

Public Interest Disclosure Policy

1 October 2023

Policy Statement

All agencies in NSW are required to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act).

At IPART we are committed to building a 'speak up' culture where public officials^a are encouraged to report any conduct that they reasonably believe involves wrongdoing. The integrity of our agency relies upon public officials speaking up and reporting when they become aware of wrongdoing.

Objective

This policy provides guidance to IPART employees and other public officials who wish to make a PID. This policy sets out:

- how IPART will support and protect you if you come forward with a report of serious wrongdoing
- how we 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.

This policy also documents our commitment to building a speak up culture. This is consistent with IPART's values, in particular our organisational value of Integrity & Courage. 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:

- our [Code of Ethics and Conduct policy](#),
- our [Fraud and Corruption Control Charter](#),

^a Refer to [Table 2 - Definitions](#) for explanation of terms

- our Fraud and Corruption Risk Assessment and Control Plan 2023, and
- our [Positive and Productive Workplaces Guide](#).

Scope

Who does this policy apply to?

This policy applies to public officials – that is:

- a person employed in or by the IPART Staff Agency or otherwise in the service of IPART (ongoing, term, temporary and casual employees, or on secondment at IPART)
- a person providing services or exercising functions on behalf of IPART (contractor, subcontractor or volunteer), such as a Committee member, and
- a statutory officer, such as a Tribunal member.

Consultants engaged by IPART to provide services for a review or project would not be considered public officials.

Other public officials who work in and for the public sector, but do not work for IPART may use this policy if they want information on who they can report wrongdoing to within IPART.

The Tribunal Chairperson, other nominated disclosure officers and managers within IPART have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities.

This policy does not apply to people who want to make a complaint about IPART processes, services, policies and procedures, and behaviour or conduct of our staff (not meeting the criteria of a PID). This policy does not apply if you are not a public official. You can however make a complaint with IPART through our [Complaints Handling Policy](#).

What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to IPART under the PID Act
- the names and contact details for the nominated disclosure officers in IPART
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of IPART
- what information you will receive once you have made a voluntary PID
- protections available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
- our procedures for dealing with disclosures

- our procedures for managing the risk of detrimental action and reporting detrimental action
- our record-keeping and reporting requirements
- how we will ensure IPART complies with the PID Act and this policy.

Principles

The policy complements normal communication channels between managers and staff, and staff are encouraged to raise matters of concern at any time with their managers. IPART staff also have the option of making a PID in accordance with this policy. The following principles apply when making, receiving, assessing and handling PIDs.

How to make a report of serious wrongdoing

- A report of wrongdoing can be made orally (e.g. face to face, telephone, virtually) or in writing (e.g. email, letter) – see further below ‘Who can I make a PID report to?’. A record of oral reports will be taken by the person receiving the report and the reporter asked to sign the record and keep a copy.
- If a reporter is concerned about making a report, the reporter can ask to make the report in a location away from IPART offices or report anonymously.
- IPART accepts anonymous reports and reporters will still be protected under the PID Act but if there is no reasonable or practical way of communicating with the person making the report it may be difficult for us to investigate and provide updates on the progress or outcomes of the report.
- You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You do have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.
- Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.
- A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside of IPART. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman.

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.

When will a report be a PID?

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. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID and if it is then we will deal with it as set out in this policy. It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we have to make on how we will deal with the PID and how we will protect and support the person who has made the report.

There are three types of PIDs in the PID Act.

1. *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.
2. *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.
3. *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 them. People who make a mandatory PID or a witness PID are still entitled to protection. You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'. They involve a public official making 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:

1. A report is made by a public official.

2. It is made to a person who can receive voluntary PIDs – see section below on ‘Who can I make a PID report to?’.
3. The public official honestly and reasonably believes that the information they are providing shows (or tends to show) serious wrongdoing.
4. The report was made orally or in writing.
5. The report is voluntary (meaning it is not a mandatory or witness PID).

The Tribunal Chairperson or their delegate^b can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the ‘deeming power’.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the Tribunal Chairperson or their delegate (if any) to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the Tribunal Chairperson or their delegate. For more information about the deeming power, see the Ombudsman's guideline ‘Deeming that a disclosure is a voluntary PID’.

What is serious wrongdoing?

Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID. Serious wrongdoing is defined in the PID Act as:

- corrupt conduct – such as a public official accepting a bribe
- serious maladministration – such as 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.

^b Under section 80(1) of the PID Act, the Tribunal Chairperson, as head of agency, can delegate their functions (other than the power of delegation) under the PID Act to a person employed in or by the agency.

