

PROTECTED DISCLOSURES POLICY

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RESPONSIBLE OFFICER		General Manager	

PART 1 INTRODUCTION

Riverina Water County Council will not tolerate corrupt conduct, maladministration or the serious and substantial waste of public money and acknowledges the reporting of suspected wrongdoing by staff, Councillors and Council engaged persons as being vital to its integrity.

Council is committed to the aims and objectives of the Public Interest Disclosures Act 1994 (the PID Act). It recognises the value and importance of contributions of staff, Councillors and other Council engaged persons to enhance administrative and management practices and strongly supports disclosures being made by those individuals which disclose corrupt conduct, maladministration, the serious and substantial waste of public money or contravention of the *Government Information (Public Access) Act 2009* (GIPA Act).

1.1 Policy Objectives

This Policy establishes an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration, the serious and substantial waste of public money or contravention of the GIPA Act by the Council, its staff and Councillors. The system enables such internal disclosures to be made to the Disclosure Coordinator, a Nominated Disclosure Officer, or the Chairman as an alternative to the General Manager.

1.2 Scope of Policy

This Policy covers complaints and reports made under the PID Act such as disclosures of corrupt conduct, maladministration, serious and substantial waste of public money or contravention of the GIPA Act.

This policy applies to:

- Councillors and Council staff (including permanent employees whether full-time or part-time, temporary or casual employees); and
- Other persons engaged by Council (including consultants, individual contractors working for Council and volunteers)

1.3 Legislative Context

The PID Act has the purpose of ensuring that public officials who wish to make disclosures under the legislation receive protection from reprisals, and that the matters raised in the disclosures are properly investigated.

The Act aims to encourage and facilitate the disclosure - in the public interest - of corrupt conduct, maladministration, serious and substantial waste in the public sector and/or contravention of the GIPA Act. This is achieved by:

- enhancing and augmenting established procedures for making disclosures concerning such matters,
- protecting persons from reprisals that might otherwise be inflicted on them because of these disclosures, and
- providing for those disclosures to be properly investigated and dealt with.

Under section 14 of the GIPA Act, Responsible and effective government, there is a public interest consideration against disclosure of information if disclosure of the information could reasonably

be expected to prejudice the supply to an agency of confidential information that facilitates the effective exercise of that agency's functions.

1.4 Relevant legislation:

- Public Interest Disclosures Act 1994
- Local Government Act 1993
- Government Information (Public Access) Act 2009
- Independent Commission Against Corruption Act 1988
- Ombudsman Act 1974

PART 2: Reporting Process

2.1 Context of the policy

Riverina Water County Council is committed to protecting staff who report wrongdoing in the work place. Some reports of wrongdoing may be classified as "protected disclosures" under the Public Disclosures Act 1994 (PID Act). This policy specifically addresses those types of reports.

Other reports of wrongdoing may not meet the definition of "protected disclosures", however the Riverina Water County Council supports and encourages such reports as Council does not condone or tolerate wrongdoing in the workplace.

In addition to this policy, staff and Councillors should refer to the Council's Code of Conduct and Ethics Policy as this sets out expected and required standards of conduct and behaviour.

This policy seeks to:

- To establish an internal reporting system for the reporting of disclosures of corrupt conduct, maladministration or serious and substantial waste of public money by Council, members of Council staff and Councillors. This enables protected disclosures to be made to the Disclosure Coordinator, a nominated Disclosures Officer, the Chairman, or the General Manager.
- To complement the normal means of communication between Managers and members of Council staff. (Members of Council staff are encouraged to raise appropriate matters at any time with their Managers but they also have to make protected disclosures in accordance with this policy).
- To ensure that Council will take all reasonable steps to protect any Councillor or member of Council staff or Council contractor who makes a disclosure from any detrimental action in reprisal for making that disclosure.

2.2 Organisational commitment

Riverina Water County Council will:

- create a climate of trust, where staff/Councillors are comfortable and confident about reporting wrongdoing.

