

INTERNAL REPORTING POLICY

POLICY OBJECTIVE

Wentworth Shire Council (Council) is committed to upholding the high standards of ethical and accountable conduct and will not tolerate any form of wrongdoing, which includes corrupt conduct, maladministration or serious and substantial waste of public money.

Council encourages and supports the reporting of wrongdoing and is committed to protecting those who report wrongdoing from any adverse action motivated by their report and keeping their identity confidential where possible.

In accordance with Section 6D of the *Public Interest Disclosures Act 1994* (the PID Act), this policy provides a framework for those who perform public official functions to report certain types of wrongdoing, classified as 'public interest disclosures,' without fear of reprisal and to support the management of these reports.

1. POLICY STATEMENT

The intent of this policy is to establish an internal reporting system for staff and Councillors to report wrongdoing without fear of reprisal. The policy sets out to whom wrongdoing can be reported at Council, what can be reported and how reports of wrongdoing will be dealt with.

This policy is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this Policy and the PID Act.

The internal reporting system established under this Policy is not intended to be used for staff grievances, which should be raised through the Complaints Management Policy.

The Internal Reporting Policy is supported by the NSW Ombudsman's internal reporting policies, procedures and guidelines under the PID Act.

2. POLICY COVERAGE

This policy applies to both Council staff and Councillors. Council staff are further defined as being permanent employees (whether full-time or part-time); temporary or casual employees; consultants and individual contractors working for the Council.

This policy may also apply to other people who perform public official functions and their conduct and activities could be investigated by an investigating authority. This can include volunteers and those contracted to work for Council.

3. STRATEGIC PLAN LINK

Objective: 4.0 Wentworth is a caring, supportive and inclusive community that is informed and engaged in its future

Strategy: 4.1 Provide strong and effective representation, leadership, planning, decision-making and service delivery

4. DEFINITIONS AND ABBREVIATIONS

Term/Word	Definition
Council	Council of the Shire of Wentworth
GIPA Act	<i>Government Information (Public Access) Act 2009</i>

INTERNAL REPORTING POLICY

ICAC	Independent Commission Against Corruption
Informant	A public official who makes a report of a Public Interest Disclosure.
PID Act	<i>Public Interest Disclosures Act 1994</i>
Public Interest Disclosure	A disclosure satisfying the applicable requirements of Part 2 of the <i>Public Interest Disclosures Act 1994</i> . That is, a disclosure of information that the person making the disclosure honestly believes, on reasonable grounds, shows or tends to show corrupt conduct, maladministration, serious and substantial waste in local government, government information contravention or local government pecuniary interest contravention by Council, Councillors, staff or public officials or by another public authority or any of its officers.
Public Official	An individual who is a Councillor, an employee of or otherwise in the service of a public authority.

5. POLICY CONTENT

It is the policy of this Council that:

Council will report any serious wrongdoing as defined under the PID Act as:

Five Categories of Serious Wrongdoing

- Corrupt conduct;
- Maladministration;
- Serious and substantial waste in local government;
- Breach of the *Government Information (Public Access) Act 2009* (GIPA Act); and
- Local government pecuniary interest contravention.

When will a report be protected?

Council will support any staff who report wrongdoing. For a report to be considered a public interest disclosure, it has to meet all the requirements under the PID Act. These requirements are:

- a. The report must be about one of the above five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention.
- b. The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- c. The report has to be made to either the General Manager, or for reports about the General Manager the Mayor, a position nominated in this policy (Council’s Disclosures Coordinator) or an investigating authority.

Reports by staff and Councillors will not be considered to be public interest disclosures if they mostly question the merits of government policy, including the policy of the governing body of Council and are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

Maintaining Confidentiality

INTERNAL REPORTING POLICY

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

Where possible and appropriate, Council will take steps to keep the informant's identity, and the fact that there has been a reported wrongdoing, confidential. However, there may be situations where this may not be possible or appropriate.

Who can receive a report within Council?

All staff are encouraged to report general wrongdoing to their supervisor. However, 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 Council procedures.

The following positions are the only staff within Council who can receive a public interest disclosure. In the interests of maintaining confidentiality, with the exception of the Mayor, each of the nominated staff members reports directly to the General Manager.

The Disclosures Coordinator has a central role in dealing with reports made by staff. They receive them, assess them, and refer them to the people within Council who can deal with them appropriately. The Director – Finance & Policy is the nominated Disclosures Coordinator of Council.

Disclosure Officers work with the Disclosures Coordinator, and are responsible for receiving, forwarding and or dealing with reports made in accordance with this policy.

Protection against reprisals

The PID Act provides protection for people reporting wrongdoing by imposing penalties on anyone who takes detrimental action substantially in reprisal for them making the public interest disclosure.

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

Detrimental action is also misconduct that justifies disciplinary action. People who take detrimental action against someone who has made a disclosure, can also be required to pay damages for any loss suffered by that person.

6. RELATED DOCUMENTS & LEGISLATION

Legislation

- *Local Government Act 1993 (NSW)*
- *Local Government (General) Regulation 2021*
- *Independent Commission Against Corruption Act (NSW) 1998*
- *Public Interest Disclosure Act (NSW) 1994*
- *Government Information (Public Access) (NSW) 2009*

Council Policies

- GOV001 – Gifts and Benefits Policy
- GOV003 – Fraud Control Policy
- GOV005 – Procurement Policy
- GOV008 – Public Access to Information Held by Council Policy
- GOV009 – Delegation Policy
- GOV012 – Complaints Management Policy
- GOV019 – Statement of Business Ethics Policy
- GOV020 – Code of Conduct Policy
- GOV022 – Legislative Compliance Policy

INTERNAL REPORTING POLICY

- GOV023 – Conflict of Interest Policy

Council Documents

- Legislative Compliance Framework
- Governance Framework
- Internal Reporting Procedure
- Fraud Control Plan
- Records & Information Management Policy (Operational)
- Information Security Policy (Operational)
- Gifts and Benefits Register
- Conflict of Interest Register
- Complaints Management Framework

7. ATTACHMENTS

Nil.

8. DOCUMENT APPROVAL

This document is the latest version of the official policy of the Wentworth Shire Council, as adopted by Council on 16 February 2022. All previous versions of this policy are null and void.

This policy may be amended or revoked by Council at any time.

A PDF copy of the signed document can be accessed from Council’s record management system and Reliansys.

Signed:.....

17 February 2022

General Manager Wentworth Shire Council

Date