

# Public Interest Disclosures Policy



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## 1 Policy outline

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

At the State Library of NSW (the Library) we take reports of wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of the Library relies upon everyone speaking up when they become aware of wrongdoing. This policy sets out:

- how we will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report
- the protections which are available to you under the PID Act.

This policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action
- ensuring that appropriate action is taken in response to reports of wrongdoing.

In NSW, that framework is the PID Act.

## 2 Who this policy applies to

This policy applies to, and for the benefit of, all public officials in NSW. A full list of who is a public official can be found in [section 14 of the PID Act](#). Persons who are public officials include:

- a person employed in or by an agency or otherwise in the service of an agency.
- a person employed by the Library overseas, including Austrade embedded staff.
- a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate.
- a person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor, or volunteer.
- an employee, partner or officer of an entity that provides services, under contract, subcontract, or other arrangement, on behalf of an agency or exercises functions of an agency and are involved in providing those services or exercising those functions.

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

This policy does not apply to people who receive services from the Library (visitors) or provide services to the Library (such as consultants and suppliers). These persons are encouraged to report misconduct or wrongdoing about the Library via the following [Feedback Form | State Library of NSW](#) or contact the NSW Ombudsman.

## 3 Reporting wrongdoing

You should report all wrongdoing and misconduct you become aware of, regardless of whether you think it is serious wrongdoing. It is important for the Library to understand what is or may be occurring.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other policies. Even if your report is not a PID, it may fall within another one of the Library's policies for dealing with reports, allegations or complaints.

Library employees should refer to the [Grievance Policy and Procedure](#) and the [Respectful, Inclusive and Fair Workplace Policy](#) to report grievances, bullying or harassment. Misconduct can be reported to your manager or the People and Culture team.

Some internal complaints or grievances may also be PIDs, as long as they have the features of a PID. If your complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this policy as well as following other applicable policies.

It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have certain decisions that we must make on how we will deal with the PID and how we will protect and support the person who has made the report.

### 3.1 What is serious wrongdoing?

Serious wrongdoing is defined in the PID Act as one or more of the following categories:

- **corrupt conduct** — such as a public official accepting a bribe, or the improper use of knowledge, power or position for personal gain or the advantage of others.
- **serious maladministration** — such as taking an action that is unlawful, or an agency systemically failing to comply with proper recruitment processes when hiring staff.
- **a government information contravention** — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application.
- **a local government pecuniary interest contravention** — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship.
- **a privacy contravention** — such as unlawfully accessing a person's personal information on an agency's database.
- **a serious and substantial waste of public money** — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

Further definitions of each category are available in [Schedule 2](#) of the PID Act. Corrupt conduct is defined in [Part 3](#) of the *Independent Commission Against Corruption Act 1988* (ICAC Act).

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

### 3.2 When will a report of wrongdoing be a PID?

When a public official reports suspected or possible serious wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

There are three types of PIDs in the PID Act:

- **Voluntary PID:** This is a PID where a report has been made by the public official because they decided, of their own accord, to come forward and disclose what they know.

- **Mandatory PID:** This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.
- **Witness PID:** This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 5 of this policy.

You can find more information about mandatory and witness PIDs in the [Ombudsman's guidelines](#).

### 3.2.1 Voluntary PIDs

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

Any public official (refer to section 2 of this policy) can make a voluntary PID. A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our Library. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

**A report is a voluntary PID if it has all of the following five features**, which are set out in sections 24 to 27 of the PID Act:

1. A report is made by a public official (see section 2 of this policy)
2. It is made to a person who can receive voluntary PIDs (see section 3.3 of this policy)
3. The public official honestly and reasonably believes that the information they are providing shows (or tends to show) serious wrongdoing
4. The report was made orally or in writing
5. The report is voluntary (meaning it is not a mandatory or witness PID).

You will not be expected to prove that what you reported happened or is serious wrongdoing. You do have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with the Disclosure Coordinator, a Disclosure Officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we may seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 4.7 of this policy.

