

# Public Interest Disclosures Policy

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Adoption Date:  
**01 October 2023**

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Review Date:  
**01 October 2025**

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Version:  
**8**

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Responsible Department:  
**Customer & Compliance**

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TRIM Document Number:  
**D04366446**

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This policy is based on the NSW  
Ombudsman's Model Public Interests  
Disclosure Policy – July 2023

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# 1. Purpose and context of the policy

All agencies in NSW are required to have a Public Interest Disclosure (**PID**) Policy under section 42 of the *Public Interest Disclosures Act 2022* (**PID Act**).

At Randwick City Council we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report **any** conduct that they reasonably believe involves wrongdoing.

The integrity of our organisation relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy is just one in the suite of Council's complaint handling policies. Other Council policies that deal with complaint handling, including:

- [Complaints Management Policy and Procedure](#)
- [Code of Conduct for staff](#)
- [Code of Conduct for Councillors](#)
- [Code of Conduct for Council committee members, delegates of Council and Council advisers](#)
- [Staff Grievance Management Policy](#).

## 1.1 Accessibility of this policy

This policy is available on our publicly available website as well as on our intranet.

This policy is made available to all staff of Randwick City Council as part of our induction process. A hard copy of the policy can be requested from the Manager Customer & Compliance or the Coordinator Administration (Customer & Compliance business unit).

## 1.2 Who does this policy apply to?

This policy applies to, and is for the benefit of:

- both Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for Randwick City Council
- employees of contractors providing services to Randwick City Council
- other people who perform Council official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The policy also applies to public officials of another Council or public authority who report wrongdoing relating to Randwick City Council.

The General Manager, the Disclosure Coordinator, Disclosure Officers and Directors and Managers and all staff who have supervisory roles within Randwick City Council have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities.

Other public officials who work in and for the public sector, but do not work for Council may use this policy if they want information on who they can report wrongdoing to within Randwick City Council.

## 1.3 Who does this policy not apply to?

This policy does not apply to:

- people who have received services from an agency and want to make a complaint about those services

- people, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see **section 2.9** of this policy for more information). However, you can still make a complaint to Council. This can be done by utilising our [Complaints Management Policy and Procedure](#).

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the staff [Grievance Management Policy](#). If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to Human Resources to be dealt with in accordance with the staff Grievance Management Policy.

## 1.4 Review and monitoring

This policy will be reviewed at least every two (2) years. Following each review the policy will be reported to Council's executive management team (GMT) for endorsement. If significant changes are proposed during any review the policy will be reported to Council for endorsement (following endorsement by the GMT).

The policy will be monitored by the Coordinator Administration to ensure that it continues to meet its purpose. Any errors or issues with the policy should be reported to the Coordinator Administration (in the Customer & Compliance business unit).

## 1.5 What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to Council under the PID Act
- the names and contact details for the Disclosure Coordinator and nominated Disclosure Officers in Council
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Council
- what information you will receive once you have made a voluntary PID
- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
- Council procedures for dealing with disclosures
- Council procedures for managing the risk of detrimental action and reporting detrimental action
- our record-keeping and reporting requirements
- how Council will ensure it complies with the PID Act and this policy.

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- confidentially contact the Disclosure Coordinator or a nominated Disclosure Officer within Council
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au), or
- access the NSW Ombudsman's PID guidelines which are available on its website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

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## 2. How to make a report of serious wrongdoing

### 2.1 Reports, complaints and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy, but we will also make sure we follow our Code of Conduct and staff Grievance Policy.

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

### 2.2 When will a report be a PID?

There are three types of PIDs in the PID Act. These are:

1. *Voluntary PID*: This is a PID where a report 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 mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in **section 3** of this policy.

