



Premier & Cabinet
Division of Local Government

Division of Local Government
Department of Premier and Cabinet

Managing Complaints and Feedback About the Division of Local Government Policy

November 2012

Contents

Purpose	3
Coverage/Scope	3
Risk Management	4
Key Responsibilities for Implementing Policy	4
Chief Executive	4
Deputy Chief Executive	4
Group Managers and Leaders.....	4
All Staff.....	4
Policy Statement	5
Definition of complaint	5
Procedures for Managing Complaints and Feedback	6
Policy Details	7
APPENDIX A: Public Interest Disclosures – Policy	8
Purpose	8
Coverage.....	8
Risk Management	9
Key Features	9
Responsibilities	10
Definitions.....	11
Public interest disclosures	12
1 Internal Reporting Procedures	13
2 External Reporting	14
3 Managing Disclosures	16
4 Confidentiality.....	17
5 Feedback to public officials who disclose wrongdoing	18
6 Protection Against Reprisals	19
7 Support for those disclosing wrongdoing.....	21
8 Support for the subject of a disclosure	21
9 Reports to the Ombudsman	21
Contact Details of Investigating Authorities	22

Purpose

The purpose of this Policy is to affirm and support the right of members of the public to give the Division of Local Government (the Division) positive and negative feedback, and to have any dissatisfaction with our services dealt with fairly, consistently and confidentially. This Policy and associated Procedures will guide us in relation to the management of complaints about us and our staff.

Coverage/Scope

This Policy applies to complaints relating to the Division and our services. This includes, for example, complaints about:

- decisions made by staff;
- the conduct of staff;
- the practices, policies and procedures of the Division.

This Policy does not apply to:

- applications made under the Government Information (Public Access) Act 2009. For further information, refer to Delegations under the Government Information (Public Access) Act 2009,
- policies or decisions made by the Minister or other political office-holders, and
- decisions made by Courts and Tribunals.

Complaints made by staff of the Division are to be dealt with in accordance with the Division's Grievance Policy and Procedures.

Disclosures made by staff under the Public Interest Disclosures Act 1994 are to be managed in accordance with the Department of Premier and Cabinet's Public Interest Disclosures Policy and Procedures. This policy and procedures are attached at Appendix A.

The Managing Complaints and Feedback About the Division Policy should be read together with the Procedures for Managing Complaints and Feedback About the Division.

Risk Management

Following this Policy will minimise the following risks:

- inefficient and untimely handling of complaints;
- damage to the reputation of the Division;
- unfair, discourteous handling of complaints and breaches of complainant privacy; and
- decisions made without transparency and impartiality.

Key Responsibilities for Implementing Policy

Chief Executive is responsible for:

- approving the Policy, and
- escalating a complaint to an external agency such as the ICAC or the NSW Ombudsman.

Deputy Chief Executive is responsible for:

- coordinating the implementation of the Policy,
- conducting a regular review of the Policy and Procedures,
- acting as the designated public interest disclosure coordinator,
- overseeing the management of complaints about the Division's staff, and
- maintaining a central register of complaints received about the Division.

Group Managers and Leaders are responsible for:

- ensuring the Policy is implemented,
- participating in the review process as required,
- ensuring complaints are effectively managed and responded to in accordance with this Policy and Procedures,
- working in a constructive manner to address and identify opportunities to resolve complaints as promptly as possible and avoid their escalation, and
- ensuring appropriate records are maintained.

All Staff are responsible for:

- complying with the Policy and Procedures, and
- dealing with all complaints/complainants professionally, promptly and courteously; and providing assistance and information where appropriate.

