BREWARRINA SHIRE COUNCIL
POLICY NUMBER: FIN/TBA

INTERNAL REPORTING – PUBLIC INTEREST DISCLOSURE

VERSION: TBA; ADOPTED: 25 AUGUST 2023

1. INTENT

The objective of this policy is to provide a framework that Council staff and Councillors may report acts of corrupt conduct, maladministration or serious and substantial waste of public money in accordance with the PID. Disclosure of wrongdoing assists in promoting integrity, accountability and good management within Brewarrina Shire Council.

The Public Interest Disclosures Act 1994 aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration and serious and substantial waste in the public sector. This is achieved by:

- Enhancing and augmenting established procedures for making disclosures concerning such matters;
- Protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures; and
- Providing for those disclosures to be properly investigated and dealt with.

Brewarrina Shire Council does not tolerate corrupt conduct, maladministration or serious and substantial waste of public money.

Brewarrina Shire Council is committed to the aims and objectives of the Public Interest Disclosure Act 1994. It recognises the value and importance of contributions of staff to enhance administrative and management practices and strongly supports disclosures being made by staff or councillors that disclose corrupt conduct, maladministration, or serious and substantial waste of public monies.

Brewarrina Shire Council will take all reasonable steps to provide protection to council staff and councillors that make such disclosures from any detrimental action in reprisal for the making of the disclosure.

2. SCOPE

Brewarrina Shire Council's Internal Reporting – Public Interest Disclosure Policy and Procedures will apply to:

- Council staff and Councillors
- Permanent employees, whether full-time or part-time
- Temporary or casual employees
- Consultants employed by the Council
- Individual contractors working for Brewarrina Shire Council
- Employees of contractors providing services to Brewarrina Shire Council
- Other people who perform Council functions whose conduct and activities could be investigated by an investigating authority, including volunteers

This Policy also applies to public officials of another council or public authority who report wrongdoing relating to Brewarrina Shire Council.

3. FRAMEWORK

Council commits to have an appropriate processes and structures to handle the reporting of wrongdoing effectively.

These processes and structures will aim to:

- encouraging staff to come forward if they have witnessed what they consider to be wrongdoing within the council
- keeping the identity of the staff member disclosing wrongdoing confidential, wherever possible and appropriate
- protecting staff who make disclosures from any adverse action motivated by their report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to rectify it
- keeping staff who make reports informed of their progress and the outcome
- encouraging staff to report wrongdoing within the council, but respecting any decision to disclose wrongdoing outside the council – provided that disclosure outside the council is made in accordance with the provisions of the PID Act
- ensuring managers and supervisors at all levels in the council understand the benefits of reporting wrongdoing, are familiar with this policy, and be aware of the needs of those who report wrongdoing
- providing adequate resources, both financial and human, 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
    - correct any problem that is identified

- Reassessing / reviewing the policy in every two years to ensure it is still relevant and effective.

4. ACCOUNTABILITIES

a. Staff, Councillors and Council's Committee Members

Staff are encouraged to report known or suspected incidences of corrupt conduct, maladministration or serious and substantial waste in accordance with this Policy.

All staff and Councillors of Brewarrina Shire Council have an important role to play in supporting those who have made legitimate disclosures. They must abstain from any activity that is or could be perceived to be victimisation or harassment of persons who make

disclosures. Further, they should protect / maintain the confidentiality of persons they know or suspect to have made disclosures.

Staff and Councillors must NOT:

- Make false or misleading reports of wrongdoing
- Victimise or harass anyone who has made a report

b. Nominated Disclosure Officers (refer Section 10 for details)

Nominated Disclosure Officers are responsible for receiving, forwarding and or acting upon disclosures in accordance with the Policy. Nominated Disclosure Officers will:

- Clearly explain to persons making disclosures what will happen in relation to the information received;
- When requested, make arrangements to ensure that disclosures can be made privately and discreetly (if necessary, away from the workplace);
- Record to writing and date any disclosures received orally (and have the person making the disclosure sign the document);
- Deal with disclosures impartially;
- Forward disclosures to the Disclosure Co-ordinator or General Manager for assessment;
- Make all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential; and
- Support persons who make disclosures and protect them from victimisation, harassment or any other form of reprisal.