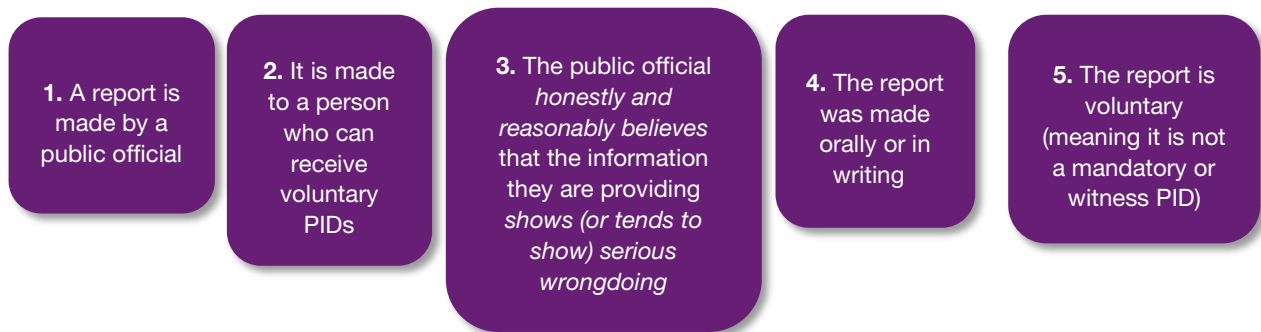
You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines '[Dealing with mandatory PIDs](#)' and '[Dealing with witness PIDs](#)'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'. They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

You should report any suspected wrongdoing within Randwick City Council, or any activities or incidents you see within the Council that you believe are wrong.

Reports about five categories of serious wrongdoing – corrupt conduct, government information contravention, local government pecuniary interest contravention, maladministration, privacy contravention, serious and substantial waste of public money – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this policy. See **section 2.4** below for details about these types of conduct.

A report is a voluntary PID if it has the following five features, which are set out in sections 24 to 27 of the PID Act:



If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You *do* have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing. Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated Disclosure Officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we may seek to conciliate the matter. You may also contact the NSW Ombudsman.

Further information on rights to internal review and conciliation is found in **section 6** of this policy.

## 2.3 Who can make a voluntary PID?

Any public official can make a voluntary PID — see **section 1.2** 'Who this policy applies to'. You are a public official if:

- you are employed by Randwick City Council
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Randwick City Council, or
- you work for an entity (such as a non-government organisation) who is contracted by Randwick City Council to provide services or exercise functions on behalf of Randwick City Council — if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (**ICAC**) and the NSW Ombudsman. **Annexure B** of this policy has a list of integrity agencies.

## 2.4 What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* — such as a public official accepting a bribe
- *serious maladministration* — such as an agency systemically failing to comply with proper recruitment processes when hiring staff

- a *government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
- a *local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a *privacy contravention* — such as unlawfully accessing a person's personal information on an agency's database
- a *serious and substantial waste of public money* — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to us what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

You can find more information about serious wrongdoing in the Ombudsman's guideline '[What is Serious Wrongdoing](#)'.

## 2.5 Who can I make a voluntary PID to?

For a report to be a voluntary PID, it must be made to certain public officials.

### **You can make a report inside Randwick City Council to:**

- The General Manager
- The Disclosure Coordinator or a Disclosure Officer for Randwick City Council — a list of our Disclosure Coordinator and Disclosure Officers and their contact details can be found at **Annexure A** of this policy
- your direct supervisor (this could be your Director, Manager, Coordinator or Supervisor)— 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.

### **Making a report to a recipient outside of Randwick City Council:**

You can also make your report to a public official in another agency (meaning an agency you do not work for) 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 Annexure B of this policy
- 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 disclosure outside of Randwick City Council, it is possible that your disclosure will be referred back to us so that appropriate action can be taken.

### **Making a report to a Member of Parliament or journalist:**

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- 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 from Randwick City Council:



- notification that Randwick City Council 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 Randwick City Council's 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.

## 2.6 What form should a voluntary PID take?

You can make a voluntary PID:

- in writing — this could be an email or letter to a person who can receive voluntary PIDs.
- orally — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually.
- anonymously — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the 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. It may be difficult, however, for us to investigate the matter(s) you have disclosed if we cannot contact you for further information.

## 2.7 What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

## 2.8 What if I am not sure if my report is a PID?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for us to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations or complaints.

## 2.9 Deeming that a report is a voluntary PID

The General Manager can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the ‘deeming power’.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the General Manager or Manager Customer & Compliance to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the General Manager or Manager Customer & Compliance (under sub-delegation “Public Interest Disclosures Act – Deeming a report to be a voluntary PID”).

For more information about the deeming power, see the Ombudsman’s guideline ‘[Deeming that a disclosure is a voluntary PID](#)’.

