

INTERNAL REPORTING POLICY AND PROCEDURES

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POLICY

1. Purpose

The purpose of this policy is to establish an internal reporting system for staff to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to in the New South Wales Crime Commission ('the Commission'), what can be reported and how reports of wrongdoing will be dealt with by the Commission.

The purpose of the *Public Interest Disclosures Act 1994* (PID Act) is to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration, serious and substantial waste, government information contravention and local government pecuniary interest contravention in the public sector, by providing established procedures for making disclosures, protecting persons from reprisals and providing for those disclosures to be properly investigated and dealt with.

This policy is designed to complement normal communication channels between managers and staff. Staff are encouraged to raise matters of concern at any time with their manager, but also have the option of making a report about a public interest issue in accordance with this policy and the PID Act.

This policy is just one in the suite of the Commission's complaint handling policies which include:

- *Bullying, Harassment and Discrimination Policy and Procedures*
- *Work Related Grievance Handling Policy and Procedures*
- *Complaints Handling Policy and Procedures.*

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised through the *Work Related Grievance Handling Policy and Procedures*. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to the Operations Support Manager to be dealt with in accordance with the *Work Related Grievance Handling Policy and Procedures*.

2. Organisational commitment

This document is integral to conveying the value that the Commission places on the input of its staff, specifically in relation to reporting wrongdoing. The Commission's Code of Conduct, our values and the Code of Ethical Conduct for Government Sector Employees also provide guidance for staff about expected behaviours. The Commission recognises that staff are well placed to draw attention to issues that may otherwise go unnoticed and that a proper public interest disclosure can identify issues of which senior management were not previously aware and assist in providing a remedy to those issues.

The Commission recognises that public interest disclosures can assist the Commission by promoting integrity, accountability and effective management, all of which assist to maintain the high standards upheld by the Commission.

The Commission has a strong commitment to:

- creating a climate of trust, where staff are comfortable and confident about reporting wrongdoing
- encouraging staff to report wrongdoing within the Commission, but respecting any decision to disclose wrongdoing outside the Commission in accordance with the provisions of the PID Act
- ensuring managers at all levels in the Commission understand the benefits of reporting wrongdoing and are familiar with this policy,
- reassessing / reviewing the policy periodically to ensure it is relevant and effective
- providing adequate resources to implement the requirements of the policy

Under the PID Act, the Commissioner is responsible for ensuring that:

- the Commission has an internal reporting policy
- the staff of the Commission are aware of the contents of the policy and the protection under the PID Act for people who make public interest disclosures
- the Commission complies with the policy and the authority's obligations under the PID Act
- the policy delegates certain staff members as being responsible for receiving public interest disclosures
- encouraging staff to come forward if they are aware of or suspect wrongdoing within the Commission
- keeping the identity of the staff member disclosing wrongdoing confidential, where this is possible and appropriate
- protecting staff from any adverse action resulting from making a report
- dealing with reports thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to address it

3. Application

This policy applies to all Commission officers, defined in the *Crime Commission Act 2012* to include the Commissioner, an Assistant Commissioner and a member of staff of the Commission, including a person engaged by the Commission as a consultant under subsection 74 (2) and a police officer arranged under subsection 74 (4).

This policy also applies to other people who perform public official functions whose conduct and activities could be investigated by an investigating authority and public officials of another public authority who report wrongdoing relating to the Commission.

4. Roles and responsibilities

4.1 The role of staff

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

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

Staff must not:

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

Additionally, the behaviour of all staff involved in the internal reporting process are obliged to adhere to the Commission's *Code of Conduct 2017*. A breach of the code could result in disciplinary action.

4.2 The role of the Commission

The Commission has a responsibility to establish and maintain a working environment that encourages staff to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

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

The Commission must report on our obligations under the PID Act and statistical information about public interest disclosures in our annual report and to the NSW Ombudsman every six months.

4.3 The Commissioner

The Commissioner has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the Commission complies with the PID Act. The Commissioner can receive reports from staff 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
- 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
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

4.4 Disclosures Coordinator

The Disclosures Coordinator has a central role in the Commission's internal reporting system. The disclosures coordinator can receive and assess reports, and is the primary point of contact in the Commission 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
- coordinate the Commission'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 the Commission complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

4.5 Disclosures officers

Disclosures officers are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff 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 staff 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 a preliminary assessment and forward reports to the Disclosures Coordinator or Commissioner for full assessment.

Disclosures officers and the Disclosure Coordinator are listed below in section 8 of this document.