c. Disclosure Co-Ordinator (refer Section 10 for details)

The Disclosure Co-ordinator has a pivotal position in the internal reporting system and acts as a clearing house for disclosures. The Disclosure Co-ordinator will:

- provide an alternative internal reporting channel to Nominated Disclosure Officers and to the General Manager;
- impartially assess each disclosure to determine:
    - whether the disclosure appears to be a protected disclosure within the meaning of the Act;
    - the appropriate action to be taken in relation to the disclosure, for example:
        - no action/decline;
        - the appropriate person to take responsibility for dealing with the disclosure;
        - preliminary or informal investigation;
        - formal investigation;
        - prosecution or disciplinary action;

- referral to an investigating authority for investigation or other appropriate action; or
- referral to the police (if a criminal matter) or the Independent Commission against corruption (ICAC) (if the matter concerns corrupt conduct).

- consult with the General Manager;
- be responsible for carrying out or co-ordinating any internal investigation arising out of a disclosure, subject to the direction of the General Manager in carrying out his/her functions;
- report to the General Manager on the findings of any investigation and recommended remedial action;
- Take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and persons the subject of the disclosures, are kept confidential.
- support persons who make disclosures and actively protect them from victimisation, harassment or any other form of reprisal; and
- Report actual or suspected corrupt conduct to the General Manager in a timely manner to enable that officer to comply with the Independent Commission against corruption (ICAC) Act.

d. General Manager (refer Section 10 for details)

Disclosures may be made direct to the General Manager, rather than by way of the internal Reporting System established under this Policy. The General Manager will:

- impartially assess each disclosure to determine:
- whether the disclosure appears to be a protected disclosure within the meaning of the Act;
- the appropriate action to be taken in relation to the disclosure, for example:
- no action/decline;
- the appropriate person to take responsibility for dealing with the disclosure;
- preliminary or informal investigation;
- a formal investigation;
- prosecution or disciplinary action;
- referral to an investigating authority for investigation or other appropriate action; or
- referral to the police (if a criminal matter) or the Independent Commission against corruption (ICAC) (if the matter concerns corrupt conduct);
- receive reports from the Disclosure Co-ordinator on the findings of any investigation and any recommendations for remedial action, and determine what action should be taken;
- take all necessary and reasonable steps to ensure that the identity of persons who make disclosures, and the persons the subject of disclosures, are kept confidential;
- have primary responsibility for protecting staff who make disclosures, or provide information to any internal or external investigation of a disclosure, from victimisation, harassment or any other form of reprisal;

- be responsible for implementing organisational reform identified as necessary following investigation of a disclosure; and
- report criminal offences to the Police and actual or suspected corrupt conduct to independent commission against corruption (ICAC) (under s.11 of the Independent Commission Against Corruption Act).

e. Mayor (refer Section 10 for details)

The Mayor may receive internal disclosures from any member of staff of the Council or any Councillor concerning the General Manager or a Councillor. The Mayor will:

- impartially assess each disclosure made to him/her about the General Manager or a Councillor to determine:
  - whether the disclosure appears to be a protected disclosure within the meaning of the Act;

  - *Note: In making this assessment the Mayor may seek guidance from: the Disclosure Co-ordinator or General Manager (if appropriate); an investigating authority (i.e. the Independent commission against corruption (ICAC), or NSW Ombudsman); or the Department of Local Government.*

  - the appropriate course of action to be taken in relation to the disclosure (in consultation with the General Manager, if appropriate), for example:
    - no action/decline;
    - the appropriate person to take responsibility for dealing with the disclosure;
    - preliminary or informal investigation;
    - formal investigation;
    - prosecution or disciplinary action;
    - referral to an investigating authority for investigation or other appropriate action; or
    - referral to the police (if a criminal matter); or
    - the Independent Commission Against Corruption (ICAC) (if the matter concerns corrupt conduct);
    - refer disclosures to the General Manager for appropriate action if they concern the council's administration, within the day-to-day responsibilities of the General Manager;

  - protect/maintain the confidentiality of:
    - the identity of persons who make disclosures (unless any of the criteria in s.22 of the Act apply); and
    - the identity of persons the subject of the disclosures (unless disclosure is required to enable the allegations to be investigated or otherwise appropriately dealt with).