Policy Statement

The Division is committed to providing services of the highest quality. Key to meeting this commitment is using feedback, in particular complaints, about our services or staff as opportunities to improve the quality of the services we provide. In dealing with complaints the Division will ensure:

- transparency - information about how and where to complain about the Division will be placed on the Division's website;
- responsiveness – complaints are addressed in accordance with their urgency (*as defined by the nature of the complaint and the Division's assessment*); complainants are informed of the progress of their complaint;
- objectivity – complaints are addressed in a fair, transparent, equitable, appropriate, professional and impartial manner through the complaint handling process; complaints about staff members are investigated impartially, and each staff member is provided with an opportunity to respond to the complaint;
- improvement – using complaints to identify areas of the Division's operations where we can take action to improve our performance and our practices;
- confidentiality – complaints are managed by respecting complainants' privacy; complaints are managed confidentially wherever possible to avoid prejudicing any investigation; however government information is subject to the provisions of the *Government Information (Public Access) Act 2009*; and
- high standards – procedures are used which are in line with the NSW Ombudsman's Effective Complaint Handling Guidelines (2010); accurate records of complaints are kept and complaint data is stored responsibly in line with obligations under the *State Records Act 1998*.

Definition of complaint

A complaint is considered to be any expression of dissatisfaction about the Division, including our decisions, our staff and our practices, policies and procedures.

A complainant is a person, or organisation, who has made a complaint about the Division.

Procedures for Managing Complaints and Feedback

This Policy is supported by Procedures in relation to:

- managing complaints about the Division
- managing internal public interest disclosures.

The Procedures provide information on defining a complaint, the complaint handling model, delegations and controls, general complaint handling processes, timeframes for responding to complaints, business rules and key responsibilities.

Policy Details

Approved by: Chief Executive, Local Government

Date approved:

Effective from: November 2012

Next review date:

Two years from approval date.

Responsible Officer:

Deputy Chief Executive

Key references/further info:

Procedures for Managing Complaints About the Division

Division's Grievance Policy and Procedures

Department of Premier and Cabinet's Public Interest Disclosures Policy and Procedures (attached)

Other useful references for use with this Policy

DLG Code of Conduct

NSW Ombudsman's Effective Complaint Handling Guidelines (2010)

Note: This policy and/or associated procedures may be varied, withdrawn or replaced at any time.

APPENDIX A: Public Interest Disclosures – Policy

Purpose

The purpose of this document is to:

- Outline the Department's commitment to the objectives of the **Public Interest Disclosures Act 1994** (the Act)
- Encourage disclosure of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention and local government pecuniary interest contravention
- Describe the procedures to be followed in connection with public interest disclosures
- Inform all of the department's public officials of their rights and responsibilities in connection with public interest disclosures

Coverage

This document applies to the Department of Premier and Cabinet, excluding the Office of the Environment and Heritage.

The Office of Environment and Heritage is governed by the separate policy which is shown at Appendix 1. Otherwise, the remainder of the Department is governed by the general policy and procedures set out in this document.

This policy and procedures covers all public interest disclosures made by "public officials" (including departmental employees who are permanent, temporary or casual and including individual consultants engaged by a department to provide services to or on behalf of the department) under the Act and should be read in conjunction with that legislation.

The document covers public interest disclosures about the Department or any of its officers.

This policy and its procedures are based on the Ombudsman's guidelines.

Risk Management

Conforming with this Policy will considerably reduce these risks:

- Misuse of position or authority
- Corrupt behaviour
- Maladministration
- Serious and substantial waste of public money
- Government information contravention
- Damage to the reputation of DPC
- Detrimental effect on morale and performance
- Reprisal action against a public official who has made a public interest disclosure

Key Features

- In order to be protected by the Act, a disclosure must be made in accordance with the provisions of the Act
- Disclosures can be made to the Director General or one of the Department's nominated Public Interest Disclosure Coordinators
- A disclosure may also be made to the Independent Commission Against Corruption concerning corrupt conduct, the Ombudsman concerning maladministration, the Auditor-General concerning serious and substantial waste of public money, the Chief Executive Local Government concerning corrupt conduct maladministration, serious and substantial waste of local government money, government information contravention or local government pecuniary interest contravention, or the Information Commissioner concerning a failure to exercise functions properly with the Government Information (Public Access) Act 2009 (GIPA Act)
- The identity of a public official who discloses wrongdoing in accordance with the Act will be kept confidential except where disclosure is permitted by the Act. The Department will take all reasonable steps to provide protection to public officials who make public interest disclosures from any detrimental action taken against them substantially in reprisal for making a public interest disclosure.
- Under the Act, it is an offence to take detrimental action that is substantially in reprisal for a public official making a public interest disclosure, with a penalty of fines and up to 2 years imprisonment.
- A disclosure is not protected as a public interest disclosure if it is made solely or substantially to avoid disciplinary action or principally involves questioning the merits of government policy.

Responsibilities

The department's public officials:

- Report incidences of corrupt conduct, maladministration, serious and substantial waste of public money, government information contravention and local government pecuniary interest contravention in accordance with the Act;
- Support those who have made a public interest disclosures, including abstaining from any activity that is or could be perceived to be victimisation or harassment of those who make public interest disclosures: and
- Maintain the confidentiality of public officials they know or suspect to have made public interest disclosures.

The Department's executives and managers:

- Ensure that all public officials for whom they have responsibility are aware of the roles and responsibilities of this policy and procedures
- Support public officials who make a public interest disclosures and take all reasonable steps to protect them from victimisation, harassment or any other form of reprisal
- Report to a Public Interest Disclosure Coordinator or the Director General any suspicions of reprisal action against a public official
- Maintain the confidentiality of public officials known or suspected to have made public interest disclosures
- Act fairly in relation to any officer who is the subject of a disclosure which is under consideration or investigation

The Department's Director General and Protected Disclosure Coordinators:

- Deal with disclosures impartially
- Comply with the confidentiality obligations in section 2.6 of this document
- Support public officials who make public interest disclosures and take all reasonable steps to protect them from victimisation, harassment or any other form of reprisal
- Ensure officers who are the subject of a disclosure are treated fairly and reasonably
- Assess each disclosure to determine whether the disclosure appears to be a public interest disclosure within the meaning of the Act
- Determine the appropriate action to be taken in relation to the disclosure
- If considered appropriate, carry out or co-ordinate any internal investigation arising out of a disclosure

- Report on the findings of any investigation and recommend or determine any further action.

Director General:

- Ensure the department's public officials are aware of the procedures for making public interest disclosures and of the protections provided by the Act
- Provide information to the Ombudsman in compliance with the Act
- Report actual or suspected corrupt conduct to the ICAC, and to Police in the case of potential criminal offences

Definitions

Corrupt Conduct is defined in the Independent Commission against Corruption Act 1988 (ICAC ACT, s.7, 8 and 9). Corrupt conduct includes the dishonest or partial exercise of official functions by a public official. It also includes conduct such as taking or offering bribes, public officials dishonestly using influence, blackmail, fraud and election bribery.

Maladministration is defined in the Act as 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.

Government information contravention is defined in the Act as a failure to exercise functions in accordance with the GIPA Act.

Local government pecuniary interest contravention is defined in the Act as the breach of an obligation imposed by the *Local Government act 1993* in connection with a pecuniary interest.

Public authority is defined in the Act as any public authority whose conduct or activities may be investigated by an investigating authority (such as the ICAC, the Ombudsman, the Auditor General, the Information Commissioner or a local government investigating authority) and includes (without limitation) a Division of the Government Service, a State owned corporation and any subsidiary of a State owned corporation, a local government authority, the Police Force, the Police Integrity Commission, the Inspector of the Police Integrity Commission and the Departments of Parliament.

Government Departments and agencies and local councils are public authorities.

Public Official is defined in the Act as an individual who is an employee of, or otherwise in the service of, a public authority, and includes (without limitation) each of the following:

- a person employed under the *Public Sector Employment and Management Act 2002*;
- a member of Parliament, but not for the purposes of a disclosure made by the member,
- a person employed by either or both of the President of the Legislative Council or the Speaker of the Legislative Assembly,
- any other individual having public official functions or acting in a public official capacity whose conduct and activities may be investigated by an investigating authority,
- an individual in the service of the Crown,
- an individual who is engaged by a public authority under a contract to provide services to or on behalf of the public authority.

A Public Interest Disclosures is a disclosure made in accordance with the Act.

Public interest disclosures

A disclosure made in accordance with this document will be protected under the Act as a public interest disclosure if it

- a) is made by a public official;
- b) is made to the following persons:
 - i the Deputy Chief Executive
 - ii a Public Interest Disclosure Co-ordinator nominated in the Table on the next page in accordance with the requirements in the Internal Reporting section of this document, and
- c) 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 of public money or government information contravention by the Division or any of its officers, and
- d) is made voluntarily.

Section 9 of the Act sets out when a disclosure is made voluntarily for the purpose of the Act.

For the purpose of determining whether a disclosure is protected by the Act, an assertion by the public official as to what the public official believes in connection

with the disclosure is, in the balance of evidence to the contrary, evidence of the belief asserted and that the belief is an honest belief.

Protection is not available for disclosures which:

- a) principally question the merits of government policy, or
- b) are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is a criminal offence under the Act for a public official to wilfully make a false statement, mislead, or attempt to mislead an investigating authority, public authority or public official when making a disclosure to them.

1 Internal Reporting Procedures

Internal disclosures can be made to the Director General or one of the Department's nominated Public Interest Disclosure Co-ordinators:

Director general	Level 39, Governor Macquarie Tower	02 9228 5255
Deputy Director General Government Group – designated Public Interest Disclosure Coordinator	Level 39, Governor Macquarie Tower	02 9228 4535
Deputy Chief Executive, Local Government – designated Public Interest Disclosure Co-ordinator	5 O’Keefe Avenue Nowra	02 4428 4150
Executive Director, Corporate Governance – designated Public Interest Disclosure Co-ordinator	Level 12, Bligh House	02 9228 3570

Any supervisor who receives a disclosure that he or she believes may be a public interest disclosure must refer the public official making the disclosure to one of the people listed above as, to be protected under the Act, these are the only people who can receive a public interest disclosure in the Department.

Public officials who are contemplating making a disclosure may request a private meeting away from the workplace if they are concerned about publicity

approaching the Director General or a nominated Public Interest Disclosure Co-ordinator in the workplace.

The disclosure can be in writing or made verbally. A disclosure in writing is preferred as this can help to avoid any confusion or misinterpretation.

If a disclosure is made verbally, the person receiving the disclosure must keep a comprehensive record of the disclosure and ask the person making the disclosure to sign this record. The public official should keep a copy of this record.

There may be some situations where a public official does not want to identify him or herself when making a disclosure. Although anonymous disclosures will still be dealt with appropriately by the Department, identification is necessary if a disclosure is to be protected under the Act. Identification also allows the Department to provide appropriate support, as well as feedback about the outcome of any investigation into the allegations.

It is also important to realise that anonymous disclosure may not prevent a person who made a disclosure being identified by some people. If the Department does not know who made the disclosure, it may not be possible to prevent reprisal action.

2 External Reporting

A public interest disclosure can be made to an 'investigating authority'. This can be done first or at any stage after the initial disclosure to the Department. If the disclosure is about the Director General then it should be made to an investigating authority at the outset.

Disclosures can also be made to a Member of Parliament or a journalist, but only in limited circumstances, explained further below.

a) Investigating authorities

Under the Act, some of the investigating authorities that public officials can make public interest disclosures to, and the categories of wrongdoing each authority can deal with are:

- the Auditor-General – for serious and substantial waste of public money
- the Independent Commission against Corruption (ICAC) – for corrupt conduct
- the Ombudsman – for maladministration

- the Chief Executive, Local Government – for corrupt conduct, maladministration, serious and substantial waste of local government money, government information contravention and local government pecuniary interest contravention
- the ICAC Inspector – for disclosures about the ICAC, ICAC’s staff or the staff of the ICAC Inspector
- the Information Commissioner – for disclosures about a government information contravention.

The relevant authority should be contacted for advice about how to make a public interest disclosure to it. Contact details for each of these investigating authorities are provided at the end of this policy.

