

# Public Interest Disclosures Policy

---

Version 3.0

22 October 2021

# Public Interest Disclosures Policy

---

- 1. Introduction ..... 1
- 2. Overview ..... 1
- 3. Who does the Policy apply to?..... 2
- 4. Roles and responsibilities ..... 2
- 5. What should be disclosed? ..... 4
- 6. Assessment of disclosures of wrongdoing ..... 5
- 7. When will a disclosure be treated as a public interest disclosure?..... 5
- 8. Who can receive a disclosure within STC?..... 6
- 9. Who can receive a disclosure outside STC? ..... 6
- 10. How to make a disclosure..... 7
- 11. Can a disclosure be anonymous?..... 7
- 12. Feedback to staff who disclose wrongdoing ..... 7
- 13. Maintaining confidentiality ..... 8
- 14. Managing the risk of reprisal and workplace conflict ..... 9
- 15. Protection against reprisals ..... 9
- 16. Support for those disclosing wrongdoing ..... 10
- 17. Sanctions for making false or misleading statements ..... 10
- 18. Rights of persons who are the subject of a disclosure..... 11
- 19. Review ..... 11
- 20. Further Information ..... 11

## Policy Control Information

Policy Name	Public Interest Disclosures Policy (previously Protected Disclosure Policy)
Policy Owner	General Counsel
Legislative Reference	<i>Public Interest Disclosures Act 1994 (NSW)</i>
Reviewing Committee	Risk, Audit and Compliance Committee (RACC)
Approval Body	Board
Current Version	3
Approval Date	22 October 2021
Next Review Date	22 October 2024 by RACC

## Revision History

Version	Authors	Revision Date	Approved By	Revision Notes
Version 3	STC Legal Team	17 August 2021	Date: 22 October 2021	Update after triennial review
Version 2	STC Legal Team	19 February 2018	Date: 20 March 2018	Update, including change of Policy name
Version 1	NSW Ombudsman's Office	15 November 2016	Date: 26 April 2017	Model document adapted for STC

Other related documents include:

- STC's Code of Conduct and Ethics; and
- STC's Work Health and Safety Policy.

## 1. Introduction

This document sets out the policy (the Public Interest Disclosures Policy, or “**the Policy**”) that provides for the mechanisms that the SAS Trustee Corporation (**STC**) has established to implement an internal disclosure system for staff to report or disclose wrongdoing without fear of reprisal. The Policy sets out what should be disclosed, who you can disclose wrongdoing to in STC, and how disclosures of wrongdoing will be dealt with by STC. The Policy demonstrates STC’s compliance with the *Public Interest Disclosures Act 1994* (NSW) (**PID Act**).

STC, as an NSW statutory body, is only required to comply with the PID Act. STC is **not** covered by the 2019 amendments to the *Corporations Act 2001* (Cth) which provide protection to whistleblowers in certain circumstances, but it will provide protection to whistleblowers through this Policy and in its exercising of its statutory functions and duties.

This Policy will complement normal communication channels between managers and staff. Staff are encouraged to raise matters of concern at any time with their managers, but also have the option to make a public interest disclosure in accordance with this Policy and the PID Act.

This internal disclosure system is not intended for staff grievances that do not relate to wrongdoing, which should be raised in accordance with STC’s Code of Conduct and Ethics (**Code**). If a staff member makes a disclosure under this Policy which is substantially a grievance, the matter will be dealt with under the Code.