4.6 Supervisors and managers

Supervisors and managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and managers 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
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the Disclosures Coordinator or Commissioner immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing.

5. What should be reported?

Staff should report any suspected wrongdoing within the Commission, or any activities or incidents you see within the Commission that you believe are wrong.

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

More information about what can be reported under the PID Act can be found in the NSW Ombudsman's *Guideline B2: What should be reported?*.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor or manager, to be dealt with in line with the relevant policies. Please see section 5.6 below.

Even if these reports are not dealt with as public interest disclosures, the Commission recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

5.1 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
- a public official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust.

5.2 Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. It can include making a decision and/or taking action that is unlawful, or not related to the merits of the matter.

5.3 Serious and substantial waste of public money

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

For example, this could include:

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

5.4 Breach of the GIPA Act

A breach of the *Government Information (Public Access) Act 2009* (GIPA Act) is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing, deliberately over classifying 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.

5.5 Local government pecuniary interest contravention

Although this is unlikely to apply at the Commission, section 5.5 is included for completeness with respect to matters covered by the PID Act.

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 functions 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.

5.6 Other wrongdoing

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

For example, these could include:

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

These types of issues should be reported to a manager, in line with the Commission's policies.

These policies include:

- *Bullying, Harassment and Discrimination Policy and Procedures*
- *Work Related Grievance Handling Policy and Procedures*
- *Complaints Handling Policy and Procedures.*

As noted above, even if these reports are not dealt with as public interest disclosures, the Commission will consider each matter and make every attempt to protect the staff member making the report from any form of reprisal.

Commission staff should consider the *Code of Conduct 2017* which establishes standards of behaviour expected of every officer of the Commission. This document acts as a guide to solving ethical issues and provides a framework for appropriate conduct in a variety of contexts. Commission staff are also required to comply with the *Code of Ethical Conduct for Government Sector Employees*.

The NSW Public Service Commission has published an [ethical framework](#) for the government sector. This framework includes a series of core values which the Commission has adapted for our organisation.

Our values are:

- integrity.
- Accountability.
- Trust.
- Collaboration

The Law Enforcement Conduct Commission (LECC) detect, oversee, investigate and expose serious misconduct and serious maladministration within the NSW Police Force (NSWPF) and the Commission. The LECC investigates information that may indicate NSWPF or Commission officers have been, or are, involved in

- soliciting or accepting bribes;
- perverting the course of justice (for example by planting evidence at a crime scene or interfering with a brief of evidence);
- serious assaults;

:

- releasing confidential police information;
- improperly interfering in police investigations;
- improper relationships with criminals;
- manufacturing, cultivating or supplying prohibited drugs; and
- crimes attracting imprisonment (for example, drug supply).

6. Assessment of reports

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

The Disclosures Coordinator is responsible for assessing reports, in consultation with the Commissioner 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 will consult the Commission and have due regard as to what next steps will be taken (if any) having regard to the nature of the report and the requirements of the PID Act.

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

The Commission will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- The report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention.
- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to either the Commissioner, a position nominated in this policy (see section 8), an investigating authority or in limited circumstances to an MP or journalist.

Reports by staff **are not** public interest disclosures if they:

- mostly question the merits of government policy (see section 17)
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action (see section 16).

8. Who can receive a report within the Commission?

You are encouraged to report general wrongdoing to your manager. However the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy. Refer to the “Procedures” section of this document for further details. The following positions are the only staff within the Commission who are authorised to receive a public interest disclosure. Any manager who receives a report that they believe may be a public interest disclosure is obliged to assist the staff member to make the report to one of the positions below.

The broader responsibilities of these positions are outlined under Roles and Responsibilities (section 4).

- Commissioner
- Disclosures Coordinator:
 - Director Governance
- Disclosures Officers:
 - any Assistant Commissioner;
 - Executive Director Criminal Investigations;
 - Executive Director Financial Investigations;
 - Director Governance;
 - Records and Information Manager.

9. Who can receive a report outside of the Commission?

Staff are encouraged to report wrongdoing within the Commission, but internal reporting is not your only option. You can also make a public interest disclosure to:

- An investigating authority.
- A Member of Parliament or a journalist, but only in the limited circumstances outlined below.

9.1 Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example any report about the Commissioner.