- encourage staff/Councillors to come forward if they have witnessed what they consider to be wrongdoing within the Council.
- keep the identity of the staff/Councillor member disclosing wrongdoing confidential, wherever possible and appropriate.
- protect staff/Councillors who make disclosures from any adverse action motivated by their report.
- deal with reports thoroughly and impartially and if some form of wrongdoing has been found, take appropriate action to rectify it.
- keep complainants who make reports informed of their progress and the outcome.
- encourage staff/Councillors to report wrongdoing within the Council, but respecting any decision to disclose wrongdoing outside the Council – provided that disclosure outside the Council is made in accordance with the provisions of the PID Act
- ensure managers and supervisors at all levels in the Council understand the benefits of reporting wrongdoing, are familiar with this policy, and aware of the needs of those who report wrongdoing
- provide adequate resources, both financial and human, to:
 - o encourage reports of wrongdoing
 - o protect and support those who make them
 - o provide training for key personnel
 - o investigate allegations
 - o properly manage any workplace issues that the allegations identify or create
 - o correct any problem that is identified.
- Review the policy every two (2) years to ensure it is still relevant and effective.

2.3 Roles and responsibilities of staff

This policy will apply to:

- both Council staff and Councillors
- permanent employees, whether full-time or part-time
- temporary or casual employees
- consultants
- individual contractors working for the Council.

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

Staff and Councillors are encouraged to report known and suspected wrongdoing within the Council. This policy is just one of several relating to grievances and complaints. Council's policies including the Code of Conduct can be found on Council's web site www.rwcc.com.au. Human

Resource policies can be found on Council's Intranet service or by contacting the Return to Work Coordinator Officer.

Staff and Councillors are encouraged to support those who have made disclosures, as well as to protect and maintain their confidentiality. Riverina Water County Council will not tolerate staff victimising or harassing anyone who has made a disclosure.

2.4 What should be reported?

Council staff should report any wrongdoing they see within the Riverina Water County Council. Reports about the four categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as protected disclosures and according to this policy.

(a) Corrupt conduct

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

For example, this could include:

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

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

(b) Maladministration

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

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

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

(c) Serious and substantial waste in local government

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

For example, this could include:

- poor project management practices leading to projects running over time
- having poor or no processes in place for a system involving large amounts of public funds.

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

(d) Government information contravention

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

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

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

(e) Other wrongdoing

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

For example, these could include:

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

These types of issues should be reported to a supervisor, in line with the Riverina Water County Council policies.

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

2.5 When will a report be protected?

Riverina Water County Council will support any member of staff who report wrongdoing. For a report to be considered a protected disclosure, it has to meet all of the requirements under the PID Act. These requirements are:

- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to one or more of the following:
 - o a position nominated in this policy – see section 9 (b), (c) & (d)
 - o the General Manager
 - o one of the investigating authorities nominated in the PID Act – see section 10

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

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

2.6 How to make a report

Staff can report wrongdoing in writing or verbally. Staff are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation.

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

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

2.7 Can a report be anonymous?

There will be some situations where a Council staff member may not want to identify themselves when making a report. Although these reports will still be dealt with by Riverina Water County Council it is best if the staff members identifies themselves. This allows Council to provide the staff member with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

It is important to realise that an anonymous disclosure may not prevent a person from being identified. If Council's Disclosure Officers do not know who made the report, it is very difficult for them to prevent any reprisal action.

2.8 Maintaining confidentiality

Riverina Water County Council realises that many staff will want their report to remain confidential. This can help to prevent any action being taken against staff for reporting wrongdoing.

Council is committed to keeping the identity of the staff member, and the fact that they have reported wrongdoing, confidential. However, there may be situations where this may not be possible or appropriate. Council's Disclosure Officer will discuss with the staff member whether it is possible to keep their report confidential.

If confidentiality cannot be maintained, Council will develop a plan to support and protect the staff member from risks of reprisal. The staff member will be involved in developing this plan. The staff member will also be told if their report will be dealt with under the Council's code of conduct, as this may mean certain information will have to be tabled at a Council meeting.