## 2. Overview

STC is committed to being able to effectively deal with disclosures of wrongdoing and misconduct through instilling appropriate cultural practices and behaviours as documented in this Policy. STC is committed to:

- creating a climate of trust, where staff are comfortable and confident about disclosing wrongdoing;
- encouraging staff to come forward if they are aware of or suspect wrongdoing within STC;
- keeping the identity of the staff member disclosing wrongdoing confidential, where this is possible and appropriate;
- protecting staff from any adverse action resulting from making a disclosure;
- dealing with disclosures thoroughly and impartially and if some form of wrongdoing has been found, taking appropriate action to address it;
- keeping staff who make disclosures informed of their progress and the outcome;
- encouraging staff to disclose wrongdoing within STC, but respect any decision to disclose wrongdoing externally in accordance with the provisions of the PID Act;
- ensuring managers at all levels within STC understand the benefits of disclosing wrongdoing, are familiar with this Policy, and are aware of the needs and concerns of those who do disclose wrongdoing;
- reassessing / reviewing the Policy periodically to ensure it is relevant and effective; and
- providing adequate resources to:
  - encourage disclosures of wrongdoing;
  - protect and support those who make them;
  - provide training for staff about how to make disclosures of wrongdoing;
  - inform staff about the benefits of internal disclosures to STC and for the public interest generally;
  - properly assess and investigate or otherwise deal with allegations;
  - properly manage any workplace issues that the allegations identify or that result from a disclosure; and
  - appropriately address any identified problems.

Under the PID Act, the Chief Executive Officer CEO of STC (**CEO**) is responsible for ensuring that:

- STC has an internal disclosure system (which is set out in this Policy);
- STC's staff are aware of the contents of this Policy and the protection under the PID Act for people who make public interest disclosures;
- STC complies with the Policy and STC's obligations under the PID Act; and
- the Policy delegates at least one staff member as being responsible for receiving public interest disclosures.

### 3. Who does the Policy apply to?

This Policy will apply to:

- permanent employees, whether full-time or part-time;
- temporary or casual employees;
- consultants;
- individual contractors working for STC;
- employees of contractors providing services to STC; and
- other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.

The Policy also applies to public officials of another public authority who disclose wrongdoing relating to STC.

## 4. Roles and responsibilities

### 4.1 The role of staff

Staff play an important role in contributing to a workplace where known or suspected wrongdoing is disclosed and dealt with appropriately. All staff are required to:

- disclose all known or suspected wrongdoing and support those who have made disclosures of wrongdoing;
- if requested, assist those dealing with a disclosure, including supplying information on request, cooperating with any investigation and maintaining confidentiality;
- treat any staff member or person dealing with a disclosure of wrongdoing with courtesy and respect; and
- respect the rights of officers who are the subject of disclosures.

Staff must not:

- victimise or harass anyone who has made a disclosure; or
- make a false or misleading disclosure of wrongdoing.

Additionally, all staff are obliged to adhere to the Code. A breach of the Code can result in disciplinary action.

### 4.2 The role of STC

STC is committed to establish and maintain a working environment that encourages staff to disclose wrongdoing and supports them when they do. This includes keeping the identity of disclosers confidential where practical and appropriate, and taking steps to protect them from reprisal and manage workplace conflict.

STC will assess all disclosures of wrongdoing it receives from staff and deal with them appropriately. Once a staff member makes a disclosure of wrongdoing, STC takes 'ownership' of the matter. This means it is up to STC to decide whether a disclosure should be investigated, and if so, how it should be investigated and by whom. STC will deal with all disclosures of wrongdoing fairly and reasonably and respect the rights of any officers who are the subject of a disclosure.

STC reports on its obligations under the PID Act and statistical information about public interest disclosures in its annual report to Parliament and to the NSW Ombudsman every six months. To ensure that STC complies with the PID Act and deals with all disclosures of wrongdoing properly, all staff with roles outlined below and elsewhere in this Policy will receive training on their responsibilities.

#### **4.3 The role of the STC Board**

The Board has ultimate responsibility for maintaining the internal disclosure system and workplace reporting culture and for ensuring that STC complies with the PID Act. Further, the Chairperson of STC's Risk, Audit and Compliance Committee (RACC) is authorised to receive a public interest disclosure where the disclosure relates to one or both the CEO or the General Counsel.