The investigating authorities, and the matters with which they can deal, are:

UNCLASSIFIED

- the Auditor-General - for serious and substantial waste;
- the ICAC - for corrupt conduct (not including the NSWPF or Commission officers);
- the Ombudsman - for maladministration (not including the NSWPF, Commission or LECC officers);
- the LECC – for disclosures about the Commission or its staff, including misconduct, corruption and maladministration, as defined in its Act;
- the LECC - for police misconduct, corruption and maladministration, as defined in its Act;
- the Inspector of the LECC - for disclosures about the LECC or its staff;
- the Division of Local Government, Department of Premier and Cabinet - for disclosures about local government agencies;
- the ICAC Inspector - for disclosures about the ICAC and its staff; and
- the Information Commissioner - for disclosures about a breach of the GIPA Act.

You should contact the relevant investigation 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 the investigating authority may well discuss any such reports with the Commission, if the report refers to any Commission officer. 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, if we are made aware that this has occurred.

9.2 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 Commissioner
- a person nominated in this policy
- an investigating authority.

Also, the Commission or the investigating authority that received your initial 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.

9.3 Other external reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the Commission *Code of Conduct 2017* – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside the Commission, contact the Disclosures Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Their contact details are provided at the end of this policy.

10. 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 Commission, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

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

11. Feedback to staff who report wrongdoing

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

11.1 Acknowledgement

When you make a report, the Commission will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, the Commission will send you an acknowledgment letter, providing:

- information about the action that will be taken in response to your report
- the likely timeframes for any investigation or other action
- information about the internal and external resources or services available that you can access for support.

We are required to provide this information to you within 45 days from the date you make your report, however it is likely to be earlier than the required timeframe. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

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

11.2 Progress updates

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

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

11.3 Feedback

Once the matter has been finalised 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 are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.

12. Maintaining confidentiality

The Commission realises reporters may want their identity and the fact that they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the Commissioner. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

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

13. Managing the risk of reprisal and workplace conflict

When a staff member reports wrongdoing, the Commission will undertake a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting; as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the Commission may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

14. Protection against reprisals

The Commission will not tolerate any reprisal against staff who report wrongdoing or are believed to have reported wrongdoing.

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

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

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

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also misconduct which may result in disciplinary action.

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

14.1 Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your manager, the Disclosures Coordinator or the Commissioner immediately.

All managers must notify the Disclosures Coordinator or the Commissioner if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them.

If the Commission becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the Commission will:

- assess the report of reprisal to decide whether it should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, you may contact the LECC or the NSW Ombudsman Office. Contact details for these agencies are included at the end of this policy.

14.2 Protection against legal action

If you make a public interest 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 having made the public interest disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

15. Support for those reporting wrongdoing

The Commission will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

Commission staff also have access to an Employee Assistance Program (EAP) provided by Optum. Staff can contact the service 24/7 on 1300 361 008 to obtain assistance. You can contact the EAP provider direct and there is no need to request this service through the Operations Support Manager. The EAP service provides face to face or telephone counselling, online programs and factsheets as support for employees and immediate family members.

16. Sanctions for making false or misleading statements

It is important all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. The Commission will not support staff who wilfully make false or misleading reports. Such conduct may also be a breach of the *Code of Conduct 2017* resulting in disciplinary action.

17. The rights of persons the subject of a report

The Commission is committed to ensuring staff 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 this 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 or not further action will be taken against you.

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

PROCEDURES

1. 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.

The [‘Roles and Responsibilities’](#) and [‘Who can receive a report within the Commission?’](#) sections of this document outline who may receive a report and the actions they are required to take.