### 3.2.2 Deeming that a report is a voluntary PID

The NSW State Librarian (State Librarian) or the Disclosure Coordinator, can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the 'deeming power.' By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the State Librarian or the Disclosure Coordinator to request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the State Librarian or the Disclosure Coordinator. For more information about the deeming power, see the [Ombudsman's guidelines](#).

## 3.3 How do I make a voluntary PID?

You can make a voluntary PID:

- **in writing** — this could be an email or letter to a person who can receive voluntary PIDs.
- **orally** — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually. The person receiving your oral disclosure must make a written record of the disclosure.
- **anonymously** — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. A report will only be considered anonymous if there is no reasonable or practical way of communicating with the person making the report. Even if you choose to remain anonymous, you will still be protected under the PID Act. It may be difficult, however, for the Library to investigate the matter(s) you have disclosed if we cannot contact you for further information.

For a report to be a voluntary PID, it must be made to certain public officials.

### **3.3.1 Making a report to a public official who works for the Library**

You can make a report inside the Library to:

- the State Librarian
- the Disclosure Coordinator – refer to Annexure A for contact details
- a Disclosure Officer for the Library – refer to Annexure A for contact details
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a Disclosure Officer on your behalf or may accompany you while you make the report to a Disclosure Officer.

### **3.3.2 Making a report to a recipient outside of the Library**

You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- the head of another agency — this means the head of any public service agency
- an integrity agency — a list of integrity agencies is located at Annexure B of this policy
- a disclosure officer for another agency — ways to contact disclosure officers for other agencies is in an agency's PID policy which can be found on their public website
- a Minister or a member of a Minister's staff but the report must be made in writing.

If you choose to make a disclosure outside the Library, it is possible that your disclosure will be referred the Library so that appropriate action can be taken.

### **3.3.3 Making a report to a Member of Parliament (MP) or journalist**

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

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

- details of proposed or recommended corrective action because of the previous disclosure or investigation.

Investigation period means:

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

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

### **3.4 What should I include in my report?**

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

## **4 How we will deal with reports and voluntary PIDs**

### **4.1 Acknowledging your report and keeping you informed**

When a Disclosure Officer in the Library receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information from the Disclosure Coordinator:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:
  - state that the report will be assessed to identify whether it is a PID.
  - state that the PID Act applies to how we deal with the report.
  - provide clear information on how you can access this PID policy.
  - provide you with details of a contact person and available supports.
- If the report is assessed a voluntary PID, we will, as soon as possible:
  - discuss with you:
    - to establish whether you are at risk of detrimental action, and to take steps to mitigate the risk of detrimental action occurring against you.

- whether you need support networks to be put in place and how this will be assessed on an ongoing basis.
    - how updates will be provided to you.
  - inform you how we intend to deal with the report. This may include:
    - that we are investigating the serious wrongdoing.
    - that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral.
    - if we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you about the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
  - We will provide you with the following information once the investigation is complete:
    - a description of the results of the investigation – that is, we will tell you whether we found that serious wrongdoing took place.
    - information about any corrective action(s) as a result of the investigation – this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our Library, what we have put in place to address that serious wrongdoing.
  - Corrective action could include taking disciplinary action against someone or changing the practices, policies, and procedures that we have in place which led to the serious wrongdoing.
  - There may be some details about both the findings made because of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

## **4.2 Assessing your report to determine if it is a voluntary PID**

Once a report that may be a voluntary PID is received, it will be referred by the recipient to the Disclosure Coordinator for assessment. The Disclosure Coordinator, will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed.



The Disclosure Coordinator or the State Librarian will review the proposed assessment and then determine whether the report is voluntary PID. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

#### **4.2.1 Where the report is not, or ceases to be, a voluntary PID**

If the report is not a voluntary PID, we will let you know that the PID Act does not apply to the report and how we will deal with the concerns raised in the report. Even if your report is not a voluntary PID, it will still need to be dealt with or through an alternate process.

We may also stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID). If we cease dealing with a voluntary PID, we will tell you about the reasons for this decision.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a Disclosure Officer, or request an internal review or that the matter be conciliated – refer to section 4.7.