### Who can I talk to if I have questions or concerns?

You should talk to one of our Disclosure Coordinator (Manager Customer and Compliance). This can be done confidentially by contacting the Manager Customer and Compliance, David Kelly on 0410438680.

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## 3. Protections

### 3.1 How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act.

We are committed to taking all reasonable steps to protect you from detriment action as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- *Protection from detrimental action*
  - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal.
  - Once we become aware that a voluntary PID, by a person employed or otherwise associated with Randwick City Council that concerns serious wrongdoing relating to Randwick City Council has been made, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
  - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
  - A person may seek compensation where unlawful detrimental action has been taken against them.
  - A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- *Immunity from civil and criminal liability*

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

- *Confidentiality*

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- *Protection from liability for own past conduct*

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

## 3.2 Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- *A mandatory PID:* This is a PID where the public official has made the 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.
- *A 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.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓
Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> <li>• breaching a duty of secrecy or confidentiality, or</li> <li>• breaching another restriction on disclosure.</li> </ul>	✓	✓

## 3.3 Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental

action directly to us, or to an integrity agency. A list of integrity agencies is located at **Annexure B** of this policy.

If you choose to report to us you may report this to the General Manager, the Disclosure Coordinator (Manager Customer & Compliance) or any of the Disclosure Officers or to your Director or Manager. This contact can be made by email, phone or in person.

### 3.4 General support

If you make a report to Randwick City Council you will be allocated a person who will be your key contact person and who will take steps to protect your interests, for example, if you are at risk of detrimental action. The allocated person may be the officer that you reported the wrongdoing to or the Disclosure Coordinator.

Report makers also have access to Council's Employee Assistance Program for wellbeing support.

For further information, see the NSW Ombudsman's publication '[Protections under the PID Act](#)'.

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## 4. Roles and responsibilities of Randwick City Council employees

Certain people within Council have responsibilities under the PID Act.

### General Manager

The General Manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture and ensuring that Council complies with the PID Act. The General Manager can receive reports from staff 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 reprisal 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 remedial action where wrongdoing is substantiated or systemic problems are identified
- make decisions to deem reports to be voluntary PIDs
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a detrimental action offence under section 33 of the PID Act to the Commissioner of Police and the ICAC.

### Disclosures Coordinator

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

- 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 General Manager)
- deal with reports made under the Council's Code of Conduct in accordance with the Council's adopted Code of Conduct procedures
- coordinate Council's 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 reprisal 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 staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure Randwick City Council complies with the PID Act
- make decisions to deem reports to be voluntary PIDs
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

### **Disclosures Officer**

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 reports of wrongdoing and assist staff and Councillors to make reports.

Disclosures Officers have a responsibility to:

- document in writing any reports received verbally, 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 reprisal or workplace conflict
- carry out preliminary assessment and forward reports to a Disclosures Coordinator or the General Manager for full assessment.

### **Managers and Supervisors**

Managers and supervisors play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Managers and supervisors should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- identify reports made to them in the course of their work which could be public interest disclosures and assist the staff member to make the report to an officer authorised to receive public interest disclosures under this policy (ie. a Disclosures Officer)
- implement local management strategies, in consultation with the Disclosures Coordinators, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or the General Manager immediately if they believe a staff member is being subjected to detrimental action as a result of reporting wrongdoing, or in the case of suspected detrimental action by the General Manager, notify the Disclosures Coordinator or an integrity agency (see Appendix B).

### **All employees must:**

All employees must:

- report suspected serious wrongdoing or other misconduct
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Randwick City Council
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

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## 5. How we will deal with voluntary PIDs

### 5.1 How we will acknowledge that we have received a report and keep the person who made it informed

When a Disclosure Officer in Randwick City Council receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:
  - state that the report will be assessed to identify whether it is a PID
  - state that the PID Act applies to how [we/agency name] deals with the report
  - provide clear information on how you can access this PID policy
  - provide you with details of a contact person and available supports.
- 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.
- 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.
  - 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.

### 5.2 How we will deal with voluntary PIDs

Once a report that may be a voluntary PID is received we will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

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 General Manager 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.

Internal PID investigations will be conducted in accordance with our [Workplace Investigations Procedure](#) and the Flow chart of internal reporting processes (at **Appendix C**).