When you make your report, you do not need to state to us what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

You should report any suspected wrongdoing within IPART, or any activities or incidents you see within IPART that you believe are wrong, including reprisal action against someone making a PID. Even if reports are not dealt with as PIDs, IPART recognises such reports may raise important issues and will ensure your report is handled appropriately either under the PID Act or through one of our other policies and procedures.

Who can I make a PID report to?

You can make a report inside IPART to:

- the Tribunal Chairperson
- the Disclosures Coordinator or a disclosure officer for IPART — a list of our disclosure officers and their contact details can be found at [Appendix A](#) of this policy
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a disclosure officer on your behalf or may accompany you while you make the report to a disclosure officer.^c

You can also make your report to a public official in another agency, including an integrity agency. If you choose to make a disclosure outside of IPART, it is possible that your disclosure will be referred back to us so that appropriate action can be taken.

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures.
- The previous disclosure must be substantially true.
- You did not make the previous disclosure anonymously.
- You did not give a written waiver of your right to receive information relating to your previous disclosure.
- You did not receive the following from IPART:
 - notification that IPART will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - the following information at the end of the investigation period:
 - notice of IPART's decision to investigate the serious wrongdoing

^c A manager to whom a voluntary public interest disclosure is made, and who is not a head of an agency or a disclosure officer for an agency, must, as soon as reasonably practicable, communicate the disclosure to a disclosure officer for an agency with which either the manager or the public official who made the disclosure is associated: PID Act, s 51(1).

- a description of the results of an investigation into the serious wrongdoing
- details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

Protections

How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act. We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with. We 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 by the IPART Staff Agency or otherwise associated with IPART that concerns serious wrongdoing relating to IPART 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.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓

<p>Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.</p>	✓	✓
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<p>Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for:</p>	✓	✓
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- breaching a duty of secrecy or confidentiality, or
- breaching another restriction on disclosure.

Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action directly to IPART by contacting a disclosure officer listed at Appendix A of this Policy, or to an integrity agency. A list of integrity agencies is located at [Appendix B](#) of this policy.

General support

The Disclosure Officer will take steps to protect the maker of the report and their interests, for example, if they are at risk of detrimental action. IPART provide staff access to [Benestar](#) employee assistance services and support, if required. Information about how to access Benestar employee assistance services and support is available on the IPART intranet page.

For more information about making and dealing with PIDs is available at the NSW Ombudsman's website at www.ombo.nsw.gov.au along with training materials.

How we will deal with PIDs

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

When a disclosure officer in IPART 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:

- an acknowledgment that the report has been received. The acknowledgement will be sent by email with a 'sensitivity' label and will be saved to our record management system with security access. 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 IPART deals 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, we will inform you as soon as possible how we intend to deal with the report. This may include:
 - that we are investigating the serious wrongdoing
 - that we 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 we decide 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.

How IPART will deal with voluntary PIDs

Any reports will be subject to a preliminary assessment by the person receiving the report, passed on to the Disclosures Coordinator, and notified to the Principal Officer listed in Appendix A, being the CEO.

The Disclosures Coordinator will then 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 [Positive and Productive Workplaces Guide](#) or through an alternate process.

If the report is not a voluntary PID, the nominated Disclosure Officer 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. We can, but do not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID

We 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). The nominated Disclosure Officer will advise the reporter that they have ceased dealing with the report as a voluntary PID and provide reasons to the reporter.

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.

How IPART will protect the confidentiality of the maker of a PID

We will not disclose identifying information about the maker of a PID unless it is necessary and authorised under the PID Act.

We 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. We will do this by:

- limiting the number of people who are aware of the maker's identity or information that could identify them.
- if we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so.
- ensuring that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential, unless required or authorised to disclose under law.
- ensuring that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.

- undertaking an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- providing information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, IPART will:

- advise the person whose identity may become known
- review and update our risk assessment and risk management plan
- advise the person who has made the PID of the supports available
- remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

How IPART will assess and minimise the risk of detrimental action

We 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. We 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. We will take steps to assess and minimise the risk of detrimental action by:

- undertaking a risk assessment and creating a risk management plan to minimise the risk of detrimental action. The Principal Risk Officer will generally be responsible for undertaking the risk assessment,
- advising the reporter of the supports and protections available to them (see 'Protections' above).

If we become aware of an allegation that a detrimental action offence has occurred or may occur, the Principal Officer 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.

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, the Principal Officer will take the most appropriate action to address that wrongdoing or misconduct.