#### **4.2.2 Where the report is a voluntary PID**

If the report is assessed as a voluntary PID:

- The Governance and Risk Specialist will review and determine the appropriate nature and scope of any investigation to be conducted under the oversight of the State Librarian or the Chief Operating Officer, including any decision to appoint an external investigator.
- In most cases the Library will investigate to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing.
- There may be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the ICAC Act.
- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral.
- There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated. If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

### **4.3 Protecting the confidentiality of the maker of a voluntary PID**

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency. There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure.
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker.
- when the public official or the Library reasonably considers it necessary to disclose the information to protect a person from detriment.
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure.
- where the information has previously been lawfully published.
- when the information is disclosed to a medical practitioner or psychologist for the purposes of providing medical or psychiatric care, treatment or counselling to the individual disclosing the information.
- when the information is disclosed for the purposes of proceedings before a court or tribunal.
- when the disclosure of the information is necessary to deal with the disclosure effectively.
- if it is otherwise in the public interest to disclose the identifying information.

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

We will put in place steps to keep the identifying information of the maker and the fact that a report has been made confidential. It may not be possible for us to maintain complete confidentiality while we progress the investigation, but we will do all that we can to not unnecessarily disclose information from which the maker of the report can be identified. We will:

- Limit the number of people who are aware of the maker's identity or information that could identify them.
- Ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential.
- Ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- Provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

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

- Advise the person whose identity may become known.
- Update the risk assessment and risk management plan.
- Implement strategies to minimise the risk of detrimental action.
- Provide supports to the person who has made the PID.

- Remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality, and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

#### **4.4 Risk assessments and mitigating the risk of detrimental action**

The Library will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses, or a person the report is about. We will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, a person whose conduct is the subject of a PID, investigators and witnesses.

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

- completing a risk assessment and establishing a risk management plan that will be maintained and reassessed throughout the entirety of the matter.
- providing information to the maker of a PID about:
  - how the Library will communicate with them to identify and manage risks of detrimental action.
  - what supports are available or will be provided.
- implementing strategies to mitigate risks of detrimental action.

The Governance and Risk Specialist will prepare the risk assessment and risk management plan for approval by either the State Librarian or Chief Operating Officer.

If you believe detrimental action is occurring, refer to section 5.5 of this policy for information about how to report it and how the Library will deal with allegations of a detrimental action offence.

#### **4.5 General supports for persons who report wrongdoing**

The Library will ensure that persons who report wrongdoing are provided with information on how to access support services. Employees of the Library have access to the Library's [Employee Assistance Program](#) (EAP). Our EAP provider Converge International can be contacted at any time on 1300 687 327.

Persons who report wrongdoing will be allocated a key contact person, who will generally be the Disclosure Coordinator. The key contact person will work with the person to keep them updated about their report, manage the risks of detrimental action, and to respond to any concerns around confidentiality or how their report is being dealt with.

The [NSW Ombudsman](#) can provide advice about the PID Act and reporting generally.

## **4.6 Where an investigation finds that serious wrongdoing has occurred**

The findings of an investigation into serious wrongdoing will be provided by the Governance and Risk Specialist to the appropriate delegate with authority to determine:

- what steps will be taken to address any recommendations in the findings,
- who will be responsible for ensuring any corrective action takes place, and
- how the maker of a voluntary PID will be notified of the corrective action.

The delegate will be determined on the basis of the matter under investigation, however it will generally be the State Librarian, Chief Operating Officer or the Chair, Audit and Risk Committee.

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, the Library must take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution, or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

## **4.7 Review and dispute resolution**

### **4.7.1 Internal review**

People who are making or have made a voluntary PID can seek an internal review of the following decisions made by the Library:

- that the Library is not required to deal with the report as a voluntary PID.
- to stop dealing with the report because the Library decided it was not a voluntary PID.
- to not investigate the alleged serious wrongdoing and not refer the report to another agency.
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

The Library will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing to the Disclosures Coordinator (refer to Annexure A for contact details) within 28 days of being informed of the Library's decision. The application should state the reasons why you consider that the Library's decision should not have been made. You may also submit any other relevant material with your application.

