



LEETON
SHIRE COUNCIL

INTERNAL REPORTING POLICY

(Public Interest Disclosures)

FEBRUARY 2018

DOCUMENT AUTHORISATION

RESPONSIBLE OFFICER	GOVERNANCE AND CORPORATE PLANNING COORDINATOR				
REVIEWED BY	DIRECTOR CORPORATE AND COMMUNITY				
DATE ADOPTED:	28 February, 2018				
ADOPTED BY:	Leeton Shire Council				
RESOLUTION NO: (IF RELEVANT):	18/030				
REVIEW DUE DATE:	JANUARY 2020				
REVISION NUMBER:	SIX				
PREVIOUS VERSIONS:	DATE	DESCRIPTION OF AMENDMENTS	AUTHOR/EDITOR	REVIEW/SIGN OFF	MINUTE NO (IF RELEVANT)
	28/9/11				11/283
	26/6/13				13/136
	28/6/13				13/192
	27/1/16				16/005
	22/2/17				17/108

REVIEW OF THIS POLICY

This Policy will be reviewed every 2 years or as required in the event of legislative changes. The Policy may also be changed as a result of other amendments that are to the advantage of Council and in the spirit of this Policy. Any amendment to the Policy must be by way of a Council Resolution.

Contents

1.	What is this policy for?	4
2.	Who does this policy apply to?	4
3.	What are the policy objectives?	4
4.	Roles and Responsibilities	5
5.	Definitions	7
6.	Authorised Representatives	8
7.	Procedure.....	8
	What should be reported?	8
	When will a report be protected?	10
	How to make a report	10
	Assessment of reports	10
8.	Who can receive a report within Leeton Shire Council?	11
	General manager	11
	Mayor.....	11
	Disclosures coordinator – Director Corporate and Community.....	12
	Disclosures officer – Governance and Corporate Planning Coordinator	12
9.	Who can receive a report outside of Leeton Shire Council	12
	Investigating authorities	12
	Members of Parliament or journalists.....	13
10.	How to make a report	13
11.	Can a report be anonymous?.....	14
12.	Feedback to the individual who reported wrongdoing.....	14
13.	Protection against reprisals	14
14.	Responding to reprisals.....	15
15.	Responding to allegations of reprisal	16
16.	Protection against legal action.....	16
17.	Support for those reporting wrongdoing.....	17
18.	Sanctions for making false or misleading disclosures	17
19.	Support for the subject of a report	17
20.	Flow chart of internal reporting process.....	18
21.	More information	19
22.	Resources.....	19
	Attachment A: Internal Reporting Form.....	1

1. What is this policy for?

The purpose of this policy is to establish an internal reporting system for staff and councillors to report wrongdoing without fear of reprisal.

The policy sets out who you can report wrongdoing to in Leeton Shire Council, what can be reported and how reports of wrongdoing will be dealt with by Leeton Shire Council.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this policy and the Public Interest Disclosures Act 1994 (PID Act). This document is in keeping with Leeton Shire Council's values which are Trust, Respect, Integrity, Communication, Collaboration and Innovation (TRICCI)

Leeton Shire Council is committed to high standards of ethical and accountable conduct and confirms that it will not tolerate any form of wrongdoing. This policy has been developed based on the Model Internal Reporting Policy for Local Government 2014 prepared by the NSW Ombudsman.

The implementation of an "Internal Reporting Policy" (the policy) promotes the above and also supplements the provisions of the standards that are set within Council's adopted Code of Conduct and Grievance Policy. It also ensures Leeton Shire Council's compliance with the provisions of the Public Interest Disclosures Act 1994.

2. Who does this policy apply to?

The policy applies to council staff, as well as councillors and will be supported by a number of procedures which have been based on guidelines produced by the NSW Ombudsman.

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 Leeton Shire Council
- employees of contractors providing services to Leeton Shire 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 Leeton Shire Council].

3. What are the policy objectives?

The key focus of this Policy is to ensure Leeton Shire Council's commitment to creating an environment where council officials and officers will freely report any serious wrongdoings.

Council officials or officers who come forward and report wrongdoing are helping to promote integrity, accountability and good management within the council.

When this occurs Leeton Shire Council is committed to supporting and protecting council officials or officers who have reported the wrongdoings to ensure they are free from any reprisals.

4. Roles and Responsibilities

The role of council staff and councillors

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

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of any person the subject of reports.
- Staff and councillors must not:
- make false or misleading reports of wrongdoing
- victimise or harass anyone who has made a report

Additionally, the behaviour of all council staff and councillors involved in the internal reporting process must adhere to the Council's code of conduct. A breach of the code could result in disciplinary action.