#### **4.4 The role of the CEO**

The CEO has the day-to-day management responsibility for maintaining and promoting the internal disclosure system and workplace reporting culture and ensuring that STC complies with the PID Act. The CEO can receive disclosures from staff and is responsible for:

- assessing disclosures received by or referred to the CEO, determining whether or not the disclosure should be treated as a public interest disclosure and for deciding how it will be dealt with;
- ensuring there are effective strategies in place to support and protect disclosers from reprisal and manage workplace conflict that may arise in relation to a disclosure;
- making decisions following any investigation or appoint an appropriate decision-maker;
- taking appropriate remedial action where wrongdoing is substantiated or systemic problems are identified;
- referring actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC); and
- referring any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

#### **4.5 Disclosures Coordinator**

The STC General Counsel performs the role of Disclosures Coordinator. The Disclosures Coordinator has a central role in STC's internal disclosure system. The Disclosures Coordinator can receive and assess disclosures and is the primary point of contact in STC for the discloser. The Disclosures Coordinator has a responsibility to:

- assess each disclosure to determine whether or not it should be treated as a public interest disclosure, decide how each disclosure will be dealt with;
- coordinate STC's response to each disclosure and ensure there is a written risk assessment for each disclosure that is treated as a public interest disclosure;
- acknowledge each disclosure and provide updates and feedback to the discloser;
- assess whether it is possible and appropriate to keep the discloser's identity confidential;
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a disclosure, and develop strategies to manage any risk identified;
- where required, provide or coordinate support to staff involved in the disclosure or investigation process, including protecting the interests of any officer who is the subject of a disclosure;
- ensure STC complies with the PID Act; and
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.

## 4.6 Line managers

Line managers play an important role in managing the immediate workplace of those involved in or affected by the internal disclosure process. Line managers must be aware of the internal disclosure system and this Policy and are responsible for creating a local work environment where staff are comfortable and confident about disclosing wrongdoing. They have a responsibility to:

- encourage staff to disclose known or suspected wrongdoing within the organisation and support staff when they do;
- identify disclosures made to them in the course of their work which could be public interest disclosures, and assist the staff member to make a disclosure to an officer authorised to receive public interest disclosures under this Policy;
- implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a disclosure; and
- notify the Disclosures Coordinator or principal officer immediately if they believe a staff member is being subjected to reprisal as a result of disclosing wrongdoing.

## 5. What should be disclosed?

You must disclose any suspected wrongdoing within STC or any activities or incidents you see within STC that you believe involve wrongdoing.

Disclosures about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, a breach of the Government Information (Public Access) Act 2009 NSW (**GIPA Act**), and local government pecuniary interest contravention – which otherwise meet the criteria of a public interest disclosure, will be dealt with under the PID Act and according to this Policy. See below for details about these types of conduct.

More information about what can be disclosed or reported under the PID Act can be found in the NSW Ombudsman's Fact sheet 2: *Am I dealing with a public interest disclosure?*

<https://www.ombo.nsw.gov.au/news-and-publications/publications/fact-sheets/public-interest-disclosures/am-i-dealing-with-a-public-interest-disclosure>

All other wrongdoing or suspected wrongdoing must be disclosed to a manager, to be dealt with in line with the relevant STC policies. This might include:

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

Even if these disclosures are not dealt with as public interest disclosures, STC recognises such disclosures may raise important issues. STC will respond to all disclosures and make every attempt to protect the staff member making the disclosure from reprisal and follow the provisions of relevant STC policies including:

- STC's Work Health and Safety Policy; and
- STC's Code of Conduct and Ethics.

### 5.1 Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official. For example, this could include:

- the improper use of knowledge, power or position for personal gain or the advantage of others; or
- acting dishonestly or unfairly or breaching public trust.

### 5.2 Maladministration

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

For example, this could include:

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

### **5.3 Serious and substantial waste of public money**

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

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

### **5.4 Breach of the GIPA Act**

A breach of the GIPA Act is a failure to properly carry out or fulfil functions under that Act. For example, this could include:

- destroying, concealing or altering records to prevent them from being released; or
- knowingly making a decision in relation to an access application that contravenes the legislation; or
- directing another person to make a decision in relation to an access application that contravenes the legislation.

