

Public Interest Disclosure Policy

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1. Abbreviations and definitions

Abbreviations

DNSW	Destination NSW
PID	Public Interest Disclosure
PID Act	Public Interest Disclosures Act 2022
Ombudsman	NSW Ombudsman
ICAC	NSW Independent Commission Against Corruption

Definitions

Corrupt conduct	Has the meaning given to it by Part 3 of the ICAC Act .
Public official	Defined in section 14 of the PID Act. Refer to this section of the policy
Serious wrongdoing	Defined in section 13 of the PID Act
Manager	Defined in section 15 of the PID Act
Disclosure officer	Defined in section 18 of the PID Act
Voluntary public interest disclosure	Defined in section 24 of the PID Act

2. Background

The *Public Interest Disclosures Act 2022* (PID Act) came into effect on 1 October 2023 and affects every public sector worker in NSW including non-government organisations that provide services for a government agency.

Effective governance relies on those who work in the NSW public sector (public officials) speaking up when they witness, or otherwise become aware of, wrongdoing in the public sector.

DNSW is committed to cultivating a strong ‘speak up’ culture that encourages public officials to report wrongdoing to ensure the integrity of the public sector. An integral part of that ‘speak up’ culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detriment
- taking active steps to maintain the confidentiality of reports
- imposing duties on those who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

DNSW takes reports of wrongdoing seriously and will deal with reports thoroughly and impartially and will take appropriate action to rectify any wrongdoing found in accordance with the PID.

3. Purpose

DNSW is required to have a Public Interest Disclosure (PID) Policy under section 42 of the PID Act.

This policy sets out Destination NSW's internal process for handling reports of wrongdoing and in particular, the reports which are classified as public interest disclosures under the *Public Interest Disclosures Act 2022*. This policy sets out:

- how DNSW will support and protect you if you come forward with a report of serious wrongdoing
- how DNSW will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections which are available to you under the PID Act.

The Policy further strengthens DNSW's commitment to achieving the objectives of the PID Act to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with the DNSW Code of Conduct and all other policies relevant as they are implemented.

4. Accessibility of this policy

This policy is available on DNSW's publicly available website as well as on the intranet.

A copy of the policy is also sent to all staff of DNSW on their commencement. A hard copy of the policy can be requested from the Legal, Procurement and Governance Team.

5. Scope

Who does the PID Act apply to?

The PID Act applies to all agencies and public officials in NSW. A full list of who is a public official can be found in [section 14 of the PID Act](#). Persons who are public officials include:

- a person employed in or by an agency or otherwise in the service of an agency.
- a person employed by DNSW overseas, including DNSW overseas embedded staff.
- a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate.
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor, or volunteer.
- an employee, partner or officer of an entity that provides services, under contract, subcontract, or other arrangement, on behalf of an agency or exercises functions of an agency and are involved in providing those services or exercising those functions.

Who does this policy apply to?

This policy applies to all staff employed by DNSW:

- Permanent, temporary and casual staff of DNSW;
- Individual consultants or contractors engaged by DNSW to provide services to or on behalf of DNSW; and
- Volunteers engaged by DNSW.

The CEO, other nominated disclosure officers and managers within DNSW have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for DNSW may use this policy if they want information on who they can report wrongdoing to within DNSW.

Contractors

The PID Act and this policy applies to contractors or subcontractors under which a person or body has been engaged to provide services on behalf of DNSW¹. All contractors have a responsibility to report to DNSW of a voluntary PID of which the contractor becomes aware of or any wrongdoings. DNSW has obligations to take corrective action and have the right to terminate a contract in response to a finding of serious wrongdoing or other misconduct involving the person or body or an individual providing services under the DNSW service contract.

Who does this policy not apply to?

This policy does not apply to:

- people who have received services from an agency and want to make a complaint about those services
- people, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.

This means that if you are not a public official, this policy does not apply to your complaint (there are some circumstances where a complaint can be deemed to be a voluntary PID, see section 7 of this policy for more information).