### **Report not a voluntary PID**

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our Code of Conduct or staff Grievance Management Policy or through an alternate process.

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a Disclosure Officer, request an internal review or request that the matter be conciliated. We can, but do not have to, request the NSW Ombudsman to conciliate the matter.

### **Cease dealing with report as voluntary PID**

We may stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID).

### **Where the report is a voluntary PID**

If the report is a voluntary PID:

- In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

## **5.3 How we will protect the confidentiality of the maker of a voluntary PID**

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under 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.

There are certain circumstances under 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 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.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we practically can to not unnecessarily disclose information from which the maker of the report can be identified. We will do this by:

- We will limit the number of people who are aware of the maker's identity or information that could identify them.
- If we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so.
- We will ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.
- We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- We will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- We will provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, we will:

- Advise the person whose identity may become known
- Update our risk assessment and risk management plan
- Implement strategies to minimise the risk of detrimental action
- Provide additional support to the person who has made the PID
- Remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

## 5.4 How we will assess and minimise the risk of detrimental action

We will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

We will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

We will take steps to assess and minimise the risk of detrimental action by:



- explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
- the Leader Enterprise Risk & Safety will be responsible for undertaking a risk assessment
- the Disclosure Coordinator will approve the risk assessment and the risk management plan
- we will advise the PID maker once the risk assessment and risk management plan have been approved, including the protections that will be offered, that is, we will discuss protection options with the maker which may including remote working or approved leave for the duration of the investigation
- outlining what supports will be provided.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied).

Detriment to a person includes:

- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

## 5.5 How we deal with allegations of a detrimental action offence

If we become aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

The Disclosure Coordinator is responsible for making referrals about alleged detrimental action offences.

Any victims of detrimental action should speak to the Disclosure Coordinator or the person they have been liaising with in relation to their report. Either your liaison officer or the Disclosure Coordinator will update you on what action is being taken and what supports will be made available to you.

## 5.6 What Randwick City Council will do if an investigation finds that serious wrongdoing has occurred

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, we will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

If correction action is taken, the following procedure will be followed:

- the Disclosure Coordinator receives the findings of an investigation (if conducted externally) or the Disclosure Coordinator makes the findings of an investigation conducted internally. The General Manager must be advised of the findings of any PID investigations, including the Investigation Plan
- the findings must detail what steps will be taken to address any recommendations in the findings
- depending on what corrective action takes place either the Disclosure Coordinator or the relevant Director or Manager will be responsible for ensuring the corrective action takes place
- the report maker will be notified of the proposed or recommended corrective action by their preferred method of contact (this could be by phone, email or in person).

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## 6. Review and dispute resolution

### 6.1 Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Randwick City Council:

- that Randwick City Council is not required to deal with the report as a voluntary PID
- to stop dealing with the report because we decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

We will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of our decision. The application should state the reasons why you consider our decision should not have been made. You may also submit any other relevant material with your application.

Internal review applications should be sent to the Disclosures Coordinator or the General Manager. Internal reviews will be referred to an external organisation to conduct the review. This will be one of the organisations on our Code of Conduct Complaints Panel. Reviews must be completed in a timely manner with the timeframe to be agreed between the Disclosures Coordinator and the reviewer at the time of appointment.

### 6.2 Voluntary dispute resolution

If a dispute arises between us and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where we and the maker of the report are willing to resolve the dispute.

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## 7. Other obligations

### 7.1 Record-keeping requirements

We must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Randwick City Council complies with its obligations under the *State Records Act 1998*.

All information in relation to PIDs and potential PIDs will be stored in our electronic document management system. Security/access restrictions will be applied to all communications regarding reports made in accordance with the PID Act.

### 7.2 Reporting of voluntary PIDs and Randwick City Council's annual return to the Ombudsman

Each year we provide an annual return to the NSW Ombudsman which includes:

- information about voluntary PIDs received by Randwick City Council during each return period (yearly with the start date being 1 July)
- action taken by Randwick City Council to deal with voluntary PIDs during the return period
- how Randwick City Council promoted a culture in the workplace where PIDs are encouraged.

The annual return will be compiled by the Disclosure Coordinator.

### 7.3 How we will ensure compliance with the PID Act and this policy

Council has a legislative compliance and reporting system in place which ensures our compliance with local government related information (including the PID Act).

Any oversights and measure put in place to address such oversights in relation to the PID Act will be included in our legislative compliance reporting to both the executive and our Audit, Risk & Improvement Committee.

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## A – Names and contact details of disclosure coordinators and disclosure officers for Randwick City Council

### Disclosures Coordinator

- Complaints Coordinator and Manager Customer & Compliance (David Kelly) – Phone 9093 6742 or 0410438680 or email [david.kelly@randwick.nsw.gov.au](mailto:david.kelly@randwick.nsw.gov.au)

### Disclosures Officers

General Manager – Ray Brownlee – phone 9093 6803 or email [ray.brownlee@randwick.nsw.gov.au](mailto:ray.brownlee@randwick.nsw.gov.au)

Head La Perouse Museum – Roxanne Fea phone 9093 6191 or 0447322194 or email

[Roxanne.fea@randwick.nsw.gov.au](mailto:Roxanne.fea@randwick.nsw.gov.au)

Manager Business Recreation Services – Reece Heddle – phone 90936320 or email

[reece.heddle@randwick.nsw.gov.au](mailto:reece.heddle@randwick.nsw.gov.au)

Manager Customer & Compliance – David Kelly – phone 9093 6742 or 0410438680 or email

[david.kelly@randwick.nsw.gov.au](mailto:david.kelly@randwick.nsw.gov.au)

Manager Human Resources – Kimberley Barrett – phone 9093 6665 or email

[Kimberley.barrett@randwick.nsw.gov.au](mailto:Kimberley.barrett@randwick.nsw.gov.au)

Manager Infrastructure Services – Ryan Zammit – phone 9093 6744 or 0439613595 or email

[ryan.zammit@randwick.nsw.gov.au](mailto:ryan.zammit@randwick.nsw.gov.au)

Manager Library Services – Barbara Todes – phone 9093 6420 or 0420306092 or email

[Barbara.todes@randwick.nsw.gov.au](mailto:Barbara.todes@randwick.nsw.gov.au)

Manager Sustainability – Peter Maganov – phone 9093 6221 or 0410312473 or email

[peter.maganov@randwick.nsw.gov.au](mailto:peter.maganov@randwick.nsw.gov.au)

Manager Waste, Cleansing & Public Safety - Mark Bush – phone 9093 6738 or 0418229240 or email

[mark.bush@randwick.nsw.gov.au](mailto:mark.bush@randwick.nsw.gov.au)

Principal Internal Auditor – Liz Ames – phone 0461 281 822 or email [liz.ames@randwick.nsw.gov.au](mailto:liz.ames@randwick.nsw.gov.au)

Supervisor Library Branch (Randwick) - Vicki Kastanas – phone 9093 6110 or email

[vicki.kastanas@randwick.nsw.gov.au](mailto:vicki.kastanas@randwick.nsw.gov.au)

Supervisor Library Branch (Malabar) – Jill Graham phone 90936124 or email

[jill.graham@randwick.nsw.gov.au](mailto:jill.graham@randwick.nsw.gov.au)

Coordinator Moverly Childrens' Centre – Ada Chin – phone 9093 6151 or 0438914636 or email

[ada.chin@randwick.nsw.gov.au](mailto:ada.chin@randwick.nsw.gov.au)

Supervisor Nursery & Streetscape – Kevin Kaprot – phone 9093 6843 or 0419471711 or email

[kevin.kaprot@randwick.nsw.gov.au](mailto:kevin.kaprot@randwick.nsw.gov.au)

Supervisor Resource Recovery – James Behjan – phone 9093 6709 or 0417418725 or email

[james.behjan@randwick.nsw.gov.au](mailto:james.behjan@randwick.nsw.gov.au)

Supervisor Venues – Mark Vrabac – phone 9093 6211 or 0427644519 or email

[mark.vrabac@randwick.nsw.gov.au](mailto:mark.vrabac@randwick.nsw.gov.au)

You may choose to make a report to your direct supervisor. Your supervisor will then help you get in contact with one of the Disclosures Officers.