The internal review will be dealt with by a person (the reviewer) who was not substantially involved in making the decision or dealing with the report. Internal reviews will be completed within 20 working days of the reviewer receiving all information supplied by the applicant.

The reviewer will notify the applicant of their decision, and the Library will give effect to that decision.

#### **4.7.2 Voluntary dispute resolution (conciliation)**

If a dispute arises between the Library and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where the Library and the maker of the report are willing to resolve the dispute.

## **5 Protections**

### **5.1 Protections for the maker of a voluntary PID**

When you make a voluntary PID you receive special protections under the PID Act. We are committed to taking all reasonable steps to protect you from detriment because of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report, or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- Protection from detrimental action
  - A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation, or dismissal.
  - Once we become aware that a voluntary PID by a person employed or otherwise associated with the Library that concerns serious wrongdoing relating to the Library, we will undertake a risk assessment and take steps to mitigate the risk of detrimental action occurring against the person who made the voluntary PID.
  - It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.

- A person may seek compensation where unlawful detrimental action has been taken against them.
- A person can apply for a court order (injunction) where detrimental action is threatened or has occurred (for example, an order to prevent dismissal or to require reinstatement).

Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- Immunity from civil and criminal liability

Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official cannot be disciplined, sued, or criminally charged for breaching confidentiality.

- Confidentiality

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- Protection from liability for own past conduct

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report. This undertaking can only be given on application by an integrity agency to the Attorney General.

## 5.2 Protections for the maker of a mandatory or witness PID

The maker of a mandatory or witness PID is protected in the following ways:

- Protection from detrimental action other than reasonable management action, including the right to compensation and the ability to apply for an injunction to prevent the commission or possible commission of a detrimental action offence.
- Immunity from civil and criminal liability for breaching a duty of secrecy or confidentiality.
- Protection from liability for own past conduct if given by the Attorney General on application by an integrity agency.

A more detailed definition of these three protections is included in section 5.1.

The maker of a mandatory or witness PID is not entitled to the confidentiality protections that apply to the maker of a voluntary PID. However, where possible and provided it does not

hinder an investigation, the Library will maintain the confidentiality of a maker's identity whether it is a mandatory or witness PID, or some other type of complaint.

### **5.3 Protections for investigators of serious wrongdoing**

Investigators of serious wrongdoing also have protection from detrimental action other than reasonable management action, including the right to compensation and the ability to apply for an injunction to prevent the commission or possible commission of a detrimental action offence.

### **5.4 What is detrimental action?**

Detrimental action is defined in [section 32](#) the PID Act as an act or omission that causes, comprises, involves, or encourages detriment to a person or a threat of detriment to a person (whether expressed or implied). Detriment to a person includes:

- injury, damage, or loss
- property damage
- reputational damage
- intimidation, bullying or harassment
- unfavourable treatment in relation to another person's job
- discrimination, prejudice, or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken by someone in relation to a person who made or may make a PID. For example, a reasonable appraisal of a PID maker's work performance.

### **5.5 Reporting detrimental action**

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately.

You can report any experience of adverse treatment or detrimental action directly to the Library through any contact person listed in Annexure A of this policy. You can also report detrimental action to an integrity agency listed in Annexure B of this policy.

## **5.6 How we will deal with allegations of a detrimental action offence**

If the Library receives an allegation that a detrimental action offence has occurred or may occur, we will:

- acknowledge the report of alleged detrimental action.
- inform the person who the alleged action has been taken against about how they will be updated and what supports will be offered.
- determine whether detrimental action is occurring, and if so, take all steps possible to stop the action and protect the person(s).
- consider whether disciplinary action should be taken against anyone that has taken detrimental action.
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable).
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

The Governance and Risk Specialist or, in their absence, the Chief Operating Officer will confirm the above steps occur.

## **6 Roles and responsibilities of Library employees**

Certain people within the Library have responsibilities under the PID Act.

