

# Internal Reporting Policy – Corrupt Conduct and Serious Wrongdoing

## Purpose

To document our internal reporting system which enables City of Sydney (City) employees and councillors, in addition to others covered by the policy's scope, to report wrongdoing without fear of reprisal. This policy sets out what can be reported, who you can report wrongdoing to at the City and how reports of wrongdoing will be dealt with.

This policy is designed to complement normal communication channels between supervisors and employees. Employees 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 policy complies with the requirement under s 6D of the PID Act for the City to set out its procedures for receiving, assessing and dealing with public interest disclosures.

The internal reporting system established under this policy is not intended to be used for employee grievances, which should be raised through our [Grievance and Conflict Resolution Policy](#). If an employee makes a report under this policy which is substantially a grievance, the matter will be referred to Corporate Human Resources to be dealt with in accordance with our Grievance and Conflict Resolution Policy.

## Scope

This policy applies to:

- Councillors
- City employees, including permanent (whether full-time or part-time), temporary and casual employees, agency staff, volunteers, trainees and students on work placements.

Under the PID Act this policy also applies to consultants, employees of contractors providing services to the City and public officials of another council or public authority who report wrongdoing relating to the City.

This policy is just one in the suite of the City's complaint handling policies. Workplace disputes, harassment or bullying complaints, or health and safety concerns are covered by:

- [Equal Employment Opportunity and Anti-Discrimination Policy](#)
- [Grievance and Conflict Resolution Policy](#)
- [Harassment and Bullying Policy](#)
- [Work Health and Safety Policy](#)

**Definitions**

<b>Term</b>	<b>Meaning</b>
Disclosures Coordinator	Director Legal & Governance
Disclosures Officers	All Directors, Manager Risk & Governance and Chief People & Culture. Directors refer to the Director of a Division, the Chief Financial Officer and the Chief Operating Officer and not to any other position with the word Director in its title.
Employees	Permanent (whether full-time or part-time), temporary and casual employees, agency staff, volunteers, trainees and students on work placements
GIPA Act	Government Information (Public Access) Act 2009
ICAC Act	Independent Commission Against Corruption Act 1988
PID Act	Public Interest Disclosures Act 1994
Principal Officer	Chief Executive Officer (CEO)
Reporter	An employee, councillor or other person to whom this policy applies that has reported any suspected wrongdoing within the City, or any activities or incidents within the City that they believe are wrong, in accordance with this policy
Subject	Employee, councillor or other person to whom this policy applies who is the subject of a report of wrongdoing

**Policy Statement**

The City is committed to the highest standard of ethical and accountable conduct and will support and protect the reporting of wrongdoing. Individuals who come forward and report wrongdoing are helping to promote integrity, accountability and good management within the City.

The City will:

- create a climate of trust, where people are comfortable and confident about reporting wrongdoing
- make this policy available on our internal and external website
- encourage individuals to come forward if they become aware of wrongdoing within the City
- keep the identity of the person disclosing wrongdoing confidential, where this is possible and appropriate
- take steps to protect Reporters from reprisal and manage workplace conflict
- assess all reports of wrongdoing it receives from Reporters and deal with them appropriately, fairly, reasonably and impartially, respecting the rights of any person who is the subject of a report
- if some form of wrongdoing has been found, take appropriate action to rectify it
- keep the individual who makes a report informed of its progress and the outcome

- encourage the reporting of wrongdoing within the City, but respect any decision to disclose wrongdoing outside the City
- ensure managers and supervisors at all levels understand the benefits of reporting wrongdoing, are familiar with this policy and aware of the needs of those who report wrongdoing
- review this policy periodically to ensure it is relevant and effective
- provide adequate resources to:
  - encourage reports of wrongdoing
  - protect and support those who make them
  - provide training about how to make reports
  - assess and review, investigate or otherwise deal with allegations
  - manage any workplace issues that the allegations identify or that result from a report
  - appropriately address any identified problems.

Once wrongdoing has been reported, the City decides whether a report should be investigated, and if so, how it should be investigated and by whom.

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

The City has a responsibility to refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) and any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

The City will request specific consent from a Reporter to disclose their identity to any external agency prior to referring a report of actual or suspected corrupt conduct or any evidence of a reprisal offence. If the Reporter does not grant consent, the City will keep the identity of the Reporter anonymous subject to any legal requirements for disclosure.