The role of Leeton Shire Council

Leeton Shire Council has a responsibility to establish and maintain a working environment that encourages staff and councillors 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.

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

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

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

Roles of key positions

General manager

The general manager has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the 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

- 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.

Disclosures coordinator – Director Corporate and Community

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

Disclosures officer – Governance and Corporate Planning Coordinator

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 the disclosures coordinator or general manager for full assessment.

Mayor

The Mayor can receive reports from staff and councillors about the general manager. Where the Mayor receives such reports, the Mayor has a responsibility to:

- assess the reports to determine whether or not they should be treated as a public interest disclosure, and to decide how they will be dealt with
- deal with reports made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- refer reports to an investigating authority, where appropriate
- liaise with the disclosures coordinator to 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

- refer actual or suspected corrupt conduct to the ICAC
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

Supervisors and line managers

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line 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 general manager immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the general manager, notify the Mayor.

5. Definitions

Corruption/Corrupt Conduct – is:

- (a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
- (b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
- (c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
- (d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.

(For the purposes of this policy, further definitions as to what constitutes corrupt conduct can be found within the Independent Commission Against Corruption Act 1988 No 35 section 8, but which is not excluded by section 9.)

Council official – Whenever council officials or officers are hereby mentioned in this policy, it refers to the following:

- Council Staff – permanent employers, whether full-time, part-time or contracted
- Elected Councillors
- Temporary or casual employees
- Consultants
- Individual contractors working for Council

Disclosure/Reporting – The provision of information to an identified authorized person as detailed within this policy or to an external organization within the context of this policy.

Protection – The act by which a person reporting corrupt conduct is provided with anonymity during and after the act of reporting and investigation of such conduct. This includes guarding against detrimental action.

6. Authorised Representatives

For the purpose of administering this policy, the authorized representatives are:

- The General Manager
- The Mayor
- The Disclosures Coordinator
- The Disclosures Officer

7. Procedure

What should be reported?

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

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 council official using 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](#).

Maladministration

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

For example, this could include:

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

For more information about maladministration, see the NSW Ombudsman's guideline on [what can be reported](#).

Serious and substantial waste in local government

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

For example, this could include:

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

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

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](#).

Local government pecuniary interest contravention

A local government pecuniary interest contravention is a failure to fulfil certain functions under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings. A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person.

For example, this could include:

- a senior council staff member recommending a family member for a council contract and not declaring the relationship
- a general manager holding an undisclosed shareholding in a company competing for a council contract

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

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 Leeton Shire Council's policies.

- Grievance Policy and Procedure
- Harassment and Bullying Policy

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

When will a report be protected?

Leeton Shire Council will support any person that reports wrongdoing. For a report to be considered a public interest 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 a position nominated in this policy (see section 9) or an investigating authority (see section 10).

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

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

How to make a report

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

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

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 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.

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 Leeton Shire Council, it is best if you identify yourself.

This allows us to provide you with any necessary protection and support, as well as feedback about the outcome of any investigation into the allegations.

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

Maintaining confidentiality

Leeton Shire Council realises many staff will want their report to remain confidential. This can help to prevent any action being taken against you for reporting wrongdoing.

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

If confidentiality cannot be maintained, we will develop a plan to support and protect you from risks of reprisal. You will be involved in developing this plan. You will also be told if your report will be dealt with

under the council's code of conduct, as this may mean certain information will have to be tabled at a council meeting.

If you report wrongdoing, it is important that you only discuss your report with the staff of Leeton Shire Council responsible to deal with it. This will include the disclosures coordinator and the general manager. In the case of a report about the general manager, you should only discuss your report with the disclosures coordinator and the Mayor.

Where your complaint is made under the council's code of conduct and relates to the general manager or a councillor, you may be required to discuss it with a conduct reviewer.

8. Who can receive a report within Leeton Shire Council?

You are encouraged to report general wrongdoing to your supervisor.

However the PID Act requires that for a report to be a public interest disclosure, it must be made to a public official in accordance with the council's disclosure procedures - this means this policy and any supporting procedures.

Any supervisor who receives a report that they believe may be a public interest disclosure must refer the individual making the report to one of the following:

- The General Manager
- The Mayor
- The Disclosures Coordinator
- The Disclosures Officer

The broader responsibilities of these positions will be outlined in the procedures supporting this policy.

NB: If your report involves a councillor or staff member, you should make it to the general manager. If your report relates to the general manager, you should make it to the Mayor.

