
<p>Have you previously reported this issue?</p> <p>No <input type="checkbox"/> Yes <input type="checkbox"/></p>	<p>If yes, please answer the following questions:</p> <table border="1"> <tr> <td>Who was the report made to?</td> <td></td> </tr> <tr> <td>When was the report made?</td> <td></td> </tr> <tr> <td>How was the report made?</td> <td></td> </tr> <tr> <td>Was the report the same or different in any way?</td> <td></td> </tr> </table>	Who was the report made to?		When was the report made?		How was the report made?		Was the report the same or different in any way?	
Who was the report made to?									
When was the report made?									
How was the report made?									
Was the report the same or different in any way?									
Name and position of people involved in the wrongdoing:	<table border="1"> <thead> <tr> <th>Name</th> <th>Position</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Name	Position						
	Name	Position							
Attach any additional relevant information or indicate where supporting evidence may be found:	<table border="1"> <thead> <tr> <th>Supporting evidence</th> <th>Attached</th> </tr> </thead> <tbody> <tr> <td></td> <td><input type="checkbox"/></td> </tr> <tr> <td></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>	Supporting evidence	Attached		<input type="checkbox"/>		<input type="checkbox"/>		
Supporting evidence	Attached								
	<input type="checkbox"/>								
	<input type="checkbox"/>								
Name and position of other people who may have additional information:	<table border="1"> <thead> <tr> <th>Name</th> <th>Position</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </tbody> </table>	Name	Position						
	Name	Position							
<p>Statement: I honestly believe that the above information shows or tends to show wrongdoing.</p>									
<p>_____ Signature of reporter (Do not sign if you want to make an anonymous report)</p>	<p>_____ Date report submitted (Essential information)</p>								

SCHEDULE D TO PUBLIC INTEREST DISCLOSURES POLICY



End of Document

UNCONTROLLED COPY WHEN PRINTED - For up to date copy please refer to Sutherland Shire Council Intranet / Website			
Document Name: Public Interest Disclosures Policy – Schedule C		Policy Accountability : Manager Corporate Governance	
Version: #2.0	Approved by: Council	Minute No: 14	Date approved: 19/02/2024
Original: May 2004	Last Revision: February 2021	Next Revision: February 2027	



SCHEDULE D – Disclosures Officers

Each of the below officers can be contacted by staff via all internal communication channels. Other public officials can contact the below listed Disclosures Officers by calling 9710 0333 and asking to speak to the relevant officer stating the matter is confidential.

Alternatively: send a confidential email addressed to the relevant Disclosures Officer at pid@ssc.nsw.gov.au, or complete the confidential online reporting form, available [here](#).

WORKSITE	NOMINATED DISCLOSURE OFFICER/S
Administration Building	Chief Executive Officer Disclosures Coordinator (Manager Corporate Governance / Public Officer) Director Corporate Support Director Infrastructure and Operations Director Planning and Growth Director Shire Services Manager People and Culture Team Leader Governance
Bath Road Depot	Manager Building Operations Manager Fleet and Logistics Manager Civil Operations Manager Public Safety and Lifeguards Manager Waste Services Manager Environment, Health and Building
Ethell Road Depot	Manager Open Space Operations
Child Care Centres	Manager Childrens Services Early Childhood Directors
Leisure Centres	Manager Sport and Leisure Team Leader Swim Programs Team Leader Customer Experience Team Leader Pool Operations Team Leader Business Development and Membership
Menai Indoor Sports Centre	Team Leader Fitness and Indoor Sports
Caringbah Library	Branch Librarian
Cronulla Library	Branch Librarian

SCHEDULE D TO PUBLIC INTEREST DISCLOSURES POLICY



WORKSITE	NOMINATED DISCLOSURE OFFICER/S
Engadine Library	Branch Librarian
Menai Library	Branch Librarian
Miranda Library	Senior Library Officer
Sutherland Library	Manager Arts and Libraries
Sylvania Library	Senior Library Officer
Hazelhurst Arts Centre	Hazelhurst Centre Director
Community Nursery	Coordinator Bushland
Animal Shelter	Team Leader Animal Shelter
Lifeguards Headquarters	Manager Public Safety and Lifeguards Team Leader Ocean Safety

End of Document

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