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

**Roles**

Position	Responsibility
Principal Officer (CEO)	<ul style="list-style-type: none"> <li>• Ensures the City has an internal reporting policy and Employees are aware of this policy and the protections of the PID Act.</li> <li>• Ensures the City’s compliance with this policy and its obligations under the PID Act.</li> <li>• Ensures at least one officer is responsible for receiving public interest disclosures within the City.</li> </ul>

Position	Responsibility
Disclosures Coordinator	<ul style="list-style-type: none"> <li>Receives and assesses reports and is the primary point of contact in the City for the Reporter.</li> </ul>
Disclosures Officers	<ul style="list-style-type: none"> <li>Provides advice about the internal reporting system and the City’s Internal Reporting Policy – Corrupt Conduct and Serious Wrongdoing.</li> <li>Receives reports of wrongdoing and assist employees and councillors to make reports.</li> </ul>

**What you should report**

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

Reports about five categories of serious misconduct will be dealt with under this policy. If they meet the criteria of a public interest disclosure, they will also be dealt with under the PID Act.

The five categories are:

- a. corrupt conduct
- b. maladministration
- c. serious and substantial waste of public money
- d. breach of the GIPA Act, and
- e. local government pecuniary interest contravention.

There are more details below about these types of conduct. Furthermore, information about what can be reported under the PID Act can also be found in the NSW Ombudsman’s *Guideline B2: What should be reported?* Even if these reports are not dealt with as public interest disclosures, the City recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the employee making the report from reprisal.

All other wrongdoing or suspected wrongdoing should be reported to your manager, supervisor or Corporate Human Resources staff to be dealt with in line with the relevant policies. This might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of employees or the public.

**a) Corrupt conduct**

Corrupt conduct is defined in Sections 7, 8 and 9 of the ICAC Act and is deliberate or intentional wrongdoing, not negligence or a mistake. It has to involve or affect a NSW public official or public sector organisation.

While it can take many forms, some examples of corrupt conduct include when:

- a public official improperly uses, or tries to improperly use, the knowledge, power or resources of their position for their own personal gain or the advantage of others

- a public official dishonestly exercises his or her official functions, or improperly exercises his or her official functions in a partial manner, breaches public trust or misuses information or material acquired during the course of his or her official functions
- a member of the public influences or tries to influence a public official's exercise of functions.

#### **b) Maladministration**

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

For example, this could include:

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

#### **c) Serious and substantial waste of public money**

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

For example, this could include:

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

#### **d) Breach of the GIPA Act**

A breach of the GIPA Act is a failure to properly fulfil functions under that 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.

#### **e) Local government pecuniary interest contravention**

A local government pecuniary interest contravention is a failure to comply with requirements under the *Local Government Act 1993* relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, disclose pecuniary interests at council and council committee meetings and leave the meeting while the matter is being discussed.

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 City employee recommending a family member for a City contract and not declaring the relationship
- a Councillor participating in consideration of a tender for a service they or their family have an interest in.

## 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 CEO 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 a review or investigation should be carried out and how it 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.

## When will a report be treated as a public interest disclosure?

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

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

Reports by employees are not public interest disclosures if they:

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

## Who you can report to at the City

The PID Act requires that for a report to be a public interest disclosure it must be made to certain public officials identified in this policy or any supporting procedures.

The following positions are the only people within the City who are authorised to receive a public interest disclosure:

- Principal Officer - CEO
- Lord Mayor
- Disclosures Coordinator - Director Legal & Governance
- Disclosures Officers - all Directors, Manager Risk & Governance and Chief People & Culture.

Contact details for these positions are provided in Appendix A.

If your report involves a councillor, you should make it to the CEO. If your report relates to the CEO, you should make it to the Lord Mayor.

Any manager or supervisor who receives a report that they believe may be a public interest disclosure is obliged to assist the employee to make the report to one of the positions listed above.

If you would like additional information before making a public interest disclosure you can contact the City's Governance team on 02 9265 9333.

### **Who you can report to outside the City**

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

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

#### **a) Investigating authorities**

The PID Act lists a number of investigating authorities in NSW that employees and councillors can report wrongdoing to and the type of wrongdoing each authority deals with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority.

The relevant investigating authorities for the City are:

- the ICAC - for reports about corrupt conduct
- the NSW Ombudsman - for reports about maladministration
- the Auditor General - for reports about serious and substantial waste
- the Information Commissioner - for disclosures about a breach of the GIPA Act
- the Office of Local Government - for disclosures about local councils (e.g. pecuniary interest contraventions).

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided in Appendix A.

You should be aware that the investigating authority may discuss any such reports with the City. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately. We will also provide appropriate support and assistance to employees or councillors who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

#### **b) Members of Parliament or journalists**

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

- the CEO
- a person nominated in this policy; or
- an investigating authority.