However, you can still make a complaint to DNSW. This can be done by emailing:

legal.procurement@dnsw.com.au

6. Organisational structure for reporting a wrongdoing

The PID Act imposes a duty on DNSW if receiving a report of serious wrongdoing to:

- take appropriate actions to investigate serious wrongdoing, or
- otherwise deal with reports even if they relate to another agency.

Key DNSW positions to facilitate the PID pursuant to the requirement of the PID Act are:

¹Applies only to contracts entered from when the PID Act 2022 takes effect from 1 October 2023

The head of agency

The Chief Executive Officer (CEO) is also a Disclosure Officer under the PID Act and has overall responsibilities of the PIDs received by DNSW. The CEO also ensures that the agency complies with this Policy.

Disclosure Coordinator

The Disclosure Coordinator is the Legal, Procurement and Governance Director and has overall responsibility to:

- receive reports of wrongdoing including from managers and disclosure officers;
- provide support and advice to all staff and disclosure officers;
- implement this policy and maintaining DNSW's systems to comply with this Policy and the PID Act.

Disclosure Officers

All Disclosure Officers are obligated to:

- receive disclosures (whether stated as such or not) from any public official anywhere in the NSW public sector – including officials from other agencies;
- protect the maker of the disclosure and an investigator from detrimental action ([s33](#) and [s35](#)); and
- protect the subject of a disclosure ([s61](#)).

Managers

All managers of staff employed by DNSW (even if not a disclosure officer) can receive disclosures from their respective staff.

Refer to [Roles and Responsibilities](#) of this policy for more detailed information.

7. Reporting wrongdoing under the PID Act

What should be reported: Reports, complaints and grievances

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

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, DNSW will consider whether it is a PID. If it is a PID, DNSW will deal with it as set out in this policy.

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

What is a serious wrongdoing?

You must report any serious wrongdoing in accordance with the PID Act.

A serious wrongdoing is defined under [section 13](#) of the PID Act as one or more of the following categories:

- **corrupt conduct** — such as a public official accepting a bribe, or the improper use of knowledge, power or position for personal gain or the advantage of others.
- **serious maladministration** — such as taking an action that is unlawful, or an agency systemically failing to comply with proper recruitment processes when hiring staff.
- **a government information contravention** — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application.
- **a local government pecuniary interest contravention** — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship.
- **a privacy contravention** — such as unlawfully accessing a person's personal information on an agency's database.
- **a serious and substantial waste of public money** — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

Further definitions of each category are available in [Schedule 2](#) of the PID Act. Corrupt conduct is defined in [Part 3](#) of the *Independent Commission Against Corruption Act 1988* (ICAC Act).

When will a report of wrongdoing be a PID?

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

There are three types of PIDs in the PID Act:

- **Voluntary PID:** This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.
- **Mandatory PID:** This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

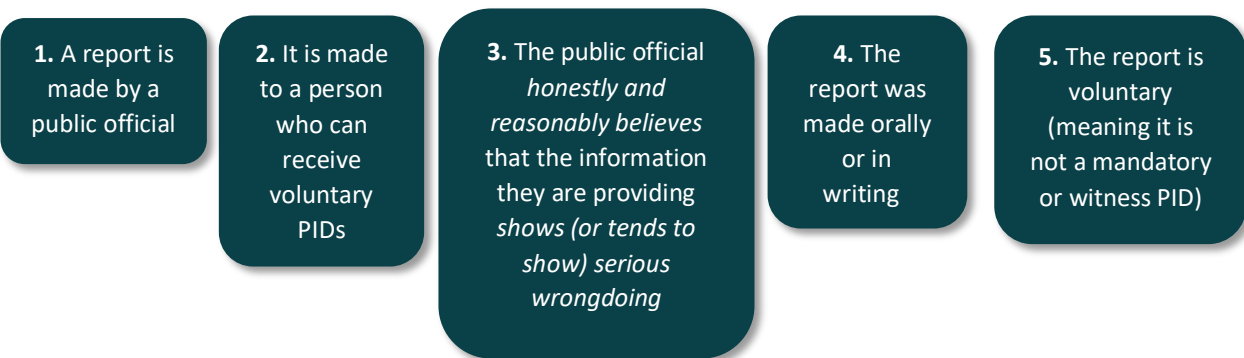
This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. Refer to the [Protections](#) section of the policy for more information.

