

Policy 6.26 Public Interest Disclosures

Directorate	Business and Governance
Responsible Officer	Director Business and Governance

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Record of Administrative Amendments

<u>Amendment Version No.:</u>	<u>Description of Administrative Amendment</u>	<u>Date Reviewed</u>
1.2	Review of policy in accordance with Section 165 of the <i>Local Government Act 1993</i> Placed on Public Exhibition 23 July 2025	July 2025
1.1	Review of policy in accordance with Section 165 of the <i>Local Government Act 1993</i> Workshopped with Councillors on 14/05/2025	02/04/2025
1	Adopted by Council (D23/93023)	10/11/2023

1 Introduction

1.1 Scope

This policy and associated procedures apply to the elected councillors, employees, volunteers, contractors, and members of the public who disclose wrongdoing in accordance with the *Public Interest Disclosure Act 2022 (PID Act)*. It ensures appropriate processes are implemented to adhere to the requirements of the PID Act and to support public officials to report serious wrongdoing if it is observed.

The scope of this policy demonstrates direct commitment to the following strategic guiding principles:

- Efficient and effective | making sure there is a clear connection between policy and implementation [through a clear reporting process](#)
- Equitable and inclusive | nurturing a culture of collaboration, consultation and communication in council business practice and service delivery. [Promoting an inclusive environment where everyone feels safe to report misconduct](#)
- Responsive | ~~timely and accurate sharing of information~~ [adapting better practice in management and service delivery. Timely and accurate information ensures disclosures are handled promptly and effectively](#)
- Transparent | Decision making process clearly outlined including how a decision is made and who is involved
- Accountable | Committed to risk management and compliance. [Obligated to report to external agencies on disclosures received and the outcomes](#)

1.2 Purpose

All agencies in NSW are required to have a Public Interest Disclosures (PID) policy under section 42 of PID Act.

Bega Valley Shire Council take reports of wrongdoing seriously and is committed to building a culture where public officials are encouraged, educated, and supported to report conduct that involves wrongdoing.

This policy and its related procedures set out the following:

- how Council will support and protect people who come forward with a report of serious wrongdoing
- how Council will deal with the report
- what responsibilities Council officials have under the PID Act
- who you can contact if you want to make a report
- how you make a report
- what protections you have under the Act.

1.3 Definitions

Word or Terminology	Description
Corrupt conduct	<p>Corrupt conduct is the dishonest or partial exercise of official functions by a public official. Some examples include:</p> <ul style="list-style-type: none"> the improper use of knowledge, power or position for personal gain or advantage of others acting dishonestly or unfairly or breaching public trust a public official being influenced by a member of the public to use their position in a way that is dishonest, biased or breaches public trust.
Detrimental action	<p>Adverse treatment of a person who makes a public interest disclosure and includes bullying, harassment, intimidation, or dismissal.</p>
Government Information contravention	<p>A breach of the GIPA Act is a failure to fulfil functions under the Act properly. This could include:</p> <ul style="list-style-type: none"> 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.
Maladministration	<p>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. It is more serious than a technical breach of policy or procedures – it must have a significant or widespread negative impact.</p> <p>This could include:</p> <ul style="list-style-type: none"> failing to provide the subject of the investigation procedural fairness where it has serious consequences for the individual investigating a public authority to pursue a personal vendetta against them.
Pecuniary interest contravention	<p>A local government pecuniary interest contravention is a failure to fulfil certain functions under the Local Government Act 1993 relating to the management of pecuniary interests. These include obligations to lodge disclosure of interests returns, lodge written declarations and disclose pecuniary interests at council and council committee meetings.</p> <p>This could include:</p> <ul style="list-style-type: none"> a senior council staff member recommending a family member for a council contract and not declaring the relationship a general manager holding an undisclosed shareholding in a company competing for a council contract.

Word or Terminology	Description
Serious wrongdoing	<p>A report alleging the following activity:</p> <ul style="list-style-type: none"> • corrupt conduct • maladministration • a government information contravention • a local government pecuniary interest contravention • a privacy contravention • a serious and substantial waste of public money
Substantial waste of public money	<p>Serious and substantial waste is the uneconomical, inefficient, or ineffective use of resources that could result in the loss or wastage of public resources.</p> <p>This could include:</p> <ul style="list-style-type: none"> • not following a competitive tendering process for a large-scale contract • having poor or no processes in place for a system involving large amounts of public funds.

2 Legislation

- *Public Interest Disclosure Act 2022*
- *Government Information Public Access (GIPA) Act 2009*
- *Local Government Act 1993*

3 Implementation

3.1 Policy statement

Bega Valley Shire Council is committed to promoting a culture of integrity and accountability. We recognise the importance of public interest disclosures in identifying and addressing serious wrongdoing. This policy outlines our approach to managing such disclosures in accordance with the *Public Interest Disclosure Act 2022* accountable framework for receiving, assessing, and responding to reports of serious misconduct. It is also committed to creating a culture where people are educated about public interest disclosures and feel confident about reporting wrongdoing.