- The policy may also apply to other people who perform public official functions for Brewarrina Shire Council and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those contracted to work for the council.

5. WHAT SHOULD BE REPORTED?

You should report any wrongdoing you see within the Brewarrina Shire Council Reports about the five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention and local government pecuniary interest contravention – will be dealt with under the PID Act as protected disclosures and according to this policy.

a. Corrupt Conduct

Corrupt conduct is the dishonest or partial 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.

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

b. 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;
- refusing to grant an approval for reasons that are not related to the merits of their application.

For more information about maladministration, see the NSW Ombudsman's guideline on what can be reported.

c. Serious and Substantial Waste in Local Government

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in the loss or wastage of local government money. This includes all revenue, loans and other money collected, received or held by, for or on account of 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.

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

d. 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.

e. Local Government Pecuniary Interest Contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests' returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. 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 general manager holding an undisclosed shareholding in a company competing for a council contract.

For more information about local government pecuniary interest contravention, see the NSW Ombudsman's guideline on what can be reported.

f. Other Wrongdoing

Although reports about the previous five categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong.

For example, these could include:

- harassment or unlawful discrimination;
- reprisal action against a person who has reported wrongdoing;
- Practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor, in line with the Brewarrina Shire Council's policies:

- Code of Conduct
- Respect At Work Policy
- Work Health and Safety Policy
- Complaints Policy and Procedure

Even if these reports are not dealt with as protected disclosures, the Brewarrina Shire Council will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

6. 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 record this on the Councils electronic document management system and the individual making the report should be given a copy.

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

7. WHEN WILL A REPORT BE PROTECTED?

The Brewarrina Shire Council will support any staff who report wrongdoing. For a report to be considered a protected 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. A Protected Disclosure cannot be on a mere allegation or suspicion that is unsupported by any facts, circumstances or evidence.
- The report has to be made to one or more of the following:
  - a position nominated in this policy – see section 9 (b), (c) & (d) below
  - the General Manager
  - one of the investigating authorities nominated in the PID Act – see section 10 below.

Reports by staff and councillors will not be considered to be protected disclosures if they:

- are 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.
- are made in frivolously or vexatiously.

8. 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 the Brewarrina Shire Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

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

9. MAINTAINING CONFIDENTIALITY

The Brewarrina Shire Council realises many staff 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 confidential where possible, and the fact you have reported wrongdoing, confidential. However, there may be situations where this may not be possible or appropriate. We will discuss with you whether it is possible to keep your report confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with under the 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 and the General Manager. If you discuss your report more broadly, you may affect the outcome of any investigation.

10. WHO CAN RECEIVE A REPORT WITHIN THE BREWARRINA SHIRE COUNCIL

You are encouraged to report general wrongdoing to your supervisor. However, the PID Act requires that – for a report to be a protected disclosure – it must be made to the Disclosure Co-ordinator in accordance with the council's disclosure procedures.

Any supervisor who receives a report that they believe may be a protected disclosure must refer the staff member making the report to one of the positions listed below.

If you are council staff and your report involves a councillor, you should make it to the General Manager or the Mayor. If you are a councillor and your report is about another councillor, you should make it to the General Manager or the Mayor.

The following positions are the only staff within the Brewarrina Shire Council who can receive a protected disclosure

a. General Manager

You can report wrongdoing directly to the General Manager. The General Manager is responsible for:

- deciding if 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 the problem that has been identified;
- dealing with disclosures made under the council's code of conduct in accordance with the council's adopted code of conduct procedures.

The General Manager must make sure there are systems in place in the Brewarrina Shire Council to support and protect staff who report wrongdoing.