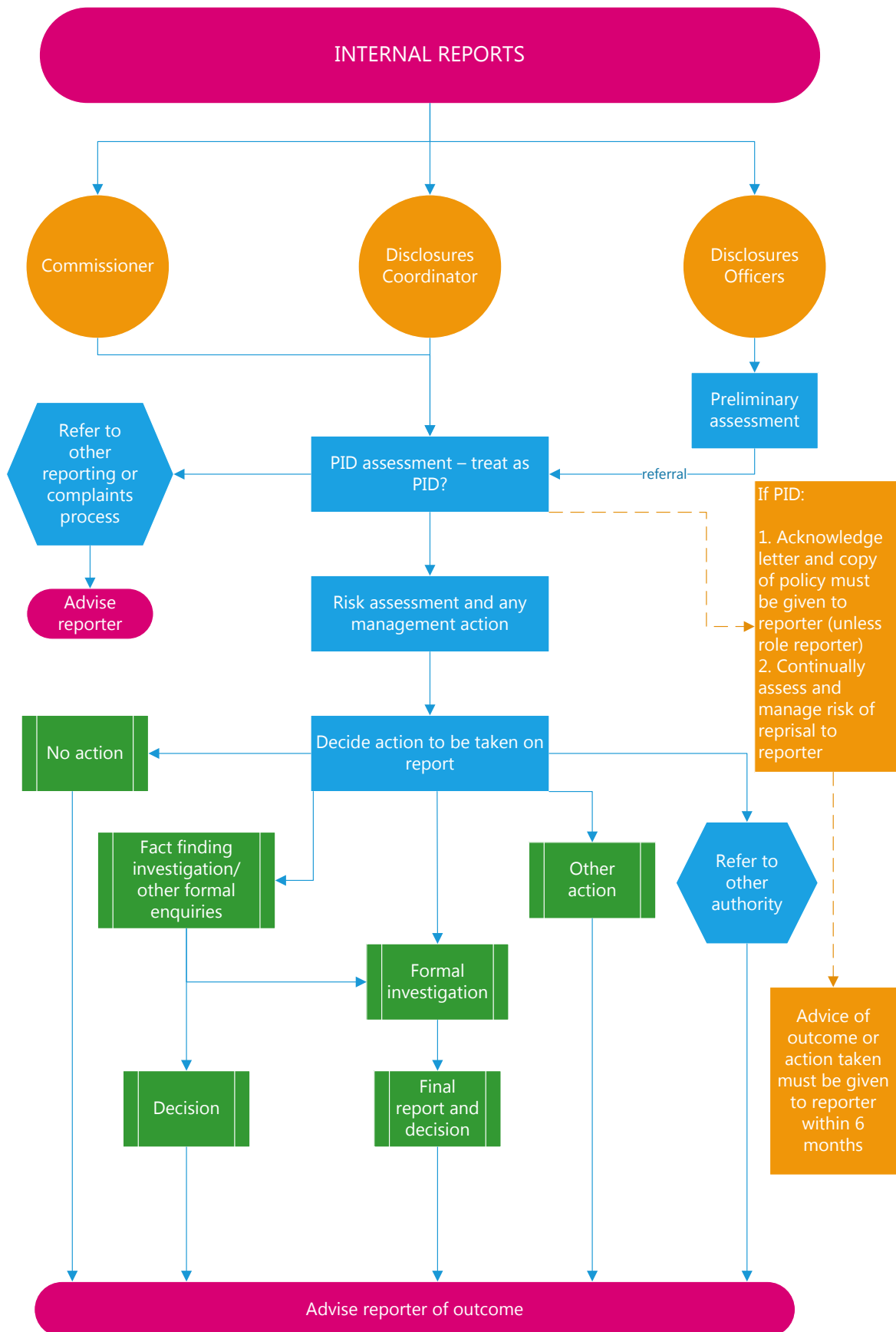
The [‘What should be reported?’](#) section of this document outlines the type of conduct that can be dealt with under the PID Act.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The staff member should keep a copy of this record.