If members of staff report wrongdoing, they should only discuss their report with those dealing with it. This will include the Disclosures Coordinator and the General Manager. If a report is discussed more broadly, it may affect the outcome of any investigation.

2.9 Who can receive a report within Riverina Water County Council

Council staff are encouraged to report general wrongdoing to their supervisor. However, the PID Act requires that – for a report to be a protected disclosure – it must be made to a public official in accordance with the Council's disclosure procedures. For Riverina Water County Council, this means in accordance with this policy and any supporting procedures.

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

If you are Council staff and your report involves a Councillor, you should make it to the General Manager or the Chairman. If you are a Councillor and your report is about another Councillor, you should make it to the General Manager or the Chairman.

The following positions are the only staff within Riverina Water County Council who can receive a protected disclosure.

a. General Manager

Wrongdoing can be directly reported to the General Manager. The General Manager is responsible for:

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

The General Manager must make sure there are systems in place in Council to support and protect staff who report wrongdoing. The General Manager is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption. The General Manager can be contacted on telephone 69220603.

b. Chairman

If a member of staff or a Councillor is making a report about the General Manager, the report should be made to the Chairman. The Chairman is responsible for:

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

The Chairman must make sure there are systems in place in Council/ to support and protect staff who report wrongdoing. The Chairman can be contacted on telephone 0402-885-669 or through the General Manager's Secretary.

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

b. Disclosures Coordinator

The Disclosures Coordinator has a central role in dealing with reports made by staff. The Disclosure's Coordinator receives them, assesses them, and refers them to the people within Riverina Water County Council who can deal with them appropriately.

The Disclosures Coordinator is the Manager Corporate Services and may be contacted on telephone 69220617.

c. Disclosures Officers

Disclosures Officers work with the Disclosures Coordinator, and are responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

The Disclosures Officers are the Customer Services Officer and Return to Work Supervisor and can be contacted on telephone 6922 0609 and 6922 0613

2.10 Who can receive a report outside of Riverina Water County Council

Staff are encouraged to report wrongdoing within Riverina Water County Council, but internal reporting is not their only option. The guidance below provides details on how a report can still be a protected disclosure.

Members of Council staff can choose to make their report to an investigating authority either initially, or at any stage after an initial report to the *Riverina Water County Council*. If the report is about the General Manager or the Chairperson, the staff member should consider making it to an investigating authority.

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

a. Investigating authorities

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

In relation to Council, these authorities are:

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

- the Ombudsman — for maladministration

- the Police Integrity Commission (PIC) — for police misconduct

- the PIC Inspector — for disclosures about the PIC or its staff

- the Division of Local Government, Department of Premier and Cabinet — for serious and substantial waste in Local Government (reports about serious and substantial waste in State Government agencies should be made to the Auditor General)

- the ICAC Inspector — for disclosures about the ICAC or its staff

- the Information Commissioner — for disclosures about a government information contravention.

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

Members of Council staff should be aware that it is very likely the investigating authority will discuss the case with the Council. Council 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. Council will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority.

b. Members of Parliament or journalists

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

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

Also, the Council or investigating authority that received the report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result
- not informed the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

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

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

2.11 Feedback to Council staff who report wrongdoing

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

When they make a report, they will be given:

- an acknowledgement that a disclosure has been received
- the timeframe for when they will receive further updates
- the name and contact details of the people who can tell them what is happening.

This information will be given to member of Council staff within two working days from the date the report is made.

After a decision is made about how a report will be dealt with, Council staff will be given:

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

This information will be given to you within 10 working days from the date the staff member made the report.

During any investigation, Council staff making a disclosure will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if the identity of any member of Council staff needs to be disclosed for the purposes of investigating the matter, and an opportunity to talk about this.

At the end of any investigation, Council staff will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to their disclosure and any problem that was identified
- advice about whether the staff member will be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

2.12 Protection against reprisals

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

The Council will not tolerate any reprisal action against Council staff who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines. Detrimental action is also misconduct that justifies disciplinary action. Council staff who take detrimental action against someone who has made a disclosure can also be required to pay damages for any loss suffered by that person.