### **6.1 State Librarian**

The State Librarian is responsible for:

- fostering a workplace culture where reporting wrongdoing is encouraged.
- receiving disclosures from public officials and referring these to the Disclosure Coordinator for appropriate handling.
- ensuring there is a system in place for assessing disclosures.
- ensuring the Library complies with this policy and the PID Act, and is sufficiently resourced to do so.
- confirming the appropriate nature, scope and performance of an investigation into serious wrongdoing.
- ensuring that the Library has appropriate systems for:
  - overseeing internal compliance with the PID Act,
  - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action,
  - implementing corrective action if serious wrongdoing is found to have occurred,
  - complying with reporting obligations regarding allegations or findings of detrimental action, and
  - complying with yearly reporting obligations to the NSW Ombudsman.



## **6.2 Disclosure Coordinator**

The Disclosure Coordinator is responsible for:

- receiving reports of wrongdoing from public officials.
- acknowledging reports of wrongdoing made under this policy.
- assessing whether a report is a PID, including deeming a report as a voluntary PID.
- providing updates to the maker of a voluntary PID about how their report is being dealt with.
- assessing the adequacy and performance of investigations into serious wrongdoing, in conjunction with the Chief Operating Officer.
- taking steps to assess and minimise the risk of detrimental action, other than reasonable management action, being taken against a person as a result of a report of wrongdoing.
- ensuring that allegations of a detrimental action offence are dealt with appropriately.
- ensuring that applications for internal review are dealt with appropriately.
- implementing this policy and maintaining the Library's systems to comply with this policy and the PID Act.

## **6.3 Disclosure Officers**

Disclosure Officers are responsible for:

- receiving reports of wrongdoing 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 Disclosure Coordinator or the State Librarian.
- ensuring that any oral reports that have been received are recorded in writing.
- maintaining confidentiality and supporting the person who has made a report.
- completing mandatory training in relation to their responsibilities under the PID Act.

## **6.4 Managers**

The responsibilities of managers include:

- receiving reports of wrongdoing from persons that report to them or that they supervise.
- passing on reports they receive to a Disclosure Officer – refer to Annexure A for contact details.
- completing mandatory training in relation to their responsibilities under the PID Act.

## 6.5 All employees

All employees must:

- report suspected serious wrongdoing or other misconduct.
- report suspected detrimental action being taken as a result of a report of wrongdoing.
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of the Library.
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID. You also must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

## 7 Other Library obligations

### 7.1 Record-keeping and information security requirements

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

All records relating to reports of wrongdoing are maintained confidentially in restricted access locations by the Governance and Risk Specialist, in compliance with the Library's [Records and Information Management Policy](#).

All information shall be managed in compliance with the Library's [Information Security Policy](#), including the labelling of sensitive information in accordance with the *NSW Government Information Classification, Labelling and Handling Guidelines*.

### 7.2 Reporting of voluntary PIDs to the Ombudsman

Each year the Library will provide an annual return to the NSW Ombudsman which includes:

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

The Governance and Risk Specialist will prepare and submit the annual return at the direction of the Disclosure Coordinator, if a different person.

### **7.3 How we will ensure compliance with the PID Act and this policy**

The State Librarian has oversight of this policy and whether it is operating effectively, including whether the Library is continuing to comply with the PID Act and whether the policy is meeting its purpose.

Non-compliance with the PID Act or this policy may be determined to be misconduct and result in disciplinary action being taken in accordance with the [Government Sector Employment Act 2013](#).

The Disclosure Coordinator will provide advice, at least annually, on the performance of this policy to the State Librarian and the Library's Audit & Risk Committee. This advice will include any non-compliance and the actions taken or recommended to improve the performance of this policy.

## **8 Advice, questions and concerns**

If you have questions or concerns about making a report of wrongdoing, or to understand how this policy applies, you can seek confidential advice from the Disclosure Coordinator.

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- confidentially contact the Disclosure Coordinator or a Disclosure Officer within the Library – refer to Annexure A for contact details
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au), or
- access the NSW Ombudsman's PID guidelines which are [available on its website](#).