Additionally, the City or the investigating authority that received your initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report
- investigated the matter but not recommended any action as a result; or

- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Furthermore, 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. The disclosure must also in fact be substantially true.

### ***c) Other external reporting***

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

For more information about reporting wrongdoing outside the City, contact the Disclosures Coordinator or the [NSW Ombudsman's Public Interest Disclosures Unit](#).

### **How you can make a report**

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

The City's [Internal Report Form](#) and external [online reporting form](#) are also available 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.

### **Can your report be anonymous?**

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by the City, 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 has or will be taken and the outcome of any review or investigation.

It is important to realise that making a disclosure anonymously 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.

### **Feedback to employees who report wrongdoing**

Employees and councillors who report wrongdoing and provide their contact details will be told what is happening in response to their report.

### ***a) Acknowledgement***

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

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



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

- information about how we will respond to your report
- the likely timeframes for any review or investigation or other action
- information about the internal and external resources or services available that you can access for support.

We will provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

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

### ***b) Progress updates***

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

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

### ***c) Feedback***

Once the matter has been finalised you will be given:

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

## **Maintaining Confidentiality**

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

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

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

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

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

### **Managing the risk of reprisal and workplace conflict**

When an employee or councillor reports wrongdoing, the City will undertake a thorough risk assessment, using the NSW Ombudsman's PID Risk Assessment template, to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, the City may:

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

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

### **Protection against reprisals**

The City will not tolerate any reprisal against employees or councillors who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for employees and councillors who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure or because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not do so.

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 or has disclosed the identity of a Reporter (or information that is likely to lead to the identification of the Reporter) 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 our 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.

The PID Act does not protect Reporters from disciplinary or other management action where the City has reasonable grounds to take such action. For example, if a Reporter accesses

confidential information in order to support their disclosure/s or the Reporter has performance issues unrelated to the allegation/s.

### **a) 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 CEO immediately. In the case of an allegation of reprisal by the CEO, you can alternatively report this to the Lord Mayor.

All supervisors must notify the Disclosures Coordinator or the CEO if they suspect that reprisal against an employee is occurring or has occurred, or if any such allegations are made to them. In the case of an allegation of reprisal by the CEO, the Lord Mayor can alternatively be notified.

If the City becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, the City 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 an appropriate employee or an external investigator
- 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 9 of the City's Code of Conduct (detrimental action) by a councillor or the CEO 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, ICAC or the Auditor General (depending on the type of wrongdoing you reported).

### **b) Protection against legal action**

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

### **Support for those reporting wrongdoing**

The City will make sure that employees who have reported wrongdoing, regardless of whether their report is treated as a public interest disclosure, are provided with access to our Employee Assistance Program under the City's Employee Assistance Program Policy for any professional support they may need as a result of the reporting process – such as stress management or counselling services.

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

### **Sanctions for making false or misleading statements**

It is important all employees 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. The City will not support employees or councillors who wilfully make false or misleading reports. Such conduct may also be a breach of the 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.

### **Your rights if you are the subject of a report**

The City is committed to ensuring employees or councillors who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential where this is practical and appropriate.

If you are the subject of the report and if there may be adverse findings against you, at the appropriate time you will be:

- advised of substance of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about if action will be taken against you.

Procedural fairness and natural justice will be considered at each stage of the investigation. However in some cases, there may be an overriding public interest in not adhering to certain procedural fairness requirements, such as situations involving serious risks to personal safety or where we are obliged to maintain confidentiality due to the requirements of an external body (e.g. ICAC, NSW Police).

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

### **Reporting investigation findings internally**

On the completion of an investigation, a report, including any recommendations will be provided to the CEO for review and approval through the Disclosures Coordinator.

Where the investigation concerns the conduct of the CEO, a report and any recommendations will be provided to the Lord Mayor.

## Responsibilities

### City employees and councillors will:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- assist those assessing, reviewing or investigating a report if requested, including supplying information on request, cooperating with any assessment, review or investigation and maintaining confidentiality
- treat any person dealing with a report of wrongdoing under this Policy with courtesy and respect
- respect the rights of any person who is the subject of reports
- adhere to the City's Code of Conduct
- not make false or misleading reports of wrongdoing
- not victimise or harass anyone who has made a report.

### Lord Mayor

The Lord Mayor can receive reports from employees and councillors about the CEO. Where the Lord Mayor receives such reports, the Lord Mayor will:

- 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 City's Code of Conduct in accordance with the City'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.