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

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

a. Responding to reprisals

Council will act to protect staff who report wrongdoing from reprisals. When a report is received, Council will ensure that a thorough risk assessment is conducted. This will identify any risks to the member of Council staff who reported the wrongdoing, as well as strategies to deal with those risks.

If a member of Council staff believes that detrimental action has been or is being taken against them or someone else who has reported wrongdoing in reprisal for making a report, they should tell your supervisor, the Disclosures Coordinator or the General Manager immediately. All supervisors must report any suspicions they have that reprisal action against a staff member is occurring, or any reports that are made to them, to the Disclosures Coordinator or the General Manager.

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

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- give the results of that investigation to the General Manager for a decision
- give the results of that investigation to the Chairman for a decision if the allegation of reprisal action is about the General Manager
- if it has been established that reprisal action is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the member of staff who made the disclosure
- take appropriate disciplinary or criminal action against anyone proven to have taken or threatened any action in reprisal for making a disclosure.

If members of Council staff report reprisal action, they will be kept informed of the progress of any investigation and the outcome.

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

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

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

If a member of Council staff has reported wrongdoing and feels that any reprisal action is not being dealt with effectively, contact the Ombudsman or the ICAC – depending on the type of

wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

b. Protection against legal action

If a member of Council staff makes a disclosure in accordance with the PID Act, they will not be subject to any liability and no action, claim or demand can be taken against them for making the disclosure. They will not have breached any confidentiality or secrecy obligations and they will have the defence of absolute privilege in defamation.

2.13 Support for those reporting wrongdoing

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

Council has staff who will support those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal. Council's Return Work Coordinator Officer can be contacted on telephone 6922 0613.

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

2.14 Sanctions for making false or misleading disclosures (template)

It is important that all members of Council staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing.

2.15 Support for the subject of a report

Council is committed to ensuring Council staff who are the subject of a report of wrongdoing are treated fairly and reasonably. If a member of Council staff is the subject of a report, they will be:

- treated fairly and impartially
- told their rights and obligations under Council policies and procedures
- kept informed during any investigation
- given the opportunity to respond to any allegation made against them
- told the result of any investigation.

2.16 Review

This policy will be reviewed by Council every two years. For any advice or guidance about this review, contact the NSW Ombudsman's Public Interest Disclosures Unit.

2.17 More information

Members of Council staff and Councillors can access further advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

3. Resources

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

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)
Phone: 02 8281 5999
Toll free: 1800 463 909
Tel. typewriter (TTY): 02 8281 5773
Facsimile: 02 9264 5364
Email: icac@icac.nsw.gov.au
Web: www.icac.nsw.gov.au
Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman
Phone: 02 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Tel. typewriter (TTY): 02 9264 8050
Facsimile: 02 9283 2911
Email: nswombo@ombo.nsw.gov.au
Web: www.ombo.nsw.gov.au
Address: Level 24, 580 George Street, Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office
Phone: 02 9275 7100
Facsimile: 02 9275 7200
Email: mail@audit.nsw.gov.au
Web: www.audit.nsw.gov.au
Address: Level 15, 1 Margaret Street, Sydney NSW 2000

For disclosures about serious and substantial waste in local government agencies:

Office of Local Government
Phone: 02 4428 4100
Tel. typewriter (TTY): 02 4428 4209
Facsimile: 02 4428 4199
Email: olg@olg.nsw.gov.au
Web: www.olg.nsw.gov.au
Address: 5 O'Keefe Avenue, Nowra, NSW 2541

For disclosures about police misconduct:

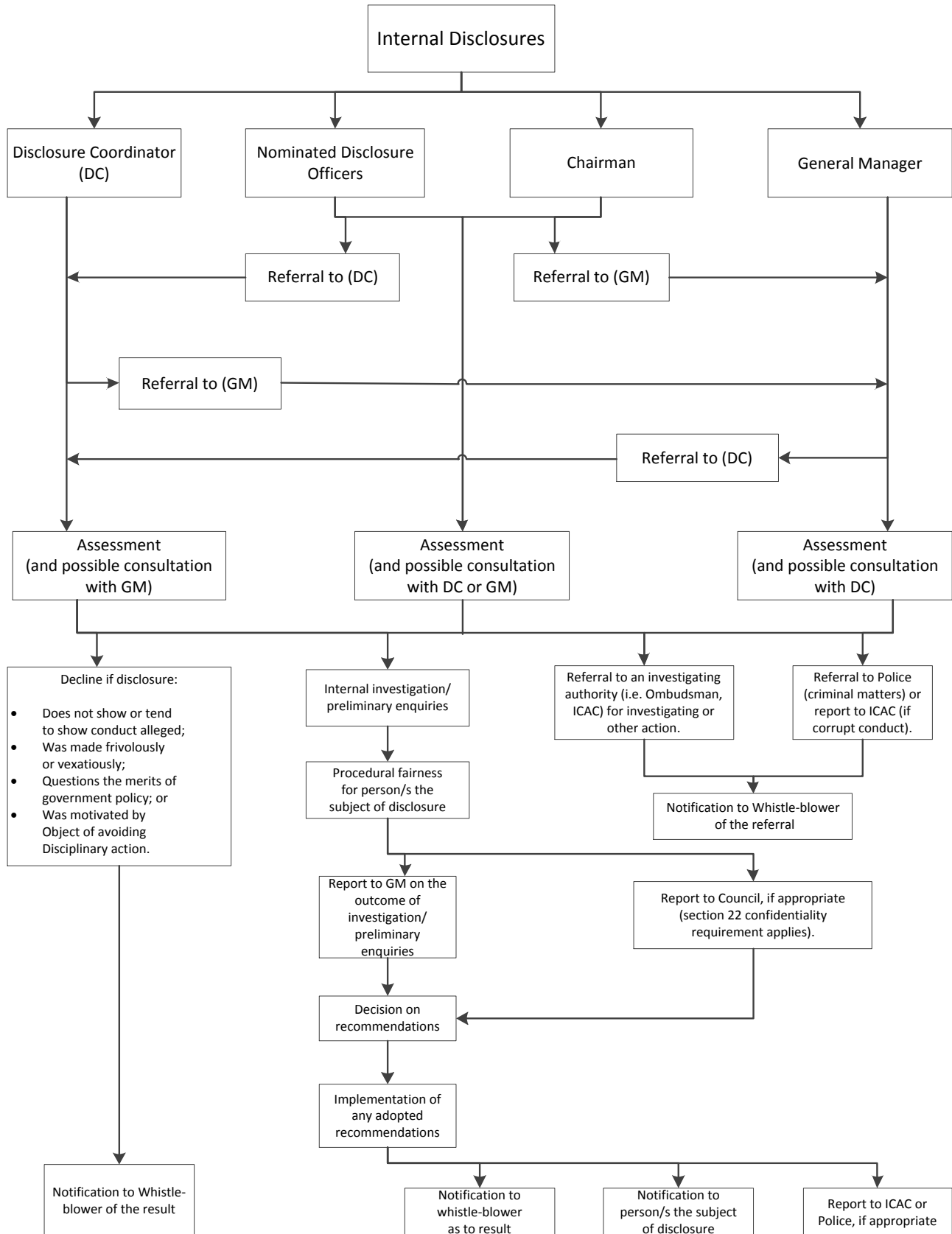
Police Integrity Commission (PIC)
Phone: 02 9321 6700
Toll free: 1800 657 079
Facsimile: 02 9321 6799
Email: contactus@pic.nsw.gov.au
Web: www.pic.nsw.gov.au
Address: Level 3, 111 Elizabeth Street, Sydney NSW 2000

For disclosures about breaches of the GIPA Act:

Information Commissioner
Toll free: 1800 463 626
Facsimile: 02 8114 3756
Email: oiinfo@oic.nsw.gov.au
Web: www.oic.nsw.gov.au
Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000

Internal Reporting System

Attachment A



Attachment B

Summary of Riverina Water County Council – Internal Reporting (Protected Disclosures) Policy

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

Council is committed to the aims and objectives of the Public Interest Disclosures Act 1994. Council appreciates the value and importance of contributions from members of Council staff so as to improve administrative and management practices. Accordingly, Council strongly supports disclosures being made by members of Council staff which disclose corrupt conduct, maladministration, or serious and substantial waste.

1. What is Protected Disclosure?

Protection is available under the Public Interest Disclosures Act to public officials who voluntarily disclose information which shows or tends to show corruption, maladministration or serious and substantial waste of public money by a public authority or public official (refer to Policy for a more detailed description of these areas).

2. Who can receive a Protected Disclosure?

To be protected by the Public Interest Disclosures Act, a disclosure must be made by a member of Council staff or by a Councillor or a Council Contractor to the:

Disclosures Co-ordinator:
Manager Corporate Services– Ph. 6922 0617

Disclosures Officers:
Customer Services Officer– Ph 6922 0609
Return to Work Co-Ordinator – Ph 6922 0613

General Manager – Ph 6922 0608

Chairman – Ph 0402 885 669
NSW Ombudsman – Ph 9826 1000
Division of Local Government – Ph 4428 4100
Independent Commission Against Corruption – Ph 8281 5999

3. What protection is available?

The Public Interest Disclosures Act provides protection by imposing penalties, including fines and imprisonments, on persons who take detrimental action against another person in reprisal for a protected disclosure. 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 or disciplinary proceedings.

A disclosure is not protected if:

- It is made frivolously or vexatiously (although all disclosures must be investigated);
- It is made to avoid disciplinary action; or
- It primarily questions the merits of a government policy.

4. What happens to the information provided?

The flowchart attached to this information sheet shows how a protected disclosure is dealt with after it has been made under the Internal Reporting Policy of Council. The flowchart provides an understanding of each step in the process.

The disclosure will be assessed by a Senior Officer of Council to determine whether it appears that the Public Interest Disclosures Act applies to the disclosure, and the appropriate action to be taken.

The disclosure may be internally investigated by a Senior Officer, or referred to ICAC, the NSW Ombudsman, the NSW Police, the Information Commissioner or the Division of Local Government (as appropriate) for investigation or other action.

The General Manager will determine the appropriate action to be taken as a consequence of any investigation that may be undertaken as a result of a disclosure. Any person who makes a disclosure will be notified within six months of the disclosure being made about the action taken or proposed in respect of his or her disclosure.

Any person who makes a disclosure and any Officer the subject of a disclosure will be advised of the outcome of any internal investigation.

5. Confidentiality

The identity of any person making a disclosure will be kept confidential by the member of Council staff responsible for dealing with the disclosure, except under the following circumstances:

- Where the person, himself or herself, discloses the information: or
- The person consents (in writing) to the release of his or her name: or
- It is essential, having regard to the principles of natural justice, that the identifying information should be disclosed to a person whom the disclosure concerns; or
- It is necessary to do so to investigate the matter effectively; or
- Release of the information is necessary in the public interest.

Decisions about fairness, effective investigation and public interest will be made by the Disclosure Co-ordinator, General Manager or Chairman, as appropriate. In all cases, the person who made the disclosure will be consulted about the matter.



Protected Disclosure Form (Confidential)

Report under the Public Interest Disclosures Act 1994

To a designated Officer Riverina Water County Council

Date: _____ **Name of Councillor/Member of Council Staff/Contractor reporting the protected disclosure:** _____

Contact Telephone number: _____

Name of designated Officer receiving the Protected Disclosure: _____

Type of Disclosure (circle relevant item or items):

a) Corrupt conduct (b) Maladministration (c) Substantial waste (d) Information contravention

Name(s) of person(s) who is/are the subject of this Protected Disclosure: _____

Nature and explanation of allegation. Attach any relevant supporting evidence or documents: _____

Signature _____ of _____ reporting Date: _____ Signed by Designated Officer receiving this
Councillor/Member of Council Council Protected Disclosure:
staff/Councillor: _____

Refer to the Protected Disclosures and Business ethics policy for further information