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

Identifying a voluntary PID

A voluntary PID is where a public official made a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

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



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

The CEO has power under the PID Act to deem a report to be a voluntary PID, even if it does not have all 5 features of a PID. By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

6. How to report a wrongdoing?

Who can make a voluntary PID

Any [public official](#) can make a voluntary PID, including all DNSW staff and contractors. You can make a PID about serious wrongdoing relating to any agency, department or minister, not just DNSW.

You do not need to prove that the serious wrongdoing happened or provide evidence when making a PID report, however supporting information where possible will be helpful to the recipient of the report to follow up.

Who can I make a voluntary PID to?

For a report to be a voluntary PID, it can be made:

1. either internally within DNSW or externally; and
2. must be made to one or more of the following people:

Internal reporting

You can make a PID to the CEO, your manager or a disclosure officer at DNSW.

Refer to [Annexure A](#) of this policy for a list of DNSW disclosure officers and their contact details.

Where a voluntary PID is made to the person's manager, it is the manager's responsibility to make sure the PID is communicated to a disclosure officer, as soon as reasonably practicable, so it can be properly assessed and dealt with.

External reporting

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the *head of another agency* — this means the head of any public service agency
- an *integrity agency* — a list of integrity agencies is located at [Annexure B](#) of this policy

- a *disclosure officer for another agency* — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
- a *Minister or a member of a Minister's staff* but the report *must be made in writing*.

If you choose to make a disclosure outside of DNSW, it is possible that your disclosure will be referred back to DNSW so that appropriate action can be taken.

Content and format of disclosure

You can make a voluntary PID:

In writing

This could be an email or letter to a person who can receive voluntary PIDs.

Orally

Have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually. The person receiving your oral disclosure must make a written record of the disclosure.

Anonymously

Write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for the Department to investigate the matter(s) you have disclosed if we cannot contact you for further information.

It is important to note that for a report to be a voluntary PID, it must be made to certain public officials.

What should I include in my report?

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

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

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

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

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

Safe and secure record management

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

All information relating to a PID report, including personal information will be stored confidentially on a needs to know basis, that is, only the Disclosure Coordinator receiving the PID will have access to the information stored.

All records will be marked with the appropriate DLM classification.

Refer to [How DNSW will protect your confidentiality](#) of this policy for more information.

7. Protection for persons reporting wrongdoing

Protections for people who make voluntary PIDs under the PID Act

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

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

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

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

Protection from detrimental action

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

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

Immunity from civil and criminal liability

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, in order to make a PID, public officials will need to breach or disregard such confidentiality

duties. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching confidentiality.

Confidentiality

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

Protection from liability for own past conduct

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

Protections for people who make mandatory and witness PIDs

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

A mandatory PID

This is a PID where the public official has made the report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

A witness PID

This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

8. Rights of persons subject of disclosures

DNSW is committed to ensure that a person who is the subject of a disclosure of wrongdoing is treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

9. How DNSW will deal with voluntary PIDs

(a) How DNSW will acknowledge that we have received a report and keep the person who made it informed

When a disclosure officer in DNSW receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:
 - state that the report will be assessed to identify whether it is a PID
 - state that the PID Act applies to how we deal with the report
 - provide clear information on how you can access this PID policy
 - provide you with details of a contact person and available supports.
- If the report is a voluntary PID, DNSW will inform you as soon as possible how the agency intends to deal with the report. This may include:

- that DNSW are investigating the serious wrongdoing
 - that DNSW will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
 - If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If DNSW decides to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
 - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
 - information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
 - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
 - There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
 - If you have made an anonymous report, in many cases we may not be able to provide this information to you.

(b) How DNSW will deal with voluntary PIDs

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

Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our grievance handling process or through an alternate process.

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

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

Cease dealing with report as not voluntary PID

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

Where the report is a voluntary PID

If the report is a voluntary PID:

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

(c) How DNSW will protect the confidentiality of the maker of a voluntary PID

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

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or we reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

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

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

Refer to [Safe and Secure Records Management](#) of this policy for additional information.