The following positions are the only roles within Leeton Shire Council that can receive a public interest disclosure.

General manager

You can report wrongdoing directly to the general manager. The general manager is responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.
- ensuring there are systems in place in to support and protect people who report wrongdoing
- dealing with disclosures made under the council's code of conduct in accordance with the council's adopted code of conduct procedures
- referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The General Manager can be contacted as follows:

General Manager Leeton Shire Council
23-25 Chelmsford Place
Leeton NSW 2705
Ph: 6953 0911

Mayor

If you are making a report about the general manager, you should make your report to the Mayor. They are responsible for:

- deciding if a report is a public interest disclosure
- determining what needs to be done next, including referring it to other authorities
- deciding what needs to be done to correct the problem that has been identified.
- dealing with disclosures made under the council's code of conduct in accordance with the council's adopted code of conduct procedures

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

If the report is about the general manager, the Mayor is also responsible for referring actual or suspected corrupt conduct to the Independent Commission Against Corruption.

The Mayor can be contacted as follows:

Mayor
 Leeton Shire Council
 23-25 Chelmsford Place
 Leeton NSW 2705
 Ph: 6953 0911

Disclosures coordinator – Director Corporate and Community

The disclosures coordinator has a central role in dealing with reports made by staff and councillors. They receive them, assess them, and refer them to the people within or contracted by the council to be dealt with appropriately. The Disclosure Coordinator at Leeton Shire Council is the Director of Corporate and Community and can be contacted as follows:

Director of Corporate and Community
 Leeton Shire Council
 23-25 Chelmsford Place
 Leeton NSW 2705
 Ph: 6953 0950

Disclosures officer – Governance and Corporate Planning Coordinator

The Disclosures officer is responsible for receiving, forwarding and/or dealing with reports made in accordance with this policy.

The Disclosure Officer at Leeton Shire Council is the Governance and Corporate Planning Coordinator and can be contacted as follows:

Governance and Corporate Planning Coordinator
 Leeton Shire Council
 23-25 Chelmsford Place
 Leeton NSW 2705
 Ph: 6953 0910

9. Who can receive a report outside of Leeton Shire Council

Staff and councillors are encouraged to report wrongdoing within Leeton Shire Council, but internal reporting is not your only option. If you follow the guidance below, you can make a public interest disclosure to:

- an investigating authority. If your report is about both the general manager and the Mayor, you may wish to consider making the report to an investigating authority.
- a Member of Parliament or a journalist, but only in limited circumstances outlined below.

Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff and councillors 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 Director-General of the Division of Local Government, Department of Premier and Cabinet — for disclosures about local government agencies
- the Information Commissioner — for disclosures about a government information contravention.

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

You should be aware that it is very likely the investigating authority will discuss the case with Leeton Shire Council. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to individuals who report wrongdoing to an investigating authority.

Members of Parliament or journalists

To have the protections of the PID Act, a person 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, Leeton Shire Council or investigating authority that received the report must have either:
 - decided not to investigate the matter
 - decided to investigate the matter, but not completed the investigation within six months of the original report
 - investigated the matter but not recommended any action as a result
 - not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

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

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

For more information about reporting wrongdoing outside Leeton Shire 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.

10. 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. Leeton Shire Council's Internal Reporting Form is also available for staff or councillors to use to make a report.

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 reporter should keep a copy of this record.

11. 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 Leeton Shire Council, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about 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.

12. Feedback to the individual who reported wrongdoing

The individual who reported wrongdoing will be told what is happening in response to their report.

When you make a report, you will be given:

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

The PID Act requires that you are provided with an acknowledgement letter and a copy of this policy within 45 days after you have made your report.

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

After a decision is made about how your report will be dealt with, you will be given:

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

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

During any investigation, you will be given:

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

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

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

Behaviour of all people involved in the PID process needs to adhere to council's code of conduct. A breach of the code of conduct could result in disciplinary action.

13. 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 public interest disclosure. It may also be a breach of the council's code of conduct.

Leeton Shire Council will not tolerate any reprisal action against a person who report wrongdoing. The criminal penalties that can be imposed include imprisonment or fines.

Detrimental action is also misconduct that justifies disciplinary action.

People who take detrimental action against someone who 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.

14. Responding to reprisals

Council will not tolerate any reprisal action against staff or councillors who report wrongdoing or are believed to have reported wrong doing.

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

If you believe that detrimental action has been or is being taken against you or someone else who has reported wrongdoing in reprisal for making a report, you should tell your supervisor, the disclosures coordinator or the general manager immediately, or in the case of an allegation of reprisal action by the general manager, the Mayor.