Review and dispute resolution

People who make a PID can seek an internal review of the following decisions made by IPART:

- that IPART is not required to deal with the report as a voluntary PID
- to stop dealing with the report because IPART decided it was not a voluntary PID
- to not investigate the 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.

We 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 nominated Disclosure Officer that dealt with your report within 28 days of being informed of our decision. The application should state the reasons why you consider IPART's decision should not have been made. You may also submit any other relevant material with your application to the nominated Disclosure Officer. The nominated Disclosure Officer is to forward the application and any accompanying material to the Disclosures Coordinator and the Principal Officer as soon as possible after receipt.

If a dispute arises between us 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 we and the maker of the report are willing to resolve the dispute.

Management strategies

- Supervisors and line managers are responsible for creating a safe work environment and implementing management strategies for the risk of reprisal or workplace conflict.
- IPART has zero tolerance for reprisal action against a person making a PID.
- Reprisal action will be investigated by persons separate from the original investigation and results provided to the Principal Officer.
- If established, reprisal action will be subject to disciplinary action under the code of ethics and conduct and reported by the Principal Officer to the Commissioner of Police or ICAC.
- A person guilty of a reprisal offence under the PID Act faces penalties of imprisonment and/or fines and can also be required to pay damages.
- IPART provide staff access to employee counselling service if required.
- IPART are committed to ensuring the subject of a report of wrongdoing is treated fairly and reasonably, including:
 - Keeping identity confidential.
 - Advising of the details of the allegation, and rights and obligations.
 - Updates on the progress of the investigation.
 - A reasonable opportunity to respond to any allegation.
 - Information on the outcome of the investigation e.g. problems identified, actions taken / planned to be taken.

Framework

IPART's PID Internal Reporting Process ([Appendix C](#)) provides a structure that facilitates the use of a consistent process for handling public interest disclosures at IPART.

8. Other agency obligations

(a) Record-keeping requirements

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

IPART will apply security/access levels to all information received in connection with the PID Act.

(b) Reporting of voluntary PIDs and IPART annual return to the Ombudsman

Each year IPART provides an annual return to the NSW Ombudsman which includes:

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

The Disclosures Coordinator is responsible for collecting information about voluntary PIDs and preparing the annual return to the NSW Ombudsman. This information is stored on IPART's records management system with appropriate security/access levels.

(c) How IPART will ensure compliance with the PID Act and this policy

The Principal Officer is responsible for maintaining the internal reporting system and workplace reporting culture and ensuring IPART complies with the PID Act and will ensure strategies are in place to support reporters and minimise the risk of reprisal. The Disclosures Coordinator ensures that PID Act compliance is monitored and reported on.

Governance

Roles and responsibilities

Table 1 provides a summary of the roles and responsibilities for handling public interest disclosures at IPART.

Table 1 – Roles and responsibilities

Role	Key responsibility
Head of the Agency (Tribunal Chair)	<ul style="list-style-type: none"> ensuring the agency complies with the PID Act and this policy
Principal Officer (CEO)	<ul style="list-style-type: none"> fostering a workplace culture where reporting is encouraged receiving disclosures from public officials ensuring there is a system in place for assessing disclosures ensuring IPART complies with this policy and the PID Act ensuring that IPART 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 complying with yearly reporting obligations to the NSW Ombudsman.
Disclosures Coordinator	<ul style="list-style-type: none"> Determine if reports should be treated as a voluntary PID, and decide how each report will be dealt with Coordinate IPART's response to a report Acknowledge reports and provide updates and feedback to the reporter refer reports to a Principal Officer and/or Disclosure Officer/s Provide support to staff involved in the reporting or investigation process if required Assess the risk of reprisal and workplace conflict in relation to a report and develop management strategies Ensure IPART complies with the PID Act Provide annual returns to the NSW Ombudsman (section 78 of the PID Act).
Disclosure Officers	<p>Disclosure officers are responsible for:</p> <ul style="list-style-type: none"> receiving reports from public officials receiving reports when they are passed on to them by managers or Disclosure Coordinator ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant) ensuring that any oral reports that have been received are recorded in writing.
Managers	<ul style="list-style-type: none"> receiving reports from persons that report to them or that they supervise passing on reports they receive to a disclosure officer.
All employees	<ul style="list-style-type: none"> report suspected serious wrongdoing or other misconduct 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 [agency name] treat any person dealing with or investigating reports of serious wrongdoing with respect. Adhere to IPART's Code of Ethics and Conduct Policy <p>All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.</p>