Public officials should be aware that it is very likely the investigating authority will discuss the case with the Department. The Department will assist and cooperate with the investigating authority and will provide appropriate support and assistance to the Department’s public officials who report wrongdoing to an investigating authority.

b) Members of Parliament or journalists

To have the protections of the Act, public officials reporting wrongdoing to a Member of Parliament or a journalist must have already made substantially made the same disclosure to the Director General, a Public Interest Disclosure Co-ordinator, a public authority, an officer of a public authority, or an investigating authority in accordance with the Act.

Also the Department, public authority, officer of a public authority, or investigating authority that received the disclosure must have either

- decided not to investigate the matter; or
- decided to investigate the matter but not completed the investigation within six months of the original report, or
- investigated the matter but not recommended any action as a result, or
- not notified the person who made the report, within six months of the report being made, whether the matter is to be investigated.

The public official must have reasonable grounds for believing the disclosure is substantially true and must be able to prove the disclosure is in fact substantially true.

A disclosure to a person or an organisation not listed above or not listed in the Act will not be protected under the Act.

3 Managing Disclosures

One of the Public Interest Disclosure Co-ordinators will oversee the management and investigation of any disclosures, unless the matter pertains to their own conduct in which case the Director General, Department of Premier and Cabinet will manage the matter.

After a Public interest disclosure is received, the following procedures will be initiated:

- within 45 days, written acknowledgment of receipt of the disclosure and a copy of this Policy will be sent to the public official who made the disclosure. The acknowledgement will notify the public official who made the public interest disclosure that he or she should maintain the confidentiality of his or her disclosure.
- Where a verbal disclosure is made, the person receiving the disclosure in accordance with section 2.3 of this document will make a written record of the disclosure with the public official making the disclosure and ask the person making the disclosure to sign the written record.
- A Public Interest Disclosure Co-ordinator will consider whether or not the disclosure meets the requirements for protection under the Act.
- The Public Interest Disclosure Co-ordinator will inform the Director General, of the circumstances of the disclosure. See the section 2.6 of this document for the confidentiality obligations.
- When a disclosure is received, a thorough risk assessment will be conducted. This will help to identify any risks to the public official who reported the wrongdoing, as well as strategies to deal with those risks.
- The Director General and the relevant Public Interest Disclosure Co-ordinator will determine how the matter is to be actioned. Depending on the circumstances, appropriate action may include:
 - a) nomination of an appropriate person to take responsibility for dealing with the disclosure
 - b) preliminary or informal investigation
 - c) formal investigation
 - d) prosecution or disciplinary action
 - e) referral to an investigating authority for investigation or other appropriate action
 - f) referral to the Commissioner of Police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).
- Procedural fairness will generally require that officers who are the subject of disclosures be informed of the substance of the claims against them and be given a reasonable opportunity to respond.

- A confidential report on any matter that is investigated will be prepared by the person designated to undertake the investigation and submitted to the Director General as quickly as possible.
- The Public Interest Disclosure Coordinator will be responsible for keeping the public official who made the disclosure informed as to any action taken or proposed to be taken in respect of the disclosure.
- The result of any decisions and/or further action in relation to the disclosure will be made known to the public official who made the disclosure as quickly as possible and within the six months required by the Act.
- If a decision is taken not to investigate the matter or refer it to an investigating authority the public official who made the disclosure will be notified of that decision.

4 Confidentiality

A person to whom a public interest disclosure is made or referred is not to disclose information that might identify or tend to identify the person who has made the disclosure unless:

- a) the person consents in writing to the disclosure of that information, or it is generally known that the person has made the public interest disclosure (otherwise than by making the public interest disclosure) as a result of the person having voluntarily identified themselves as the person who made the disclosure, or
- b) it is essential, having regard to the principles of natural justices, that the identifying information be disclosed to a person whom the information provided by the disclosure may concern, or
- c) the Director General is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively or it is otherwise in the public interest to do so.

The public official who made the public interest disclosure will be informed if it becomes necessary to disclose his or her identity in accordance with paragraph b) or c) above.

Any person who breaches these confidentiality obligations may be subject to disciplinary action.

Under the GIPA act, information is exempt from release if it might identify or tend to identify a person who has made a public interest disclosure.