In addition, you may make a report to Council's Audit, Risk & Improvement Committee (ARIC). Reporting to Council's ARIC provides an alternate avenue for the submission of public interest disclosures should an employee or Councillor prefer not to make a submission to a staff member, the General Manager or the Mayor (as the case may be). Report to Council's Audit, Risk & Improvement Committee should be made in writing as follows:

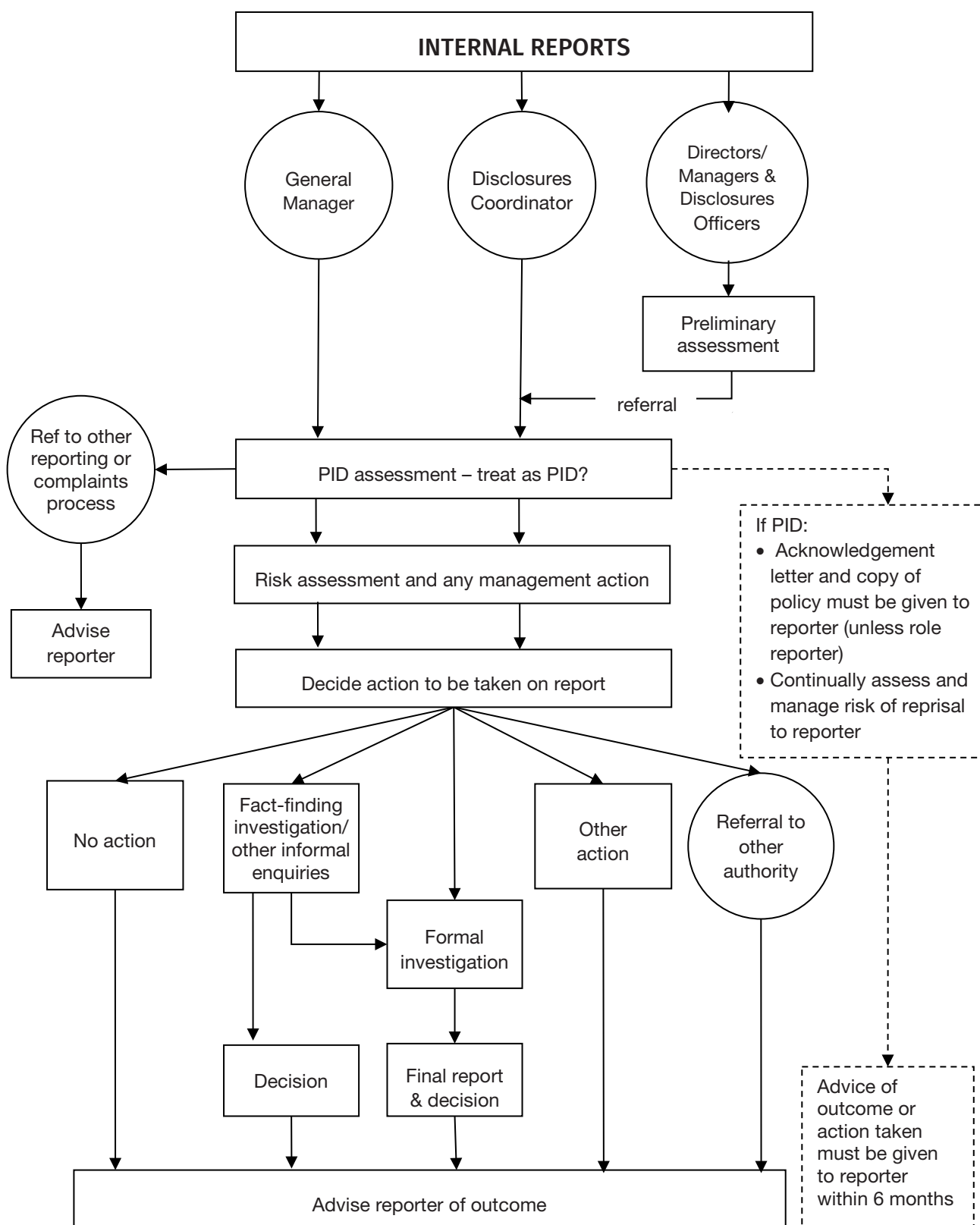
- By email to [aricpid@randwick.nsw.gov.au](mailto:aricpid@randwick.nsw.gov.au) ; or
- By mail to:  
Randwick City Council Audit, Risk & Improvement Committee  
30 Frances Street  
RANDWICK NSW 2031