The General Manager is also responsible for referring actual or suspected corrupt conduct to the Independent Commission against Corruption.

General Manager
Brewarrina Shire Council
Ph.: 02 6830 5102
Email: gm@brewarrina.nsw.gov.au

b. Mayor

If you are making a report about the General Manager, you should make your report to the Mayor. The Mayor is responsible for:

- deciding if a report is a protected disclosure;
- determining what needs to be done next, including referring it to other authorities;
- deciding what needs to be done to correct the problem that has been identified.

The Mayor must make sure there are systems in place in the Brewarrina Shire Council to support and protect staff who report wrongdoing.

If the report is about the General Manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission against Corruption.

Confidential
The Mayor
Brewarrina Shire Council
PO Box 125
Ph.: 68305100
Email: breshire@brewarrina.nsw.gov.au

c. Disclosures Coordinator

The Disclosures Coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within the Brewarrina Shire Council who can deal with them appropriately.

Executive Assistant
Ph.: 02 6830 5106
Email: ea@brewarrina.nsw.gov.au

d. Disclosures Officer

Disclosure's Officer works with the Disclosures Coordinator, and is responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

Human Resources Manager:
Ph.: 02 6830 5119
Email: hr@brewarrina.nsw.gov.au

11. WHO CAN RECEIVE A REPORT OUTSIDE OF THE BREWARRINA SHIRE COUNCIL

Staff are encouraged to report wrongdoing within the Brewarrina Shire Council, but internal reporting is not your only option. If you follow the guidance below, your report can still be a protected 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 the Brewarrina Shire Council. If your report is about the General Manager or the Mayor, you should consider making it to an investigating authority.

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

a. 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.

In relation to council, these authorities are:

- the Independent Commission Against Corruption (ICAC) — for corrupt conduct;

- the ICAC Inspector — for disclosures about the ICAC or its staff;
- the Ombudsman — for maladministration;
- the Police Integrity Commission (PIC) — for Police misconduct;
- the PIC Inspector — for disclosures about the PIC or its staff;
- The Office of Local Government, for disclosures about local government agencies;
- The 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 policy.

You should be aware that it is very likely the investigating authority will discuss the case with the Brewarrina Shire Council. We will make every effort to assist and cooperate with the investigating authority to ensure 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.

b. Members of Parliament or Journalists

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

- the General Manager;
- a person nominated in this policy;
- an investigating authority in accordance with the PID Act.

Also, the Brewarrina Shire Council or 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 that it is in fact substantially true.

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 Brewarrina Shire Council code of conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Brewarrina Shire Council, contact the disclosures coordinator or the NSW Ombudsman's Public Interest Disclosures Unit.

12. 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:

- 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.

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report. We will attempt to get this information to you within two working days from the date you make your report.

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;
- information about the resources available within Brewarrina 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.

During any investigation, you will be given:

- information on the ongoing nature of the 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.

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

- enough 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 disciplinary or criminal proceedings.

13. PROTECTION AGAINST REPRISALS

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who take detrimental action substantially in reprisal for them making the protected disclosure.
The Brewarrina Shire Council will not tolerate any reprisal action 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 someone who have made a disclosure can also be required to pay damages for any loss suffered by that person.
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. Responding to Reprisals

The Brewarrina Shire Council 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.

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 should tell your supervisor, the disclosures coordinator or the General Manager immediately, or in the case of an allegation of reprisal against the General Manager, to the Mayor.

All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the disclosures coordinator or the General Manager, or in the case of an allegation of reprisal by the General Manager, to the Mayor.

If the disclosures coordinator becomes aware of reprisal action against a person who has made a disclosure, they will ensure that the matter is reported under the Councils' Code of Conduct and is dealt with in accordance with the Council's Code of Conduct procedures and:

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal;
- give the results of that investigation to the General Manager for a decision;
- give the results of that investigation to the Mayor for a decision if the allegation of reprisal action is about the General Manager;
- 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 member of staff who made the disclosure;

- Take appropriate disciplinary or criminal action 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 and the outcome.

The General Manager may issue specific directions to help protect against reprisals. If the allegation of reprisal action is about the General Manager, the Mayor may issue similar directions. These may include:

- issuing warnings to those alleged to have taken reprisal action against the member of staff who made the disclosure;
- relocating the member of staff who made the disclosure or the subject officer within the current workplace;
- transferring the member of staff who made the disclosure or the staff member who is the subject of the allegation to another position for which they are qualified;
- granting the member of staff who made the disclosure or the subject officer leave of absence during the investigation of the disclosure.

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

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 policy.

b. 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.

14. SUPPORT FOR THOSE REPORTING WRONGDOING

The Brewarrina 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.

All supervisors must notify the disclosures coordinator if they believe a staff member is suffering any detrimental action as a result of disclosing wrongdoing.

15. SACTIONS FOR MAKING FALSE OR MISLEADING STATEMENT

It is important all staff and the councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. The Federation Council will not support staff or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the code 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.

16. THE RIGHTS OF PERSONS THE SUBJECT OF A REPORT

The Federation Council is committed to ensuring staff or the councillors 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 the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At the time, you will be:

- advised of the details of the allegation;
- advised of your rights and obligations under the relevant related policies and procedures;
- kept informed about the progress of any investigation;
- given a reasonable opportunity to respond to any allegation made against you;
- told the outcome of any investigation, including any decision made about whether 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 the Council. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

17. SUPPORT FOR THE SUBJECT OF A REPORT

The Brewarrina Shire Council 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 Council's 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

18. What if the report does not qualify as a PID?

Sometimes a report will fit the criteria of a reportable category of serious wrongdoing, being either of the following:

- Corrupt conduct,
- Maladministration,
- Serious and substantial waste of public money,
- Breach of the GIPA Act, or
- Local government pecuniary interest contravention

However, the report does not qualify as a PID, where either one or more of the following applies;

- The report is not about the conduct of authority
- The person has not made their report to a nominated disclosures officer, or to the General Manager or for reports about the General Manager, to the Mayor, or a position nominated in section 10 of this policy, an investigating authority or to an MP or journalist.

It may be necessary to carry out an investigation under Councils Complaints Policy or in accordance with the Procedures for the Model Code of Conduct.

Complaints or allegation about corruption, serious or substantial waste, pecuniary interests or competitive neutrality from customers or members of the public who are not employees of Council should be lodged directly with the Council appointed Conduct Reviewer or with on the following external bodies:

- The Independent Commission Against Corruption (ICAC) for complaints about corruption;
- The NSW Ombudsman for complaints about maladministration; and
- The Director-General of the Department of Local Government for complaints about serious; and substantial waste of public monies, pecuniary interests or competitive neutrality.

All details of the interaction must be recorded and logged via the Customer Request Management System (CRM) and an immediate supervisor must be notified. Where necessary, an incident report must be lodged.

Reports of suspected corrupt conduct should be reported to the ICAC within 3 months of the alleged incident by the General Manager.

19. POLICY REVIEW

This policy will be reviewed by council every 24 months

20. MORE INFORMATION

Staff can also access advice and guidance from the Brewarrina Shire Council's Disclosures Co-ordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au

21. RESOURCES

The contact details for external investigating authorities that staff can make a protected disclosure to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 7, 255 Elizabeth Street,
Sydney NSW 2000

For disclosures about 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 police misconduct:

Law Enforcement Conduct Commission
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@lecc.nsw.gov.au
Web: www.lecc.nsw.gov.au
Address: Level 3, 111 Elizabeth Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
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 local government agencies:

Office of Local Government
Phone: 02 4428 4100
Email: olg@olg.nsw.gov.au
Web: www.olg.nsw.gov.au
Address: Locked Bag 3015, Nowra, NSW, 2541.
Address: 5 O'Keefe Avenue, Nowra, NSW, 2541.

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1300 363 992
Facsimile: 02 9284 9666
Email: foidr@oaic.gov.au
Web: www.oaic.gov.au
Address: GPO Box 5218, Sydney NSW 2000