Definitions

Table 2 provides a glossary of key terms in this document

Table 2 Definitions

Role	Key responsibility
Agency	<p>'Agency' is defined in section 16 of the PID Act to mean any of the following:</p> <ul style="list-style-type: none"> a Public Service agency a group of staff comprising each of the following services, or a separate group of that staff: <ul style="list-style-type: none"> the NSW Police Force

	<ul style="list-style-type: none"> ○ the Teaching Service of New South Wales ○ the NSW Health Service ○ the Transport Service of New South Wales ● a statutory body representing the Crown ● an integrity agency ● a public authority whose conduct or activities are authorised to be investigated by an integrity agency under another Act or law ● a State owned corporation or its subsidiaries ● a Local Government Authority ● a Local Aboriginal Land Council ● the Department of Parliamentary Services, the Department of the Legislative Assembly and the Department of the Legislative Council ● a Minister's office is not an agency for the purposes of the PID Act.
Detriment	<p>Detriment is defined in section 32(1) of the Act as disadvantage to a person, including:</p> <ul style="list-style-type: none"> ● 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.
Detrimental action	<p>Detrimental action is defined in section 32(2) of the Act as 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).</p>
Identifying information	<p>Under section 64(1) of the Act, identifying information is information which tends to identify a person as the maker of a voluntary PID.</p>
Integrity agency	<p>The following are 'integrity agencies' as defined under section 19 of the PID Act:</p> <ul style="list-style-type: none"> ● the Ombudsman ● the Auditor-General ● the Independent Commission Against Corruption ● the Law Enforcement Conduct Commission ● the Inspector of the Independent Commission Against Corruption ● the Inspector of the Law Enforcement Conduct Commission ● the Secretary of the Department of Planning, Industry and Environment (when exercising certain functions under the Local Government Act 1993) ● the Privacy Commissioner ● the Information Commissioner ● a person or body declared by the regulations to be an integrity agency.
Public interest disclosure	<p>The term public interest disclosure is defined in section 21 of the PID Act to mean:</p> <ul style="list-style-type: none"> ● a voluntary PID ● a witness PID or ● a mandatory PID.
Public official	<p>'Public official' is defined in section 14 of the PID Act as follows:</p> <ul style="list-style-type: none"> ● a person employed in or by an agency or otherwise in the service of an agency ● 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 ● an individual in the service of the Crown ● a statutory officer ● a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer ● if an entity, under a contract, subcontract or other arrangement, is to provide services on behalf of an agency or exercise functions of an agency in whole or in part—an employee, partner or officer of the entity who is to be involved in providing the services in whole or in part, or who is to exercise the functions ● a judicial officer ● a member of Parliament, including a Minister ● a person employed under the Members of Parliament Staff Act 2013.