**Marked private and confidential**

## B – List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
The Auditor-General	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
Independent Commission Against Corruption	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
The Inspector of the Independent Commission Against Corruption	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> PO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>
The Law Enforcement Conduct Commission	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<b>Telephone:</b> 02 9321 6700 or 1800 657 079 <b>Writing:</b> GPO Box 3880, Sydney NSW 2001 <b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>
The Inspector of the Law Enforcement Conduct Commission	<b>Serious maladministration</b> by the LECC and LECC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> GPO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:olecc_executive@olecc.nsw.gov.au">olecc_executive@olecc.nsw.gov.au</a>
Office of the Local Government	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
The Privacy Commissioner	<b>Privacy contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
The Information Commissioner	<b>Government information contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>

## C – Flow chart of internal reporting processes



## D - Template – Internal report form

To be completed by an internal reporter, the reporters Director or Manager, the Disclosure Coordinator or a nominated Disclosures Officer

Details of reporter <i>(You can make an anonymous report by leaving this section blank)</i>		
Name:		
Position:		
Division/Unit:		Preferred method of contact
Telephone:		<input type="checkbox"/> Telephone
Email:		<input type="checkbox"/> Email
Postal address:		<input type="checkbox"/> Post
Details of the wrongdoing being reported		
Description: <ul style="list-style-type: none"> <li>• What happened?</li> <li>• Where did this happen?</li> <li>• When did this happen?</li> <li>• Is it still happening?</li> </ul> <i>[Attach an additional page if required]</i>		
How did you become aware of this?		
Name and position of people involved in the wrongdoing:	Name	Position
Attach any additional relevant information or indicate where supporting evidence may be found:	Supporting evidence	
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
Name and position of other people who may have additional information:	Name	Position

## Statement

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

---

Signature of reporter

*(Do not sign if you want to make an anonymous report)*

---

Date report submitted

*(Essential information)*



## E - Checklist – Initial assessment of internal report

To be completed by Director or Manager receiving report or a nominated Disclosures Officer

Public Interest Disclosures – General Criteria		Comments
Is the reporter a public official?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Anonymous	<p>Under the <i>Public Interest Disclosures (PID) Act 2022</i>, A <i>public official</i> includes employees, volunteers, individual contractors, certain employees of contracting companies and any other person performing a public official function for your public authority.</p> <p>If the reporter is not a <i>public official</i> the report is not likely to be a PID.</p> <p>If the reporter is anonymous, the content of the report may tend to indicate that the reporter is a public official. In such cases it is always best to assume the reporter is a public official until there is evidence to indicate the reporter is not a public official.</p>
Is the report about the conduct of a public official or a public authority?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>If the report is not about the conduct of a <i>public official</i> or <i>public authority</i> the report is not likely to be a PID.</p>
Is the report about one of these categories of conduct? <input type="checkbox"/> Maladministration <input type="checkbox"/> Waste of public money <input type="checkbox"/> Breach of the GIPA Act <input type="checkbox"/> LG pecuniary interest contravention <input type="checkbox"/> Corrupt conduct <input type="checkbox"/> Privacy contravention	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>Generally speaking, a grievance, such as a complaint about bullying, is not about one of these categories of conduct.</p> <p>If the report is not about one of these categories of conduct it is not likely to be a PID and does not need to be forwarded to the disclosures coordinator for assessment.</p> <p>For line Directors and Managers/supervisors: PIDs must be made to a person authorised to receive PIDs under the public authority's internal reporting policy (for example a nominated disclosure officer). <b>If you are not authorised to receive PIDs but suspect the report could be a PID, you should direct staff member to a nominated disclosures officer or show support and go with them.</b></p>
Contact details of reporter		
Name:		Preferred method of contact <input type="checkbox"/> Telephone <input type="checkbox"/> Email <input type="checkbox"/> Post
Telephone:		
Email:		
Postal address:		

Assessment and comments	
<p>Based on this <b>initial assessment</b>, could this report be a Public Interest Disclosure (PID)?</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p> <p>Reasons for this initial assessment:</p>  <p>_____</p> <p>Signature of Director or Manager or nominated Disclosures Officer</p> <p>Date:</p>	<p>If <b>yes</b>,</p> <p><input type="checkbox"/> Forward this report to the Disclosures Coordinator for formal assessment.</p> <p>Date forwarded:</p> <p>If <b>no</b>, the following steps will be taken:</p> <p><input type="checkbox"/> Referred to:</p> <p>For:</p> <p>Date referred:</p> <p><input type="checkbox"/> Complainant notified.</p> <p>Date notified:</p>