To effectively manage public interest disclosures, Council will provide information on:

- ways you can make a voluntary PID under the Act
- the names and contact details for nominated disclosure officers
- the roles and responsibilities of people who hold particular roles under the PID Act who are employees of Council
- 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
- adopted protocols for dealing with disclosures once they are made
- adopted protocols for managing the risk of detrimental action and how to report it
- record keeping and reporting requirements

- how Council will make sure it complies with the requirements of the PID Act

3.2 Responsibilities

3.2.1 Elected Council

The elected body of Council (the Councillors) will have the following responsibilities concerning public interest disclosures [\(PID\)](#):

- adopting this policy following a period of public consultation
- [reviewing this policy on a needs basis](#)
- reporting suspected serious wrongdoing or other misconduct
- making their best effort to assist in an investigation of serious wrongdoing if asked to do so by a person who is dealing with a voluntary PID on behalf of Council
- [not taking detrimental action against a person who has made, may make, or is suspected of making a PID](#)
- [participate in PID training to understand their role and responsibilities in handling and reporting disclosures](#)

3.2.2 Chief Executive Officer (CEO)

The Chief Executive Officer (CEO) is Council's 'Head of Agency' with regard to section 43 of the *Public Interest Disclosure (PID) Act 2022*. The CEO is responsible for the following actions:

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- making sure there is a system in place for assessing disclosures
- making sure Council complies with this policy and the PID Act
- making sure Council has appropriate systems for:
 - overseeing internal compliance with the PID Act
 - supporting public officials who make voluntary PIDs
 - minimising the risk of detrimental action
 - implementing corrective action if serious wrongdoing has occurred
 - complying with reporting obligations regarding allegations or findings of detrimental action
 - complying with yearly reporting obligations to the NSW Ombudsman

3.2.3 The Public Officer

Council's Public Officer has the following responsibilities:

- developing and seeking approval from the CEO for the implementation of Council's systems for:
 - overseeing internal compliance with the PID Act
 - supporting public officials who make voluntary PIDs
 - minimising the risk of detrimental action
 - implementing corrective action if serious wrongdoing has occurred
 - complying with reporting obligations regarding allegations or findings of detrimental action
 - complying with yearly reporting obligations to the NSW Ombudsman
- coordinating internal investigations into public interest disclosures
- reporting findings of internal investigations to the CEO where appropriate

- ensuring appropriate record keeping protocols are in place within Council
- compiling yearly reports for the NSW Ombudsman

3.2.4 Directors

Council's senior leadership team consists of the CEO and Directors of each group within the organisation structure. Directors have the following responsibilities in relation to this policy and the management of PIDs:

- receiving reports from staff that report directly to them
- receiving reports from staff that indirectly report to them
- passing on reports they receive to either the CEO or the Public Officer
- making sure staff from within their group complete training courses assigned to them
- making sure staff from within their group receive information about Council's PID reporting framework

3.2.5 Disclosure officers

Council will identify and allocate disclosure officers for relevant sites across the organisation. Disclosure officers will be responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to the Public Officer or CEO
- ensure that any verbal reports received are recorded in writing and referred to the Public Officer or CEO

3.2.6 People and Governance Manager

The People and Governance Manager will be responsible for:

- coordinating the development, endorsement, implementation, and review of Council's PID management and reporting framework
- coordinating the sharing of information and resources to council officials about public interest disclosures
- coordinating the development of [PID](#) training and learning material for Council staff
- coordinating the training and development of disclosure officers
- assisting with internal investigations
- preparing mandatory reports for submission to the NSW Ombudsman Office

3.2.7 All staff

All Council staff must:

- report suspected serious wrongdoing or other misconduct
- make their best effort to assist in an investigation of serious wrongdoing if asked to do so by a person who is dealing with a voluntary PID on behalf of Council
- [not take detrimental action against a person who has made, may make, or is suspected of making a PID.](#)
- [participate in PID training to understand their role and responsibilities in handling and reporting disclosures](#)

3.2.8 Volunteers

Council volunteers will be expected to adhere to this policy and the adopted procedures linked to it.

3.2.9 Contractors

Contractors will be expected to adhere to this policy and the adopted procedures linked to it.

Under Review

4 Supporting documents

4.1.1 BVSC procedures that relate to this policy

Procedure No.:	Procedure Name	External or Internal Procedure
6.02.01	Code of conduct	External
6.02.06	Compliments and complaints including unreasonable complainant conduct	External
6.03.01	Enterprise risk management	External
6.04.05	Grievance and disputes	External
6.05.01	Work health and safety management system framework	Internal
6.05.37	Managing psychological hazards at work	Internal
6.11.01	Records management principles	Internal
6.12.01	Government Information Public Access (GIPA) publication guide	External
6.18.01	Fraud and corruption prevention	External

4.1.2 BVSC policies that relate to this policy

Policy No.:	Policy Name
6.02	Behaviour of councillors and staff
6.03	Risk Management
6.04	Conditions of employment
6.05	Work health and safety
6.11	Records management
6.12	Access to information
6.18	Fraud and corruption
6.28	Delegations

Note: Policy details may change from time to time. To ensure you are viewing the most recent version please view Council's adopted Policies and Procedures on Council website: