
1.11a Public Interest Disclosures (PID) policy

The Public Interest Disclosures (PID) policy (the Policy) provides detailed information about how you can report information regarding corrupt conduct, maladministration of a serious nature, serious and substantial waste, and government information contraventions, which you honestly believe occurs or occurred at the Commission.

This policy advises on:

- Roles and responsibilities
- What should be reported
- When a report will be protected
- Support for those reporting wrongdoing
- Sanctions for making false or misleading disclosures
- Support for the subject of a report

Document Control

Policy title	1.11a Public Interest Disclosures policy
Responsible team	Human Resources
Sponsor	Chief Executive Officer
Approval	Executive Committee
Date of approval	2 August 2017
Security Classification	UNCLASSIFIED
DLM	None
Review period	Two years
Next review	July 2019

Version History

Version	Date	Reason for amendment
V0.1	21 April 2017	Draft document
V1.0	2 August 2017	Approved for publication

Printed copies and e-copies on personal drives may not be up to date.
Check the electronic Policy Library to ensure you have the latest version of this document.

Contents

1. Definitions _____	4
2. LECC Values _____	4
3. Know your responsibilities _____	4
3.1 Employees _____	4
3.2 Employees reporting wrongdoing _____	5
3.3 Employees who can receive a report _____	5
3.4 Employees nominated to assess reports _____	6
3.5 Managers and Supervisors _____	6
3.6 Disclosure Manager and/or Disclosure Coordinator _____	7
3.7 Support persons _____	7
3.8 Employees who are the subject of a report _____	7
4. What should be reported? _____	8
4.1 Corrupt conduct _____	8
4.2 Maladministration _____	8
4.3 Serious and substantial waste of public money _____	8
4.4 Government information contravention _____	9
4.5 Other wrongdoing _____	9
5. When will a report be protected _____	9
6. Support for those reporting wrongdoing _____	10
7. Sanctions for making false or misleading disclosures _____	10
8. Support for the subject of a report _____	10
9. Resources _____	11
10. Advice and further information _____	11
11. Monitoring and review _____	11
Public Interest Disclosures Checklist _____	12
Public Interest Disclosure Risk Assessment _____	14

1. Definitions

CEO	Chief Executive Officer
PID	Public Interest Disclosure
PID Act	<i>Public Interest Disclosures Act 1994</i>
LECC	Law Enforcement Conduct Commission
LECC employees / employee	All persons working with or on behalf of the LECC, including ongoing, temporary or term-basis employees, consultants, contractors and casual employees.
Commission	Law Enforcement Conduct Commission

2. LECC Values

The LECC values of trust, collaboration integrity, accountability and service are the basis of a values-led workplace culture. The Commission requires your behaviour and conduct to comply with LECC’s Code of Ethics and Conduct.

3. Know your responsibilities

The policy applies to:

- Ongoing employees, whether full-time or part-time
- Temporary, casual or deemed employees
- Individual contractors and consultants working for the Commission
- Employees of contractors providing services to the Commission
- Commissioned Officers, Statutory Appointees, Official Visitors and Judicial Appointees
- Other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, including volunteers
- Public officials of another public authority who report wrongdoing relating to the Commission

3.1 CEO

The CEO, as the agency head, is deemed head of a public authority under the PID Act and is the Commission’s PID Principal Officer. The CEO has responsibility for:

- developing the LECC’s PID policy
- ensuring LECC employees are aware of the Commission’s PID policy and the protections under the PID Act for a person who makes a public interest disclosure
- Ensuring the LECC complies with the PID Act and its obligations under the legislation
- Designating officers to disclosure roles within the Commission who are responsible for receiving public interest disclosures on behalf of the Commission.

3.2 Employees

All employees have the responsibility to:

- Report known and suspected wrongdoing in the Commission as defined by the PID Act
- Not make false or misleading reports of wrongdoing
- Keep the identity of internal reporters and anyone who is the subject of a report confidential
- Assist those dealing with a report, including supplying any information on request
- Support employees who report wrongdoing, if you are aware of the report
- Not take reprisals against another employee that you suspect has reported wrongdoing
- Notify your manager immediately of any suspicions you have that reprisal against an internal reporter is occurring or has been threatened

3.3 Employees reporting wrongdoing

- Must only discuss the matter with authorised people and not to alert the subject of the report that a PID has been made
- Must participate with the assessment of the report, by providing any information on request
- May seek support, when required, from any of the available internal and external sources
- Must, after reporting, immediately notify any suspicions of reprisals occurring or being threatened to your supervisor, manager or a Disclosure Coordinator.