## F - Checklist – Assessment of an internal report against the criteria in the PID Act

To be completed by the disclosures coordinator

Public Interest Disclosures Act Criteria		Comments
1	<p>Is the reporter a public official?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Anonymous</p>	<p>If the reporter is not a <i>public official</i>, as defined in the PID Act the report is not a PID.</p> <p>If the reporter is anonymous, the content of the report may indicate that the reporter is a public official. In such cases it is always best to assume the reporter is a public official unless there is evidence to indicate the reporter is not a public official.</p>
2	<p>Is the report about the conduct of a public official or a public authority?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>If the report is not about the conduct of a <i>public official</i> or <i>public authority</i>, as defined in the PID Act, the report is not a PID.</p>
3	<p>Is the report about one of the categories of conduct in the PID Act?</p> <p><input type="checkbox"/> Breach of the GIPA Act</p> <p><input type="checkbox"/> Serious maladministration</p> <p><input type="checkbox"/> LG pecuniary interest contravention</p> <p><input type="checkbox"/> Corrupt conduct</p> <p><input type="checkbox"/> Serious and substantial waste of public money</p>	<p>If the report is not about one of the categories of conduct in the PID Act it is not a PID.</p> <p>For more information about these categories of conduct see NSW Ombudsman PID Guideline B2.</p> <p>If you have answered no because you believe the maladministration or waste of public money was not <i>serious</i> or <i>substantial</i> enough, clearly record your reasons over the page.</p>
4	<p>Does the reporter have <b>reasonable grounds</b> to believe that the information they have reported <b>shows or tends to show the alleged wrongdoing</b>?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p><b>Assume the reporter has an <i>honest belief</i> unless there is evidence to the contrary.</b></p> <p>If another person, given the same conditions, would take the same viewpoint, this is <i>reasonable grounds</i>.</p> <p>The reporter must be able to <i>show or tend to show</i> evidence of the alleged wrongdoing, i.e. they witnessed it or they have documentary or other evidence. It cannot be hearsay.</p> <p>If you have answered no, clearly record your reasons over the page.</p>
5	<p>Was the report made to the principal officer, or a public official nominated to receive disclosures in the public authority's Internal Reporting Policy?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>If the report was not made to the <i>principal officer</i> or a <i>nominated disclosures officer</i> the report is not a PID.</p> <p>If the reporter has not made the report to an authorised person they should be redirected to one.</p>
6	<p>Does the report primarily question the merits of government policy?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>If the report <i>primarily questions the merits of government policy</i> the report is not a PID.</p>
7	<p>Is there substantial evidence indicating that the report was made solely or substantially with the motive of avoiding dismissal or other disciplinary action?</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>	<p>If the report has been made <i>solely or substantially with the motive of avoiding dismissal or other disciplinary action</i> the report is not a PID.</p> <p>A high evidential threshold is required to conclude the reporter's motives were improper.</p> <p>If you have answered yes, you should have sound reasons and clearly record those reasons over the page.</p>
Further comments		

- The PID assessment should be based on the content of the disclosure, not the outcome of any investigation.
- An internal reporter does not have to explicitly indicate that they are making a PID or ask to be protected.
- If in doubt, err on the side of caution and interpret the PID Act broadly – i.e. assume that the PID Act applies and proceed accordingly.
- For further advice, please refer to the NSW Ombudsman's PID Guidelines at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) or contact the NSW Ombudsman PID Unit on [pid@ombo.nsw.gov.au](mailto:pid@ombo.nsw.gov.au) or 02 9286 1000.

## Assessment

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

☐ Yes ☐ No

If **yes**, was the PID made:

- ☐ incidental to the performance of reporter's day-to-day functions,
- ☐ under a statutory or other legal obligation on the reporter,
- ☐ otherwise.

\_\_\_\_\_  
Signature of disclosures coordinator

Date:

If **yes**, the following steps will be taken:

If **no**, the following steps will be taken:

## Reasons for decision

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