(d) How DNSW will assess and minimise the risk of detrimental action

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

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

The Disclosures Coordinator will ensure a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter).

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

Detriment to a person includes:

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

Detrimental action does not include:

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

(e) How DNSW will deal with allegations of a detrimental action offence

If DNSW become(s) aware of an allegation that a detrimental action offence has occurred or may occur, DNSW will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action against anyone that has taken detrimental action

- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

(f) What DNSW will do if an investigation finds that serious wrongdoing has occurred

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

Corrective action can include:

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

10. Review and dispute resolution

Internal review

People who are making or have made a voluntary PID can seek an internal review of the following decisions made by the Department:

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

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

If you would like to make an application for an internal review, you must apply in writing to the Disclosures Coordinator (refer to [Annexure A](#) for contact details) within 28 days of being informed of the Department's decision. The application should state the reasons why you consider that the Department's decision should not have been made. You may also submit any other relevant material with your application.

The internal review will be dealt with by a person (the reviewer) who was not substantially involved in making the decision or dealing with the report. Internal reviews will be completed within 20 working days of the reviewer receiving all information supplied by the applicant.

The reviewer will notify the applicant of their decision, and the Department will give effect to that decision.

Voluntary dispute resolution (conciliation)

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

11. Agency reports to the NSW Ombudsman

DNSW have an obligation to report data on a yearly basis (annual return) to the NSW Ombudsman consisting of:

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

DNSW is also required to notify the Ombudsman when certain events happen, including when they receive an allegation of detrimental action.

12. How DNSW will ensure compliance with the PID Act and this policy

The CEO has oversight of this policy and whether it is operating effectively, including whether DNSW is continuing to comply with the PID Act and whether the policy is meeting its purpose.

Non-compliance with the PID Act or this policy may be determined to be misconduct and result in disciplinary action being taken in accordance with the *Government Sector Employment Act 2013*.

The Disclosure Coordinator will provide advice, at least annually, on the performance of this policy to the CEO and the DNSW Audit & Risk Committee. This advice will include any non-compliance and the actions taken or recommended to improve the performance of this policy.

Awareness and training

All DNSW staff and managers will be able to access this policy on the DNSW intranet. This policy document will be provided in the induction for all new staff².

DNSW will ensure appropriate training to all disclosure officers (including the CEO) and managers of staff at DNSW.

This will be overseen by the Disclosure Coordinator and the Legal, Procurement and Governance Team. A register of training will be maintained by the Disclosure Coordinator to ensure timely and current training is undertaken by all disclosure officers and managers.

Disclosure officers and managers must undertake the mandatory training within a reasonable time after engagement with DNSW by:

- 6 months after the commencement of the PID Act or

² [Awareness and training - section 48\(3\) PID Act](#)

- The day that is 3 months after the person commences in the relevant role.

A refresher training must take place at intervals of not more than 3 years.

13. Roles and Responsibilities

The table below outlines the obligations all staff have at DNSW to ensure compliance with the PID Act and how you should put that into action:

Who	Duty
All Staff	<ul style="list-style-type: none"> • report suspected serious wrongdoing or other misconduct. • report suspected detrimental action being taken as a result of a report of wrongdoing. • use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of DNSW. • treat any person dealing with or investigating reports of serious wrongdoing with respect.
Managers	<ul style="list-style-type: none"> • receiving reports of wrongdoing from persons that report to them or that they supervise. • passing on reports they receive to a disclosure officer – refer to Annexure A for contact details. • must undertake training provided by DNSW within a reasonable time after engagement at DNSW. Refer to Training and awareness of this policy for more information.
Nominated Disclosure Officers	<ul style="list-style-type: none"> • receiving reports of wrongdoing from public officials. • receiving reports when they are passed on to them by managers. • ensuring reports are dealt with appropriately, including by referring the matter to the Disclosure Coordinator or the CEO. • ensuring that any oral reports that have been received are recorded in writing. • maintaining confidentiality and supporting the person who has made a report. • must undertake training provided by DNSW within a reasonable time after engagement at DNSW. Refer to Training and awareness of this policy for more information.
Disclosures Coordinator (Director Legal, Procurement and Governance)	<p>DNSW's Disclosure Coordinator is the Director, Legal, Procurement and Governance. The Disclosure Coordinator is responsible for:</p> <ul style="list-style-type: none"> • receiving reports of wrongdoing from public officials.