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

## **9 Related policies**

This policy should be read in conjunction with the following relevant policies and procedures.

- [Code of Ethics and Conduct](#)
- [Fraud & Corruption Prevention Policy](#)
- [Complaint Handling Policy](#)
- [Grievance Policy and Procedure](#)
- [Respectful, Inclusive and Fair Workplace Policy](#)
- [Privacy Management Plan](#)
- [Information Security Policy](#)
- [Records and Information Management Policy](#)

- [Proactive release of government information under the 'Government Information \(Public Access\) Act 2009'](#)

## 10 Document history and version control

Version	Date approved	Approved by	Brief description
1.0	9 August 2016	State Library Executive	Approved at Executive Committee meeting.
1.1	28 March 2017	State Library Executive	Approved at Executive Committee meeting.
2.0	28 September 2023	State Library Executive	Amended to meet the requirements of the PID Act 2022 (effective from 1 October 2023). Executive Committee circular approval obtained.

This policy is available on the Library's public website as well as on the Library's intranet. A hard copy of the policy can be requested from the Governance and Risk Specialist.

The Library may amend this policy from time to time as appropriate.

## **Annexure A – Contact details for persons who can receive a PID report of wrongdoing within the Library**

In addition to your manager, the following persons can receive a PID report of wrongdoing within the Library:

Head of the Agency: NSW State Librarian

Disclosure Coordinator: Governance & Risk Specialist

Disclosure Officers: Chair, Audit & Risk Committee  
Chief Operating Officer  
Head People & Culture

Any of the above can be contacted by calling +61 2 9273 1414. Additionally, Library staff can access the direct contact details via the InsideSL intranet pages.

Valid PID reporting can also be achieved by Emailing [PID\\_Reporting@sl.nsw.gov.au](mailto:PID_Reporting@sl.nsw.gov.au); Emails sent to this address can be accessed by the Disclosure Coordinator and Disclosure Officers.

## Annexure B – List of integrity agencies

Integrity agency	What they investigate	Contact information
<b>The NSW Ombudsman</b>	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers, or MPs)	<p><b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday</p> <p><b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000</p> <p><b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a></p>
<b>The Auditor-General</b>	<b>Serious and substantial waste of public money</b> by auditable agencies	<p><b>Telephone:</b> 02 9275 7100</p> <p><b>Writing:</b> GPO Box 12, Sydney NSW 2001</p> <p><b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a></p>
<b>Independent Commission Against Corruption</b>	<b>Corrupt conduct</b>	<p><b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday</p> <p><b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364</p> <p><b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a></p>
<b>The Inspector of the Independent Commission Against Corruption</b>	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<p><b>Telephone:</b> 02 9228 3023</p> <p><b>Writing:</b> PO Box 5341, Sydney NSW 2001</p> <p><b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a></p>
<b>The Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<p><b>Telephone:</b> 02 9321 6700 or 1800 657 079</p> <p><b>Writing:</b> GPO Box 3880, Sydney NSW 2001</p> <p><b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a></p>
<b>The Inspector of the Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the LECC and LECC officers	<p><b>Telephone:</b> 02 9228 3023</p> <p><b>Writing:</b> GPO Box 5341, Sydney NSW 2001</p> <p><b>Email:</b> <a href="mailto:oilccec_executive@oilccec.nsw.gov.au">oilccec_executive@oilccec.nsw.gov.au</a></p>
<b>Office of the Local Government</b>	<b>Local government pecuniary interest contraventions</b>	<p><b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a></p>
<b>The Privacy Commissioner</b>	<b>Privacy contraventions</b>	<p><b>Telephone:</b> 1800 472 679</p> <p><b>Writing:</b> GPO Box 7011, Sydney NSW 2001</p> <p><b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a></p>
<b>The Information Commissioner</b>	<b>Government information contraventions</b>	<p><b>Telephone:</b> 1800 472 679</p> <p><b>Writing:</b> GPO Box 7011, Sydney NSW 2001</p> <p><b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a></p>