3.4 Employees who can receive a report

- Must keep the identity of the internal reporter and the subject of a report confidential if possible and appropriate
- Should, when requested, meet with internal reporters privately and discreetly
- Assist internal reporters to put their report into writing or accurately document oral reports that are then signed by the internal reporter
- Forward all reports to a Disclosure Coordinator for the assessment process to be activated
- Provide written acknowledgement and a copy of the PID Policy to the internal reporter
- Advise the internal reporter to only discuss the matter with authorised persons
- Explain to the internal reporter what will happen to the information provided
- Advise the internal reporter to notify the appropriate person immediately of any suspicion that reprisal is occurring or has been threatened against them
- Assist internal reporters to communicate with the Disclosure Coordinator or support people, if necessary.

3.5 Employees nominated to assess reports

- Determine whether or not the report is a PID using the Checklist and Risk Assessment forms
- Decide how the report will be dealt with, whether it is a PID or not
- Provide the Principal Officer and/or Disclosure Manager with written advice about the initial assessment and the decision about how the report will be dealt with
- Confirm that written advice about how the report will be dealt with is given to the internal reporter as soon as possible, preferably within 14 calendar days of the report being made
- In consultation with the internal reporter, assess the likelihood of their identity remaining confidential in the workplace, if the report requires investigation
- Keep the identity of the internal reporter and anyone who is the subject of a report confidential, where this is practical and appropriate
- If it is not possible to maintain identities confidential, develop a strategy for supporting and protecting the internal reporter and prevent reprisals, including giving the internal reporter an opportunity to discuss this proposal
- In consultation with the internal reporter, appoint a support person to assist them. The support person is not an investigator nor has management responsibility for deciding the response to the report
- Provide advice to the internal reporter's manager or the Principal Officer and/or delegate on the reprisal risk minimisation systems and strategies to be established
- Educate and remind all managers of their obligation to notify a Disclosure Manager/Coordinator or Principal Officer and/or delegate immediately of any suspicions they may have or any allegations they have received that indicate that reprisal against an internal reporter is occurring or has been threatened.

3.6 Managers and Supervisors

- Keep the identity of the internal reporter and anyone who is the subject of a report confidential, where this is practical and appropriate
- Provide support to the internal reporter, connecting them with necessary professional support services
- Implement the agreed reprisal risk minimisation systems and strategies
- Notify a Disclosure Manager/Coordinator or Principal Officer immediately if they believe an employee is being subjected to reprisal as a result of a PID
- Manage the workplace situation, particularly if there is conflict or reprisal is threatened or takes place
- Take appropriate action against the person(s) who threatens or takes reprisal against another employee
- Assist an employee reporting a concern or a report of wrongdoing that may be a PID under the PID Act, that they are to raise the matter with nominated Disclosure Coordinator.

3.7 Disclosure Manager and/or Disclosure Coordinator

- Keep the identity of the internal reporter and anyone who is the subject of a report confidential, where this is practical and appropriate
- Continually assess the likelihood of the internal reporter being exposed to threats, reprisal or workplace conflict
- Implement agreed reprisal risk minimisation systems and strategies
- Ensure the internal reporter is kept regularly informed about the progress of the matter
- Meet the timeframes documented in the acknowledgment letter where this is practical and appropriate
- Respond to threats of or actual reprisals against another employee
- Take appropriate action against the person(s) who threatens or takes reprisal against another employee.

3.8 Support persons

- Keep the identity of the internal reporter and anyone who is the subject of a report confidential, where this is practical and appropriate
- Advise the internal reporter and anyone who is the subject of a report, of the internal and external avenues available to handle concerns they may have
- Advise the internal reporter and anyone who is the subject of a report, of the professional support services available
- Implement agreed reprisal risk minimisation systems and strategies
- Notify a Disclosure Manager/Coordinator or Principal Officer immediately if they believe an employee is being subjected to reprisal as a result of a PID.

3.9 Employees who are the subject of a report

- Only discuss the matter with authorised people
- Must not attempt to identify the internal reporter
- Must not take reprisals or make threats against another employee on suspicion of reporting wrongdoing. Doing so could result in imprisonment and/or misconduct action
- Participate in the reporting process, including supplying all information on request
- Should, if necessary, seek support from their manager or supervisor or any available external organisation(s) and services.

3.10 Inspector of the LECC

- Under S 125 of the LECC Act, the Inspector of the LECC may take complaints about the conduct of Commission or an officer of the Commission from a public official.

4. What should be reported?

You should report any suspected serious wrongdoing you see within the LECC. Reports about the four categories of serious wrongdoing include:

- Corrupt conduct
- Maladministration
- Serious and substantial waste of public money, and
- Government information contravention

4.1 Corrupt conduct

Corrupt conduct is the dishonest or biased 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](#).

4.2 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.

For example, this could include:

- making a decision and/or taking action that is unlawful
- failing to make a decision in accordance with official policy for no apparent reason

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

4.3 Serious and substantial waste of public money

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

For example, this could include:

- not following a competitive tendering process for a large scale contract
- having bad 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](#).

4.4 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 guidelines on what can be reported.

4.5 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 constitute a breach of legislative, policy and regulatory provisions through the Commission's internal reporting processes.

For example, this could include:

- suspected criminal acts
- child protection, reportable conduct, and/or
- practices that endanger the health or safety of employees or the public.

You can also make reports about another public authority. You can make this type of report within the Commission, to the other public organisation, or to a relevant investigating authority ([see Part 2 of the PID Act](#)).

5. When will a report be protected?

The Commission will support any employee who 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. This means that you must have reason to believe that wrongdoing has happened or is happening, for

example if you have supporting evidence. You must have seen it happen and had other people also see it happen or have other evidence such as unbalanced accounts, missing items or contradictory records

- The report has to be made to one or more of the following:
 - Chief Executive Officer, LECC (as the Principal Officer)
 - Disclosure Manager (See Nominated Contact Roles)
 - Disclosure Coordinator (See Nominated Contact Roles)
 - Disclosure Officer (See Nominated Contact Roles)
 - one of the investigating authorities nominated in the PID Act (see section 10 below).

Reports by employees will not be considered to be public interest disclosures if they:

- mostly question the merits of government policy
- are made with the motive of avoiding dismissal or other misconduct or performance management action
- relate to any current or closed industrial, workers compensation, unsatisfactory performance, misconduct and/or grievance matter

6. Support for those reporting wrongdoing

The Commission will make sure that employees who have reported wrongdoing, regardless of whether they have made a public interest disclosure, are given access to appropriate professional support services.

A support person can be appointed for each person who reports wrongdoing. This person is responsible for providing and organising additional support, particularly to those who are suffering any form of reprisal.

The support person will be nominated by the Principal Officer or the Disclosure Manager/Coordinator.

7. Sanctions for making false or misleading disclosures

It is important that all employees are aware that it is a criminal offence under the PID Act to wilfully make any false statement or to mislead or attempt to mislead when reporting wrongdoing. The maximum penalty is \$5,500 or imprisonment for a maximum of twelve months, or both.

8. Support for the subject of a report

The Commission is committed to ensuring employees who are the subject of a report of wrongdoing are treated fairly and reasonably. If you are the subject of a report, you will be:

- treated fairly and impartially
- told your rights and obligations under the PID Act and the Commission's PID

- policy and procedures
- kept informed during the investigation process
- given the opportunity to respond to any allegation made against you
- told the result of any investigation.

9. Resources

- LECC Code of Ethics and Conduct

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 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 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 breaches of the GIPA Act:

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

10. Advice and further information

Employees can get advice and guidance from the Principal Officer, Disclosure Manager, Disclosure Coordinator, or a Disclosure Officer, and on the NSW Ombudsman's website at www.ombo.nsw.gov.au.

11. Monitoring and review

Human Resources is responsible for reviewing this Policy and for amending the Policy in relation to issues raised across the Commission. This Policy will be reviewed in accordance with the policy review schedule and at other times if any significant new information or legislative or organisational change warrants a change in this document.

Public Interest Disclosures Checklist

Not to be completed by the employee

The purpose of the following checklist is to assist Disclosure Officers, Coordinators and Managers determine whether a report meets the criteria for treatment as a Public Interest Disclosure. Advice and assistance should be sought from the Human Resources team if required.

Division/Team	
File Number	

Type of report? (Tick the applicable box)				
Corrupt conduct?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maladministration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Serious and substantial waste of public money?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Government information contravention?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The report is about a public official or public authority?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The report does not primarily question the merits of government policy? (Indicate whether you agree with the statement)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Support for Reporter	Yes	No	Unknown	Comment
Corrupt conduct?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Maladministration?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Internal Report	Yes	No	Unknown	Comment
The reporter requires support? What type?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Previous Reports	Yes	No	Unknown	Comment
Has this report been raised with another person?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
If yes, what action will/has been taken?				

Reporters expectations	Yes	No	Unknown	Comment
Have the reporter's expectations as a result of this report been discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Have the reporter's expectations about what will happen to the subject(s) of the report been discussed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Additional Considerations (Not to be discussed with reporter)				
The reporter is/has previously been subject of unsatisfactory performance issues?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The report is/has been made to avoid dismissal or disciplinary action?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
The reporter is/has been subject of criminal investigation related to this matter?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the report require referral to another Agency and/or the Secretary or Deputy Secretary (consider sensitivities, seriousness etc).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Has the PID Risk Assessment form been completed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Outcome of Assessment:	Meets Criteria	<input type="checkbox"/>	Does Not Meet Criteria	<input type="checkbox"/>
Assessment Completed By:	Disclosure Officer	<input type="checkbox"/>	Disclosure Manager	<input type="checkbox"/>
	Disclosure Co-ordinator	<input type="checkbox"/>		
Name:		Date:		

Public Interest Disclosure Risk Assessment

To be completed by the Disclosure Coordinator/Manager/Officer after a PID is made, including anonymous reports.