### CEO

The CEO, as the Principal Officer, has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring the City complies with the PID Act.

The CEO can receive reports from employees and councillors and will:

- 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 City's Code of Conduct in accordance with the City's adopted Code of Conduct Procedures
- refer reports to an investigating authority, where appropriate
- 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 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 will:**

- 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 CEO)
- deal with reports made under the City's Code of Conduct in accordance with the City's Code of Conduct Procedures
- coordinate the City'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
- request specific consent from a Reporter to disclose their identity to any external agency prior to referring a report of actual or suspected corrupt conduct or any evidence of a reprisal offence.
- 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
- provide or coordinate support to staff involved in the reporting or investigation process, where required, including protecting the interests of any officer who is the subject of a report
- ensure the City complies with the PID Act
- ensure all employees and councillors with roles outlined in this policy receive training on their responsibilities
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC) and any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC, as required.

**Disclosures Officers will:**

- 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, which may include away from the workplace
- discuss with the Reporter any concerns they may have about reprisal or workplace conflict
- forward reports to the Disclosures Coordinator or CEO for assessment
- action any recommendations arising from an investigation that are approved by the CEO and where you are responsible.

**Supervisors and managers will:**

- have a comprehensive understanding of this Fraud and Corruption Internal Reporting Policy
- create a local work environment where employees are comfortable and confident about reporting wrongdoing
- encourage employees to report known or suspected wrongdoing within the organisation and support employees when they do

- identify reports made to them in the course of their work which could be public interest disclosures, and assist the employee 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 CEO immediately if they believe an employee is being subjected to reprisal as a result of reporting wrongdoing, or in the case of suspected reprisal by the CEO, notify the Lord Mayor
- action any recommendations arising from an investigation that are approved by the CEO and where you are responsible.

**Consultation**

Governance consulted with ICAC and NSW Ombudsman and internally with Legal Services, Internal Audit, Corporate Human Resources, Procurement, Office of the CEO and Financial Planning and Reporting.

**References**

Laws and Standards
• Corporations Act 2001 (Clth)
• Government Information (Public Access) Act 2009 (NSW)
• Independent Commission Against Corruption Act 1988 (NSW)
• Local Government Act 1993 (NSW)
• <u><a href="#">NSW Ombudsman’s Guideline B2: What should be reported?</a></u>
• NSW Ombudsman PID e-news (June 2019 Issue 38) - New Commonwealth whistleblower laws.
• Public Interest Disclosures Act 1994 (NSW)
• Treasury Laws Amendment (Enhancing Whistleblower Protections) Act 2019 (Clth)
• NSW Ombudsman’s Public Interest Disclosures templates
Policies and Procedures
• Code of Conduct
• Code of Conduct Procedures
• Conflict of Interest Policy
• EEO and Anti-Discrimination Policy
• Employee Assistance Program Policy
• Fraud and Corruption Control Plan
• Grievance and Conflict Resolution Policy

**Policies and Procedures**

- Harassment and Bullying Policy
- Work Health and Safety Policy

**Review period**

This policy will be reviewed every 2 years.

**Approval Status**

Council approved this policy on 22 August 2022.

**Approval History**

Stage	Date	Comment	TRIM Reference
Original Policy	23 June 2014	Approved by Council	2014/288568
Reviewed	6 April 2020	Update based on NSW Ombudsman model internal reporting policy and new whistleblower protection provisions in Corporations Act 2001 (Cth). Approved by Council	2014/288568
Reviewed	22 August 2022	Reviewed against NSW Ombudsman model internal reporting policy. Internal reporting contact list added. Approved by Council.	2014/288568
Commence Review Date	22 November 2023		
Approval Due Date	22 August 2024		

**Ownership and approval**

Responsibility	Role
Author	Governance Officer
Owner	Manager Risk and Governance
Endorser	City of Sydney Executive
Approver	City of Sydney Council