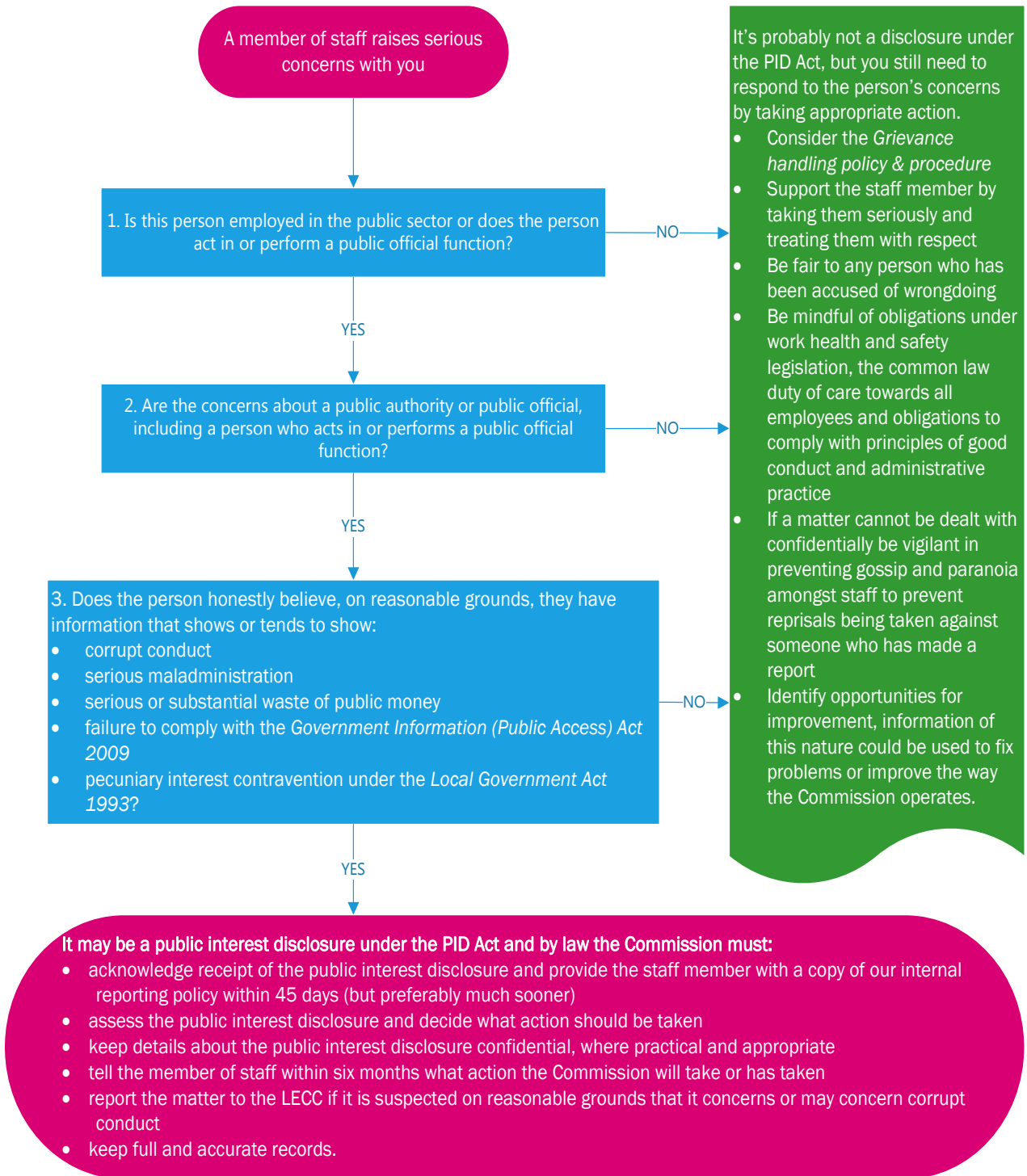
The [‘Internal reporting process’](#) flowchart assists staff to understand the overall internal reporting process.

The [‘Am I dealing with a PID?’](#) flowchart assists recipients of a complaint to determine if this is a public interest disclosure.

2. Flow chart: internal reporting process



3. Flow chart: Am I dealing with a PID?



4. Resources

More information around public interest disclosures is available on the intranet, OurSource. Staff can also seek advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

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

Independent Commission Against Corruption (ICAC)

Phone: 02 8281 5999

Toll free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

Email: icac@icac.nsw.gov.au

Web: www.icac.nsw.gov.au

Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Tel. typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

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

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

Office of Local Government

Phone: 02 4428 4100

Tel. typewriter (TTY): 02 4428 4209

Facsimile: 02 4428 4199

Email: dlg@dlg.nsw.gov.au

Web: www.dlg.nsw.gov.au

Address: 5 O'Keefe Avenue, Nowra, NSW 2541

Information Commissioner

Toll free: 1800 472 679

Facsimile: 02 8114 3756

Email: ipcinfo@ipc.nsw.gov.au

Web: www.ipc.nsw.gov.au

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

Law Enforcement Conduct Commission (LECC)

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

Version control

Version	Effective date	Update comments	Author
1.0	1 October 2011		Commissioner
2.0	29 June 2012		Commissioner
2.1	10 July 2012		Commissioner
2.2	7 March 2013	Titles updated.	Legal Unit
2.3	20 May 2013	Role update	Legal Unit
2.4	27 August 2013	Updates	Legal Unit
3.0	17 August 2017	Re-write	Governance Unit

Publication information

Title	Internal Reporting Policy and Procedures
Policy type	Policy and procedures
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Policy developer	Policy Officer
Policy contact	Director Governance
Approver	Commissioner
Approval date	17 August 2017
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Review date	17 August 2020
Supersedes	Version 2.4
Classification	Unclassified
Acknowledgements	NSW Ombudsman, <i>Model Internal Reporting Policy</i> NSW Ombudsman, <i>Factsheet – Am I Dealing with a Public Interest Disclosure?</i>
Related documents	<i>Bullying, Harassment and Discrimination Policy and Procedures</i> <i>Work Related Grievance Handling Policy and Procedures</i> <i>Complaints Handling Policy and Procedures</i>