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

If the disclosures coordinator becomes aware of or reasonably suspects that reprisal action is or has been taken against a person who has made a disclosure, they will ensure that the matter is reported under the council's code of conduct and dealt with in accordance with the council's code of conduct procedures.

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

The general manager may issue specific directions to help protect against reprisals, including:

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

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

If you have reported wrongdoing and feel that any reprisal action is not being dealt with effectively, contact the Ombudsman, the ICAC, or the Chief Executive of the Division of Local Government – depending on the type of wrongdoing you reported. Contact details for all these investigating authorities are included at the end of this policy.

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 a breach of the council's code of conduct which may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the *Local Government Act 1993* and may include suspension or disqualification from civic office.

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

15. 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 supervisor, the disclosures coordinator or the General Manager immediately.

In the case of an allegation of reprisal by the general manager, you can alternatively report this to the Mayor.

All supervisors must notify the Disclosures Coordinator or the General Manager if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the general manager, the Mayor can alternatively be notified.

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

- assess the allegation of reprisal to decide whether the report should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the 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 breach of Part 8 of the council's code of conduct (reprisal action) by a councillor or the general manager to the Office of Local Government.
- 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 your allegation.

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Office of Local Government, the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

16. Protection against legal action

If you make a disclosure in accordance with the PID Act, you will not be subject to any liability and no action, claim or demand can be taken against you for making the disclosure. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

17. Support for those reporting wrongdoing

Council will ensure that staff who have reported wrongdoing, regardless of whether they have made 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, counselling services, legal or career advice.

We also have staff that will provide support for those who report wrongdoing. They are responsible for initiating and coordinating support, particularly to those who are suffering any form of reprisal. They are as follows:

- Director of Corporate and Community
- Governance and Corporate Planning Coordinator

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

Leeton Shire Council's Employee Assistance Program is also available for reporting staff who feel they require additional and/or external support throughout the process.

18. Sanctions for making false or misleading disclosures

It is important that all staff and councillors are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. It may also be a breach of the council's code of conduct and may result in disciplinary action. In the case of councillors, such disciplinary action may be taken under the misconduct provisions of the Local Government Act 1993 and may include suspension or disqualification from civic office.

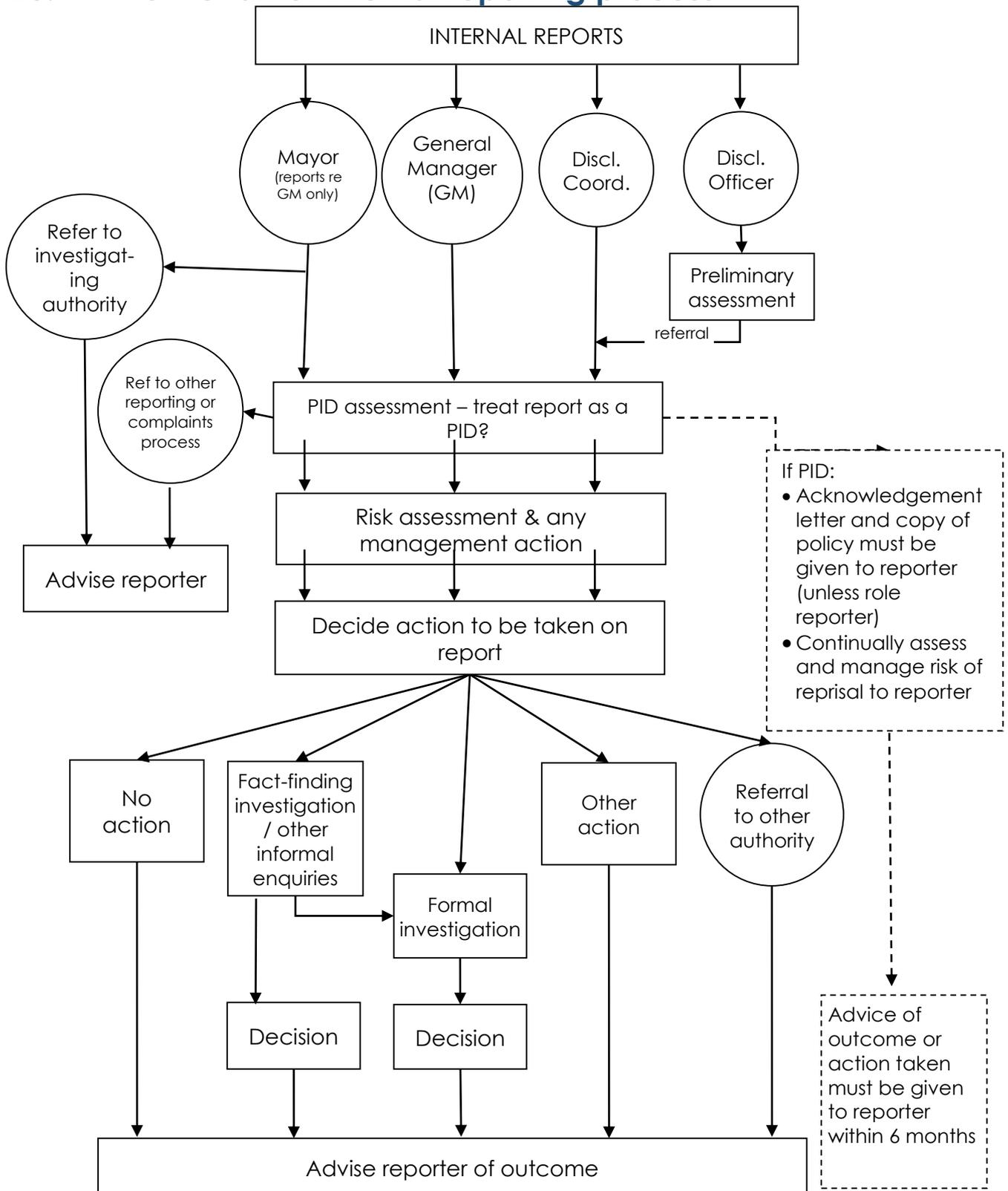
19. Support for the subject of a report

Council is committed to ensuring people who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate. If you are the subject of a report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

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

Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by Council.

20. Flow chart of internal reporting process



21. More information

Staff and councillors can also access advice and guidance from the disclosures coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

22. Resources

The contact details for external investigating authorities that staff and councillors can make a public interest 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 7, 255 Elizabeth Street,
Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman

Telephone: 02 9286 1000 or 1800 451 524 Toll free (outside Sydney metro)

Fax: 02 9283 2911

Translating and Interpreter Service (TIS): 131 450

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au/

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

For disclosures about breaches of the GIPA Act:

Information and Privacy Commission

Toll free: 1800 472 679

Email: ipcinfo@ipc.nsw.gov.au

Web: www.ipc.nsw.gov.au

Address: Level 17, 201 Elizabeth Street,
Sydney NSW 2000

For disclosures about council:

Office of Local Government

Telephone: 02 4428 4100 // fax: 02 4428 4199 // TTY 02 4428 4209

Email: olg@olg.nsw.gov.au

Web: www.olg.nsw.gov.au

Interpreter Services: please call us on 02 4428 4100 to request interpreter services 1

5 O'Keeffe Avenue,

NOWRA NSW 2541

postal address: Locked Bag 3015, NOWRA NSW 2541

.....
.....

General Manager

Mayor

Attachment A: Internal Reporting Form



LEETON
SHIRE COUNCIL

Internal Reporting Form

This form is to be completed by an internal reporter and submitted to a nominated Authorised Representative under section 8 of the *Public Interest Disclosures Act 1994* (the PID Act)

Details of reporter

(You can make an anonymous report by leaving this section blank)

Name		
Position		
Directorate/Unit		Preferred Contact Method
Telephone		<input type="checkbox"/> Telephone
Email		<input type="checkbox"/> Email
Postal Address		<input type="checkbox"/> Post

Details of wrongdoing being reported

(Please provide as much detail as possible)

Description: <ul style="list-style-type: none"> • What happened? • Where did this happen? • When did this happen? • Is it still happening? (Attach additional pages if required)	
--	--

How did you become aware of this?	
-----------------------------------	--

Names and positions of those who were involved in the wrongdoing: (Attach additional pages if required)	NAME	POSITION

Do you have any additional relevant information or evidence? <input type="checkbox"/> YES <input type="checkbox"/> NO (please list and/or attach all relevant information)

Additional/supporting evidence	ATTACHED

Name and position of other people who may have additional information		
NAME	POSITION	CONTACT NO.
PRIVACY AND PERSONAL INFORMATION PROTECTION NOTICE		
<p>The Information contained on this form and any information you may submit will be dealt with under the Public Disclosures Act. Your personal information can be accessed and correct at any time by contacting Leeton Shire Council's Disclosures Coordinator.</p>		
Statement		
I honestly believe that the above information shows or tends to show wrongdoing.		
Signature of reporter (Please do not sign if you want to make an anonymous report)		Date report submitted (Essential Information)