## Appendix A – Internal Reporting Contacts

Position	Contact details
<b>Principal Officer</b> CEO Monica Barone	02 9265 9118 <a href="mailto:mbarone@cityofsydney.nsw.gov.au">mbarone@cityofsydney.nsw.gov.au</a>
<b>Lord Mayor</b> Clover Moore	02 9265 9229 <a href="mailto:cmoore@cityofsydney.nsw.gov.au">cmoore@cityofsydney.nsw.gov.au</a>
<b>Disclosures Coordinator</b> Director Legal & Governance Kirsten Morrin	02 9265 9361 <a href="mailto:kmorrin@cityofsydney.nsw.gov.au">kmorrin@cityofsydney.nsw.gov.au</a>
<b>Disclosures Officers:</b> Manager Risk & Governance Nellette Kettle	02 9265 9084 <a href="mailto:nkettle@cityofsydney.nsw.gov.au">nkettle@cityofsydney.nsw.gov.au</a>
Chief Financial Officer Bill Carter	02 9265 9386 <a href="mailto:bcarter@cityofsydney.nsw.gov.au">bcarter@cityofsydney.nsw.gov.au</a>
Chief Operating Officer Kim Woodbury	02 9246 7370 <a href="mailto:kwoodbury@cityofsydney.nsw.gov.au">kwoodbury@cityofsydney.nsw.gov.au</a>
Director City Life Emma Rigney	02 9246 7320 <a href="mailto:erigney@cityofsydney.nsw.gov.au">erigney@cityofsydney.nsw.gov.au</a>
Director City Planning Development & Transport Graham Jahn	02 9265 9945 <a href="mailto:gjahn@cityofsydney.nsw.gov.au">gjahn@cityofsydney.nsw.gov.au</a>
Director City Services Veronica Lee	02 9265 9092 <a href="mailto:vlee@cityofsydney.nsw.gov.au">vlee@cityofsydney.nsw.gov.au</a>
Director People, Performance & Technology Susan Pettifer	02 9265 9221 <a href="mailto:spettifer@cityofsydney.nsw.gov.au">spettifer@cityofsydney.nsw.gov.au</a>
Chief People & Culture Chris Youness	<a href="mailto:cyouness@cityofsydney.nsw.gov.au">cyouness@cityofsydney.nsw.gov.au</a>
Director Strategic Development & Engagement Kate Deacon	02 9246 7252 <a href="mailto:kdeacon@cityofsydney.nsw.gov.au">kdeacon@cityofsydney.nsw.gov.au</a>

**If you have any questions about this policy or any governance matter, contact our**

**Governance team:**

Telephone 02 9265 9333 (City of Sydney switchboard and ask for Governance)

Email [governance@cityofsydney.nsw.gov.au](mailto:governance@cityofsydney.nsw.gov.au)

Website [City of Sydney – About Council - Our responsibilities – Governance.](#)

## External Reporting Authorities

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

For disclosures about:	External reporting authority
Corrupt conduct	<p>Independent Commission Against Corruption (ICAC)                      Phone: 02 8281 5999                      Toll free: 1800 463 909                      NRS Speak and Listen Telephone:                      1300555727 then ask for 028281 5999                      Email: <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>                      Web: <a href="http://www.icac.nsw.gov.au">www.icac.nsw.gov.au</a>                      Address: Level 7, 255 Elizabeth Street                      Sydney NSW 2000</p>
Maladministration	<p>NSW Ombudsman                      Phone: 02 9286 1000                      1800 451 524                      NRS Speak and Listen Telephone:                      1300 555 727 then ask for 02 9286 1000                      Email: <a href="mailto:nswombo@ombo.nsw.gov.au">nswombo@ombo.nsw.gov.au</a>                      Web: <a href="http://www.ombo.nsw.gov.au">www.ombo.nsw.gov.au</a>                      Address: Level 24, 580 George Street, Sydney NSW 2000</p>
Serious and substantial waste	<p>Auditor General                      Phone: 02 9275 7100                      Email: <a href="mailto:mail@audit.nsw.gov.au">mail@audit.nsw.gov.au</a>                      Web: <a href="http://www.audit.nsw.gov.au">www.audit.nsw.gov.au</a>                      Address: Level 15, 1 Margaret Street, Sydney NSW 2000</p>
Breaches of the GIPA Act	<p>Information Commissioner                      Phone: 1800 472 679                      Email: <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>                      Web: <a href="http://www.ipc.nsw.gov.au">www.ipc.nsw.gov.au</a>                      Address: Level 15, McKell Building, 2-24 Rawson Place,                      Haymarket NSW 2000                      Postal: GPO Box 7011, Sydney                      NSW 2001</p>
Local councils (e.g. pecuniary interest contravention)	<p>Office of Local Government                      Phone: 02 4428 4100                      Tel. typewriter (TTY): 02 4428 4209                      Facsimile: 02 4428 4199                      Email: <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>                      Web: <a href="http://olg.nsw.gov.au">olg.nsw.gov.au</a>                      Address: 5 O'Keefe Avenue, Nowra, NSW 2541                      Postal: Locked Bag 3015, Nowra NSW 2541                      Sydney Office: Level 16, 320 Pitt Street, Sydney NSW 2000</p>