The fifth category of serious misconduct under the PID Act - local government pecuniary interest contravention – is not applicable to STC.

## **6. Assessment of disclosures of wrongdoing**

All disclosures of wrongdoing made to STC will be promptly and thoroughly assessed to determine what action will be taken to deal with it and whether or not the disclosure will be treated as a public interest disclosure.

The Disclosures Coordinator is responsible for assessing disclosures, in consultation with the CEO and the Chief Risk Officer where appropriate. All disclosures will be assessed on the information available to the Disclosures Coordinator at the time and be finalised in writing. It is up to the Disclosures Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a disclosure the Disclosures Coordinator may decide that it should be referred elsewhere or that no action should be taken on the disclosure. If the disclosure is assessed to be a public interest disclosure, the Disclosures Coordinator will also prepare a written risk assessment of the disclosure.

## **7. When will a disclosure be treated as a public interest disclosure?**

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

- The disclosure must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention.
- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.

- The disclosure must be made to either the CEO, the Disclosures Coordinator, an investigating authority or in limited circumstances to other individuals and organisations as mentioned in this Policy.

Disclosures by staff are not public interest disclosures if they:

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

## 8. Who can receive a disclosure within STC?

You are encouraged to disclose general wrongdoing to your manager. However, the PID Act requires that, for a disclosure to be a public interest disclosure, it must be made to certain public officials identified in this Policy or any supporting procedures.

The CEO and the General Counsel (as Disclosures Coordinator) are the only persons within STC who are authorised to receive a public interest disclosure. Any manager who receives a disclosure that they believe may be a public interest disclosure is obliged to assist the staff member to make the disclosure to one of the positions listed below. The broader responsibilities of these positions are outlined under *Roles and responsibilities*:

- the CEO;
- the General Counsel (as the Disclosures Coordinator);
- the Chairperson of STC's Risk, Audit and Compliance Committee (RACC) (where the public interest disclosure relates to one or both the CEO or the General Counsel).

## 9. Who can receive a disclosure outside STC?

Staff are encouraged to disclose wrongdoing within STC, but you can also make a public interest disclosure to an investigating authority such as ICAC (see below), or a Member of Parliament or a journalist, but only in the limited circumstances outlined below.

### 9.1 Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can disclose wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances, it may be preferable to make a disclosure of wrongdoing to an investigating authority, for example any disclosure about the CEO.

The relevant investigating authorities for STC are:

- *ICAC — for disclosures about corrupt conduct;*
- *the Ombudsman — for disclosures about maladministration;*
- *the Auditor-General — for disclosures about serious and substantial waste;*
- *the Information & Privacy Commissioner — for disclosures about a breach of the GIPA Act;*
- *the Law Enforcement Conduct Commission (LECC) — for disclosures about Police misconduct;*
- *the Inspector of the LECC — for disclosures about the LECC or its staff;*
- *the Inspector of ICAC — for disclosures about the ICAC or its staff; and*
- *the Inspector of the NSW Crime Commission – for disclosures about the NSW Crime Commission or its staff.*

You should contact the relevant investigating authority for advice about how to make a disclosure to them. Contact details for each investigating authority are provided at the end of this Policy. You should be aware that the investigating authority may well discuss any such disclosures with STC.

STC will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. It will also provide appropriate support and assistance to staff who disclose wrongdoing to an investigating authority,

if it is made aware that this has occurred.

## **9.2 Members of Parliament or journalists**

To have the protections of the PID Act, staff disclosing wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same disclosure to one of the following:

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

Also, STC or the investigating authority that received your initial disclosure must have either:

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

Most importantly – to be protected under the PID Act – if you disclose wrongdoing to an MP or a journalist you will need to demonstrate that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

## **9.3 Other external disclosures**

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

For more information about disclosing wrongdoing outside STC, contact the Disclosures Coordinator or the NSW Ombudsman’s Public Interest Disclosures Unit. Their contact details are provided at the end of this Policy.