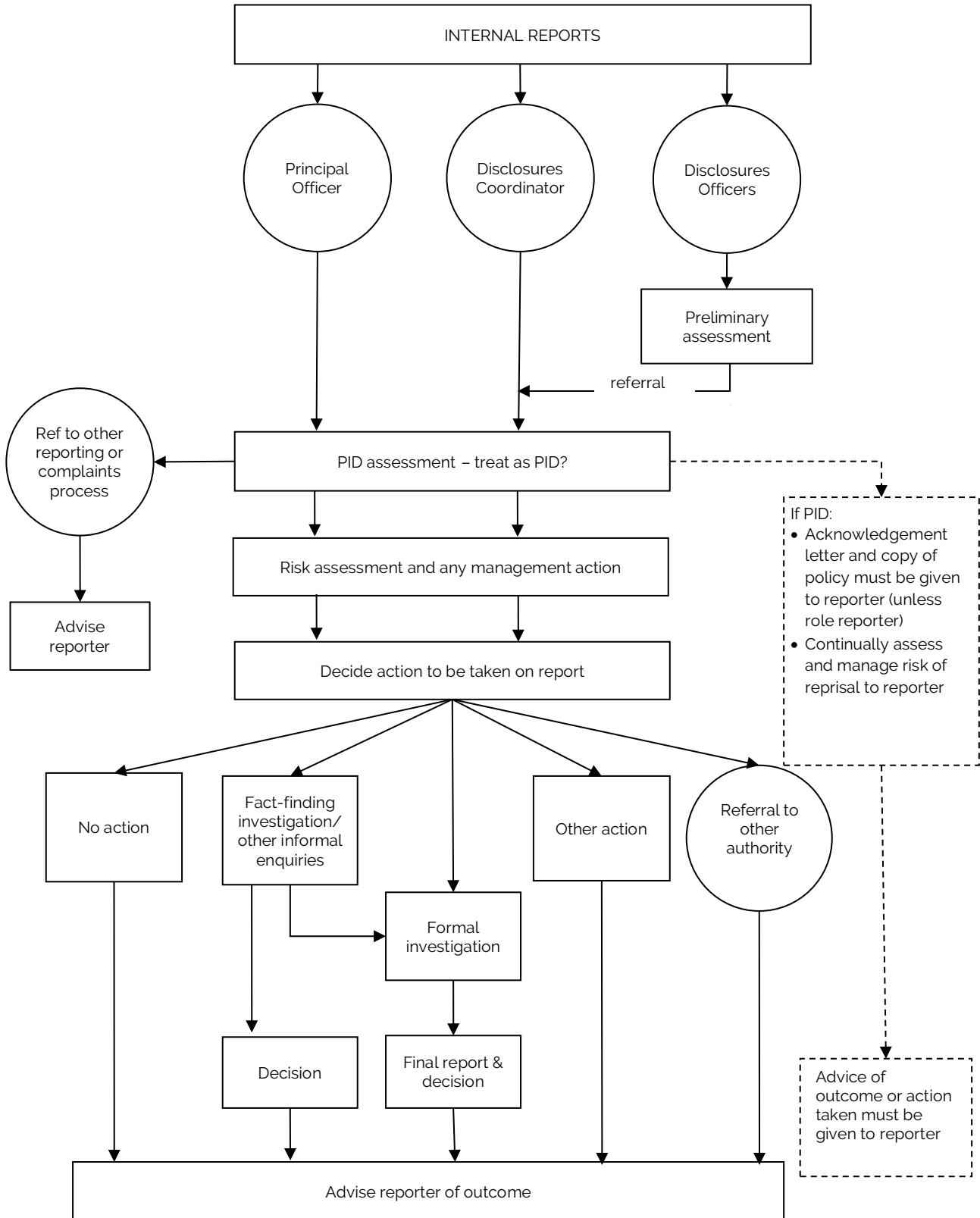
Appendix A – IPART internal reporting lines (notification channels)

<p>Principal Officer and Nominated Disclosure Officer Chief Executive Officer, IPART Andrew Nicholls Phone: 9290 8491 Email: andrew.nicholls@ipart.nsw.gov.au Address: Level 16, 2-24 Rawson Place, Sydney NSW 2000</p>	<p>Nominated Disclosure Officer General Counsel, IPART Ben Strate Phone: 9113-7745 Email: ben.strate@ipart.nsw.gov.au Address: Level 16, 2-24 Rawson Place, Sydney NSW 2000</p>
<p>Nominated Disclosure Officer Audit and Risk Principal Risk Officer, IPART Kerri Grott Phone: 9019 1947 Email: kerri.grott@ipart.nsw.gov.au Address: Level 16, 2-24 Rawson Place, Sydney NSW 2000</p>	<p>Nominated Disclosure Officer Human Resources Manager, IPART Peta Rafty Phone: 6042 4673 Email: peta.rafty@ipart.nsw.gov.au Address: Level 16, 2-24 Rawson Place, Sydney NSW 2000</p>
<p>Disclosures Coordinator Acting Executive Officer, IPART Diana Pavkovic Phone: 9290 8456 Email: diana.pavkovic@ipart.nsw.gov.au Address: Level 16, 2-24 Rawson Place, Sydney NSW 2000</p>	

Appendix B – External reporting lines (notification channels)

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: oilcexecutive@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

Appendix C – PID internal reporting process



See: <https://www.ombo.nsw.gov.au/guidance-for-agencies/handling-public-interest-disclosures-whistleblowing/pid-act-2022>

Title	Public Interest Disclosures Policy		
Approver	Andrew Nicholls, Chief Executive Officer		
Version	Version 3 – 1 October 2023 - revision 16	New PID Act 2022	
	Version 2 – 11 August 2021 - revision 14 and 15	Appendix A reporting Lines & document format	
	Version 1 – 31 May 2018 - revision 13	First Release	
Effective Date	1 October 2023		
Owners	Principal Risk Officer – Kerri Grott	kerri.grott@ipart.nsw.gov.au	02 9019 1947
	Disclosure Coordinator – Diana Pavkovic (A/EO Mgr)	diana.pavkovic@ipart.nsw.gov.au	02 9290 8456
Reference	D12/20093		
Approval			
Review Date	Every 2 years		