	<ul style="list-style-type: none"> • acknowledging reports of wrongdoing made under this policy. • assessing whether a report is a PID, including deeming a report as a voluntary PID. • providing updates to the maker of a voluntary PID about how their report is being dealt with. • directing the activities of the Ethics & Integrity Team in accordance with this policy, including the performance of investigations into serious wrongdoing. • taking steps to assess and minimise the risk of detrimental action, other than reasonable management action, being taken against a person as a result of a report of wrongdoing. • ensuring that allegations of a detrimental action offence are dealt with appropriately. • ensuring that applications for internal review are dealt with appropriately. • implementing this policy and maintaining the Department's systems to comply with this policy and the PID Act.
Legal Advisor (Advice from DNSW Legal, Procurement and Governance Team)	<ul style="list-style-type: none"> • Provide confidential advice and guidance about making a report of wrongdoing and this policy.
CEO	<p>The CEO is the Principal Officer</p> <ul style="list-style-type: none"> • fostering a workplace culture where reporting wrongdoing is encouraged. • receiving disclosures from public officials. • ensuring there is a system in place for assessing disclosures. • ensuring DNSW complies with this policy and the PID Act. • ensuring that DNSW has appropriate systems for: <ul style="list-style-type: none"> ○ overseeing internal compliance with the PID Act, ○ supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action, ○ implementing corrective action if serious wrongdoing is found to have occurred, ○ complying with reporting obligations regarding allegations or findings of detrimental action, and ○ complying with yearly reporting obligations to the NSW Ombudsman.

14. Monitoring, evaluation and review

The Legal team will monitor and review this policy and update when necessary. There will be a review every two years from the date of approval of this policy document.

Document Control

DNSW may amend this policy from time to time as appropriate.

Owner	Latest Version	Next Review Date
Director Legal, Procurement and Governance	1 October 2023	1 October 2025

Contact

Legal, Procurement and Governance Team

You can contact the DNSW Legal, Procurement and Governance Team confidentially if you have any questions or concerns about this policy at: legal.procurement@dnsw.com.au

Ombudsman

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

- 15.confidentially contact a nominated disclosure officer within DNSW. Refer to [Annexure A.](#)
- 16.contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: pidadvice@ombo.nsw.gov.au, or
- 17.access the NSW Ombudsman's PID guidelines which are available on its website.

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

18. Associated documents

- DNSW Code of Conduct
- [NSW Ombudsman Guidelines](#)

19. Relevant legislation

Public Interest Disclosures Act 2022

20. References

- [NSW Ombudsman](#)
- [NSW Audit Office](#)
- [Destination NSW](#)

Annexure A – Contact details of Disclosure Officers (persons who can receive a report of wrongdoing within DNSW)

Role	Name	Email	Phone
Chief Executive Officer	Steve Cox	steve.cox@dnsw.com.au	02 9931 1314
Director Legal, Procurement and Governance	Neville D'costa	neville.dcosta@dnsw.com.au	02 9228 5241
Senior General Counsel	Trudi Pike	trudi.pike@dnsw.com.au	02 9372 9297
Director People and Culture	Arthur Cheng	arthur.cheng@dnsw.com.au	02 9228 3456
Chief Financial Officer, Corporate Services	Ian Maltman	ian.maltman@dnsw.com.au	02 9372 8028
General Manager Events Event Development	Julie Turpie	julie.turpie@dnsw.com.au	02 9931 1313
General Manager Product, Policy & Engagement	Stephen Mahoney	stephen.mahoney@dnsw.com.au	02 9931 1165
General Manager Consumer Marketing	Kathryn Illy	kathryn.illy@dnsw.com.au	02 8226 0076

Annexure B - List of integrity agencies

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