# **10. How to make a disclosure**

You can disclose wrongdoing in writing or verbally in the first instance to the Disclosures Coordinator or CEO. You are encouraged to make a disclosure in writing as this can help to avoid any confusion or misinterpretation.

If a disclosure is made verbally, the person receiving the disclosure will make a comprehensive record of the disclosure and ask the person making it to sign this record. The staff member should keep a copy of this record.

## **11. Can a disclosure be anonymous?**

There will be some situations where you may not want to identify yourself when you make a disclosure. Although these disclosures will still be dealt with by STC, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the disclosure, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the disclosure or your colleagues. If STC do not know who made the disclosure, it is very difficult for it to prevent any reprisal should others identify you.

## **12. Feedback to staff who disclose wrongdoing**

Staff who disclose wrongdoing will be told what is happening in response to their disclosure provided they have identified themselves as set out below.

## 12.1 Acknowledgement

When you make a disclosure of wrongdoing to STC, STC will consider how it will deal with the disclosure. Once STC decides how it will deal with your disclosure, including making a decision about whether your disclosure is a public interest disclosure, STC will send you a letter which provides:

- an acknowledgment of its receipt of your disclosure;
- a statement about whether your disclosure is a public interest disclosure;
- information about the action that it will take in response to your disclosure, including the likely timeframes for any investigation or other action;
- the name and contact details of the people at STC who will be able to inform you of progress of action taken in response to your disclosure and to answer any question or concerns you may have; and
- information about the internal and external resources or services available for you to access for support if you require it.

If your disclosure is stated by STC to be a public interest disclosure, it will also provide you with a copy of this Policy, as required by the PID Act. Please note that if your disclosure is a public interest disclosure but you made the disclosure under a statutory or legal obligation or incidental to the performance of your day to day functions, STC is not required to provide you with a copy of this Policy. If this is the case, STC will inform you in the acknowledgement letter.

STC will provide the required letter and Policy to you within ten working days from the date you make your disclosure (the PID Act provides that the letter and Policy must be provided within a maximum of 45 days after the making of the disclosure and that information about the action taken or proposed to be taken in response to the disclosure must be provided within 6 months).

## 12.2 Progress updates

While your disclosure is being dealt with by STC, such as by investigation or by the making of further enquiries, you will be given, in writing by STC:

- information about the progress of the investigation or other enquiries and reasons for any delay;
- notice of any decision by STC not to proceed with the matter; and
- notice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries and an invitation to discuss the proposed disclosure of your identity before it occurs (see *Maintaining confidentiality* below).

## 12.3 Feedback

Once the matter has been finalised you will be given:

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

## 13. Maintaining confidentiality

STC understands that disclosers of wrongdoing may want their identity and the fact that they have made a disclosure to remain confidential. This can help to prevent any action being taken against them for disclosing wrongdoing. Where possible and appropriate STC will take steps to keep your identity, and the fact you have disclosed wrongdoing, confidential. STC will discuss with you whether it is possible to keep your identity confidential.

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

If you disclose wrongdoing, it is important that you only discuss your disclosure with those persons at STC responsible for dealing with it. This will include the Disclosures Coordinator and the CEO. The fewer people who know about your disclosure, before and after you make it, the more likely it will be that STC can protect you from any reprisal.

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

## 14. Managing the risk of reprisal and workplace conflict

When a staff member makes a disclosure, STC will undertake a thorough risk assessment to identify the risks of detrimental action as reprisal for the disclosure, as well as possible related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, STC may:

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

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

## 15. Protection against reprisals

STC will not tolerate any reprisal against staff who disclose wrongdoing or are believed to have disclosed wrongdoing.

The PID Act provides protection for staff who have made a public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a public interest disclosure, even if they did not actually make one.

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; and/or
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment or fines and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also misconduct which may result in disciplinary action.

It is important for staff to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects staff from detrimental action being taken against them because they have made, or are believed to have made, a public interest disclosure. It does not protect staff from disciplinary or other management action where STC has reasonable grounds to take such action.