[Use fact sheet *PID Risks and Strategies* to complete the PID Risk Assessment]

Division/Team	
File Number	

Details of reporter	Details of assessor
Name:	Name:
Role:	Role:

Stage 1: Identify the risks	Comments
Are the reporter's expectations reasonable?	
Is the reporter's identity known or could it become known?	
Is the reporter at risk of reprisal?	
Are there risks to other persons?	
Is there a positive culture of reporting in the workplace?	
Is there a risk to the Commission's functions/services/and or reputation?	

Stage 2: Risk Analysis & Evaluation	Risk rating (low/Med/High) & Explanation
What is the potential impact of the risks to the reporter?	
What is the potential impact of the risks to the Subject?	
What is the potential impact of the risks to the Commission?	

Risk rating Select a risk rating based on all of the available information (examples or risks are below)		
Low Risk	Medium Risk	High Risk
The reporter's identity can be maintained or the reporter's identity is known and the reporter and assessor are confident that	The reporter's identity cannot be maintained. Potential for low level reprisals against the reporter, workplace conflict	Detrimental action against the reporter that is substantially in reprisal for the reporter making a PID. Detrimental action means causing, comprising or involving

<p>no reprisals will be taken against the reporter in response to having made a PID. The subject officer is unaware that a PID has been made / an investigation is progressing. The authority is compliant with the internal reporting policy and the authority's obligations under the PID Act.</p>	<p>or other difficulties in response to making a PID. Concerns about the conduct of the parties involved. i.e. reporter and subject officer. Likelihood the authority is not compliant with the internal reporting policy and the authority's obligations under the PID Act.</p>	<p>any of the following (PID Act, s.20(2)): injury, damage or loss, intimidation or harassment, discrimination, disadvantage or adverse treatment in relation to employment, dismissal from, or prejudice in, employment, disciplinary proceeding. Conflict involving the subject officer. The reporter will not comply with the internal reporting policy. The reporter will make a report to a Member of Parliament or journalist without following the steps outlined in the internal reporting policy which means they will not be protected under the PID Act and may be in breach of legal obligations or the authority's code of conduct - by, for example, disclosing confidential information. The authority is not compliant with the internal reporting policy and the authority's obligations under the PID Act.</p>
--	--	--

Stage 3: Risk Mitigation (Develop strategies for minimising and managing the risks identified)

Signature: (Risks may need to be reviewed during and after the process of managing this report)

Signature of assessor:

Date:

Review of risk assessment

Signature of assessor:

Date:

Public Interest Disclosures Form

To be completed by an employee and submitted to a nominated Disclosure Officer as outlined in the Public Interest Disclosure Policy and Procedure. Please fill this form in, print and sign at the end.

Details of employee reporting wrong doing

Name:

Role:

Team:

Division:

Phone:

Email:

Highlight preferred contact (email/Phone)

Details of wrongdoing being reported

Description:

- What happened
- Where
- When
- Is it still happening?

How did you become aware of this?

Name and role of person involved in wrongdoing

Name:

Role:

Add more rows if required

Name and role of person who may have information

Name:

Role:

Add more rows if required

Add additional information (attach or indicate where it may be found)

Statement

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

Signature of
reporter

Date report
submitted

Nominated Contact Roles

LECC contact roles

Role	Name and contact details
Principal Officer	Amber Williams, CEO, e: amber.williams@lecc.nsw.gov.au tel: 02 9321 6768
Disclosure Manager	Stacey Bennett, Manager Human Resources, e: Stacey.bennett@lecc.nsw.gov.au , tel: 02 9321 6815
Disclosure Coordinator	Danielle Cогnetta, HR Advisor, e: Danielle.cognetta@lecc.nsw.gov.au , tel: 02 9321 6803

Role	Name and contact details
Disclosure Officer	Louisa Dear, Communications Specialist, e: louisa.dear@lecc.nsw.gov.au , tel: 02 9321 6777
Disclosure Officer	Aaron Bantoft, Director Oversight, e: aaron.bantoft@lecc.nsw.gov.au , e: 02 9321 6965
Disclosure Officer	Vicki Rogers, Intelligence Analyst, e: vicki.rogers@lecc.nsw.gov.au , tel: 02 9321 6741
Disclosure Officer	Benjamin Lau, Senior Audit Investigator, e: Benjamin.law@lecc.nsw.gov.au , tel: 02 9321 6913

Alternate contact roles

Role	Name and Contact details
Inspector of the LECC	The Hon Terry Buddin, SC, Inspector of the LECC, GPO Box 5341, Sydney NSW 2001