A public official who makes a public interest disclosure should maintain the confidentiality of his or her disclosure. In its acknowledgement of receipt of a

public interest disclosure, the Department will notify the public official of the need to maintain confidentiality.

5 Feedback to public officials who disclose wrongdoing

Public officials who disclose wrongdoing will be advised in writing, within 45 days of the person making the disclosure, of what is happening in response to their disclosure and will be given:

- an acknowledgement that the disclosure has been received
- a copy of the Policy and Procedures
- the timeframe for when further updates will be received
- the name and the contact details of the people who can advise what is happening.

Within ten working days of a decision about how the disclosure will be dealt with, the public official will be given:

- information about the action that will be taken in response to the disclosure
- likely timeframes for any investigation
- information about the resources available within the Department to handle any concerns the public official may have
- information about external agencies and services for support

During any investigation, the public official will be given:

- information on the ongoing nature of the investigation
- information about the progress of the investigation and reasons for any delay
- advice if his or her identity needs to be disclosed for the purpose of investigating the matter and an opportunity to talk about this.

At the end of any investigation, the public official will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to the disclosure and any problem that was identified
- advice about whether the public official may be involved as a witness in any further matters, such as disciplinary or criminal proceedings.

6 Protection Against Reprisals

The Act provides protection for a public official who makes a public interest disclosure by imposing penalties on anyone who takes detrimental action against the public official substantially in reprisal for that person making the disclosure.

The Department will not tolerate any reprisals against public officials who make a public interest disclosure. 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 public interest disclosure can also be required to pay any damages for any loss suffered by that person.

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) Responding to reprisals

The Department will act to protect public officials who report wrongdoing from reprisals.

If a public official believes that detrimental action has been or is being taken against them or someone else who has reported wrongdoing in reprisal for making a report, they should tell their supervisor, a Public Interest Disclosure Coordinator or the Director General immediately.

All supervisors must report to a Public Interest Disclosure Coordinator or the Director General any suspicions they hold that detrimental action in reprisal against a public official reporting wrongdoing is occurring.

If a Public Interest Disclosure Coordinator suspects or is referred concerns that there may be reprisal action against a public official who has made a disclosure of wrongdoing, they will

- ensure a senior and experienced member of staff, who has not been involved in dealing with the initial disclosure, will investigate the suspected reprisal
- report the results of that investigation to the Director General for a decision

- if it has been established that reprisal action is occurring against someone who has made a disclosure of wrongdoing, take all necessary steps possible to stop that activity and protect the public official who made the disclosure

The Department will ensure that any evidence of detrimental action taken against a public official that is substantially in reprisal for that person making a public interest disclosure is referred to the Commissioner of Police, the Independent Commission Against Corruption, or if the evidence relates to the NSW Police Force to the Police Integrity commission.

Public officials who report reprisal action will be kept informed of the progress of any investigation and the outcome.

If appropriate in the circumstances, the Director General may consider issuing specific directions to help protect against reprisals, including:

- issuing warnings to those alleged to have taken reprisal action against the public official who made the disclosure of wrongdoing
- relocate within the current workplace, the public official who made the disclosure of wrongdoing or the person alleged to have taken reprisal action
- transferring the public official who made the disclosure or the person alleged to have taken reprisal action to another position for which they are qualified
- granting the public official who made the disclosure leave of absence during the investigation of the disclosure.

Any directions in relation to the public official who made the disclosure will be made in consultation with the public official.

Public officials who have reported wrongdoing and feel that any reprisal action is not being dealt with effectively should contact the Ombudsman or the ICAC, depending on the type of wrongdoing reported. Contact details for these investigating authorities are included at the end of this Policy.

b) Protection against legal action

A public official who makes a disclosure in accordance with the Act, will not be subject to any liability and no action, claim or demand can be taken for making the disclosure. No confidentiality or secrecy obligations will have been breached and the defence of absolute privilege in defamation will be available.

7 Support for those disclosing wrongdoing

If any public official who discloses wrongdoing about the Division or its officers believes that he or she needs further support from the Department, the Executive Director Corporate Governance (who is a Public Interest Disclosure Co-ordinator) should be contacted.