### **15.1 Responding to allegations of reprisal**

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for disclosing wrongdoing, you should tell your manager, the Disclosures Coordinator or the CEO immediately.

All managers must notify the Disclosures Coordinator or the CEO if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them.

If the CEO becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, STC will:

- assess the disclosure of reprisal to decide whether it should be treated as a public interest disclosure and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a disclosure, take all steps possible to stop that activity and protect the discloser;
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

If you allege reprisal, you will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation.

If you have disclosed wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Ombudsman or the ICAC (depending on the type of wrongdoing you disclosed). Contact details for these investigating authorities are included at the end of this Policy.

### **15.2 Protection against legal action**

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

## **16. Support for those disclosing wrongdoing**

STC will make sure that staff who have disclosed wrongdoing, regardless of whether their disclosure is treated as a public interest disclosure, are provided with access to any professional support they may need as a result of the disclosures process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal disclosure process where appropriate. People who make disclosures and other staff involved in the process can discuss their support options with the Disclosures Coordinator. This includes the Employee Assistance Program that is available to all staff. Further details are located in the STC employee handbook.

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

It is important all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when disclosing wrongdoing. STC will not support staff who wilfully make false or misleading disclosures. Such conduct may also be a breach of the Code resulting in disciplinary action.

## 18. Rights of persons who are the subject of a disclosure

STC is committed to ensuring staff who are the subject of a disclosure of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a disclosure confidential, where this is practical and appropriate.

If you are the subject of the disclosure, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time, you will be:

- advised of the details of the allegation;
- advised of your rights and obligations under the relevant related policies and procedures;
- kept informed about the progress of any investigation;
- given a reasonable opportunity to respond to any allegation made against you; and
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.

Where the allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by STC. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

## 19. Review

This Public Interest Disclosures Policy is reviewed every three years, or as required, by STC's Legal and Governance team in order to capture changes to governing legislation, internal processes, or for any other applicable reasons.

This Public Interest Disclosures Policy will be subject to regular review by STC's independent Internal Auditor who will conduct an independent analysis on the Policy and may recommend amendments for the consideration of management.

## 20. Further Information

Staff can contact the following NSW public sector bodies if they wish to report/make a disclosure regarding STC through STC's internal disclosure system but require more information or advice or if they want to make a disclosure about STC to the other public sector body.

<b>NSW Ombudsman</b> - about maladministration	Phone: 9286 1000 or 1800 451 524 Lvl 24, 580 George St, Sydney NSW 2000 Email: <a href="mailto:pid@ombo.nsw.gov.au">pid@ombo.nsw.gov.au</a> <a href="http://www.ombo.nsw.gov.au">http://www.ombo.nsw.gov.au</a>
<b>Independent Commission Against Corruption</b> – about corruption	Phone: 8281 5999 or 1800 463 909 GPO Box 500, Sydney NSW 2001 Email: <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a> <a href="http://www.icac.nsw.gov.au">http://www.icac.nsw.gov.au</a>
<b>Auditor-General</b> – about serious and substantial waste of public money	Audit Office of NSW Phone: 9275 7100 GPO Box 12, Sydney NSW 2001 Email: <a href="mailto:mail@audit.nsw.gov.au">mail@audit.nsw.gov.au</a> <a href="http://www.audit.nsw.gov.au">http://www.audit.nsw.gov.au</a>
<b>Law Enforcement Conduct Commission</b> – about corruption or serious misconduct by a Police Officer	Phone: 9321 6700 or 1800 657 079 GPO Box 3880, Sydney NSW 2001 Email: <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a> <a href="http://www.lecc.nsw.gov.au">http://www.lecc.nsw.gov.au</a>
<b>Information and Privacy Commission</b> – about any breach of the GIPA Act	Phone: 1800 472 679 GPO Box 7011, Sydney, NSW 2001 Email: <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a> <a href="http://www.ipc.nsw.gov.au">http://www.ipc.nsw.gov.au</a>