8 Support for the subject of a disclosure

The Division is also committed to ensuring that a person who is the subject of a disclosure of wrongdoing is treated fairly and reasonably. This person will be:

- treated fairly and impartially
- told their rights and obligations under the Department's Policies and Procedures
- kept informed of any investigation
- given the opportunity to respond to any allegation made against them
- told the result of any investigation.

9 Reports to the Ombudsman

An annual report on the Department's obligations under the Act is to be prepared and a copy provided to the Ombudsman.

Also 6 monthly reports are to be provided to the Ombudsman. The reporting period is 6 months ending on 30 June and 31 December in any year and the report is to be provided within 30 days after the end of the 6 month period.

Reports are to provide statistical information on compliance with the DPC's obligations under the Act. The regulations may make provision for the statistical information to be provided.

Contact Details of Investigating Authorities

The contact details for investigating authorities that public officials can make a public interest disclosure to or seek advice from are listed below:

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC)

Phone: 02 8281 5999

Toll Free: 1800 463 909

Tel. typewriter (TTY): 02 8281 5773

Facsimile: 02 9264 5364

Email: icac@icac.nsw.gov.au

Web: www.icac.nsw.gov.au

Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman

Phone: 02 9286 1000

Toll free (outside Sydney metro): 1800 451 524

Tel. Typewriter (TTY): 02 9264 8050

Facsimile: 02 9283 2911

Email: nswombo@ombo.nsw.gov.au

Web: www.ombo.nsw.gov.au

Address: Level 24, 580 George Street, Sydney NSW 2000

For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office

Phone: 02 9275 7100

Facsimile: 02 9275 7200

Email: mail@audit.nsw.gov.au

Web: www.audit.nsw.gov.au

Address: Level 15 1 Margaret Street, Sydney NSW 2000

For disclosures about government information contravention:

Information Commissioner

Toll Free: 1800 463 626

Facsimile: 02 8114 3756

Email: oiinfo@oic.nsw.gov.au

Web: www.oic.nsw.gov.au

Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000

For disclosures about local government:

Chief Executive Local Government

Phone: 02 4428 4100

Tel. typewriter (TTY) 02 4428 4209

Facsimile: 02 4428 4199

Email: dlg@dlg.nsw.gov.au

Web: dlg.nsw.gov.au

Address: 5 O'Keefe Avenue, Nowra NSW 2541

Policy Details

Approved By: Director General

Date Approved: November 2011

Effective From: November 2011

Relevant legislation:

Government Information (Public Access) Act 2009

Independent Commission Against Corruption Act 1988

Ombudsman Act 1974

Public Interest Disclosures Amendment Act 2011

Public Finance and Audit Act 1983

Public Sector Management Act 2002

Related policies as issued from time to time including:

Department of Premier and Cabinet – Code of Conduct

Department of Premier and Cabinet Grievance Resolution Policy & Procedures

Department of Premier and Cabinet – Harassment and Bullying Free Workplace Policy

Department of Premier and Cabinet – Managing Unsatisfactory Performance and Misconduct Policy

Department of Premier and Cabinet – Fraud and Corruption Control Strategy

Key references/further info:

Independent Commission Against Corruption – <http://www.icac.nsw.gov.au>

Information Commissioner – <http://www.ipc.nsw.gov.au>

NSW Ombudsman – <http://www.ombo.nsw.gov.au>

NSW Audit Office – <http://www.audit.nsw.gov.au>

Premier's Memorandum M2011-12 - 'Strengthening Whistleblower Protections'

Revision history:

September 2011 – the policy was reviewed following the replacement of the *Protected Disclosures Act 1994* with the *Public Interest Disclosures Act 1994*

November 2011 – the policy was reviewed to include the provisions of the *Public Interest Disclosures Amendment Act 2011*

Next review Date:

Maximum 2 years from approval date

Responsible Officer:

Executive Director, Corporate Governance

Note: *This policy and/or associated procedures may be varied, withdrawn or replaced at any time*