

# Public Interest Disclosure Internal Reporting Policy

Approved by: Chief People Officer  
Content Manager Number: PROJ17/5591  
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## 1. Purpose

The purpose of this Public Interest Disclosure Internal Reporting Policy (Policy), together with the [Public Interest Disclosures Procedure](#), is to:

- a. establish TAFE NSW's commitment and framework for the making and management of reports about wrongdoing as well as the protection and support for our employees who make reports;
- b. provide guidance and instruction to everyone working for TAFE NSW on how to report wrongdoing, including those that qualify for protection under the [Public Interest Disclosure Act 2022 \(NSW\)](#), and
- c. explain roles and responsibilities in relation to reports about wrongdoing to ensure reports are managed fairly, according to legislation and in line with the public interest.
- d. building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

## 2. Scope

This Policy applies to:

- a. permanent employees, whether full-time or part-time
- b. temporary and casual employees
- c. consultants
- d. individual contractors providing services to TAFE NSW
- e. employees of contractors providing services to TAFE NSW
- f. other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, including volunteers, and
- g. public officials of another public authority who report wrongdoing relating to TAFE NSW.

## 3. Policy

### 3.1 TAFE NSW Commitment

This Policy has been developed in accordance with the provisions of the PID Act 2022 and provides a framework for the making and management of disclosures as well as the protection and support for people who make them.

The integrity of our agency relies upon our employees, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

Managers and supervisors are responsible for establishing and maintaining a positive reporting environment that encourages our employees to adopt an 'if in doubt, report' approach. Employees should feel that it is a part of their job to report wrongdoing and will not suffer reprisals for reporting incidents.

An ethical work environment gives people confidence that allegations will be taken seriously and receive the appropriate response.

TAFE NSW is committed to protecting employees who make disclosures concerning any of the following six categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, a privacy breach 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, such as corrupt conduct, maladministration, serious substantial waste of public money, government information contraventions and other kinds of wrongdoing covered by this Policy and the [PID Procedure](#).

### 3.2 What should be reported?

You should report any suspected serious wrongdoing within TAFE NSW, or any activities or incidents you see within TAFE NSW that you believe are wrong. This includes reports under the PID Act 2022 as well as reports of other wrongdoing.

#### a. Reports under the PID Act 2022

Reports containing any of the six categories of serious wrongdoing – 1) corrupt conduct, 2) a government information contravention, 3) a local government pecuniary interest contravention, 4) serious maladministration, 5) a privacy contravention, or 6) a serious and substantial waste of public money, which have been assessed and meet the criteria under the PID Act 2022, will be dealt with as a PID and according to this Policy.

- i. Corrupt conduct — such as a public official soliciting or accepting a bribe;
- ii. Serious maladministration — such as an agency systemically failing to comply with proper recruitment processes when hiring a potential employee;
- iii. A government information contravention — such as destroying, concealing, or altering records to prevent them from being released under a Government Information Public Access application;
- iv. A local government pecuniary interest contravention — such as a senior council employee recommending a family member for a council contract and not declaring the relationship;
- v. A privacy contravention — such as unlawfully accessing a person's personal information on an agency's database;
- vi. 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.

#### b. Other wrongdoing

All other wrongdoing or suspected wrongdoing should be reported to a manager or other appropriate person, to be dealt with in line with the *relevant* policies. For example:

- i. harassment or unlawful discrimination
- ii. practices that endanger the health or safety of our employees or the public.

TAFE NSW recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the employee making the report from reprisal action.

Please note these types of reports are not covered by the PID Act 2022.

### 3.3 When will a report be treated as a public interest disclosure?

TAFE NSW will treat a report as a public interest disclosure (or PID) if it meets the criteria of a PID under the PID Act 2022.

- a. The report must be about one of the following six categories of serious wrongdoing – 1) corrupt conduct, 2) a government information contravention, 3) a local government pecuniary interest contravention, 4) serious maladministration, 5) a privacy contravention, or 6) a serious and substantial waste of public money.
- b. The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- c. The report must be made to the Managing Director, Public Interest Disclosure Coordinator, Nominated Disclosure Officer, their supervisor/manager, an investigating authority, or in limited circumstances to a member of Parliament or journalist.

There are three types of PIDs in the PID Act 2022. These are:

- i. *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.
- ii. *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.
- iii. *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.

### 3.4 How to make a report and actions TAFE NSW will take in response

For detailed information about how to make a report and what actions TAFE NSW takes in response to a report, please refer to the [PID Procedure](#).

### 3.5 Protection against reprisals

TAFE NSW will not tolerate any reprisal against an employee who reports wrongdoing or are believed to have reported wrongdoing.

The PID Act 2022 provides protection for employees 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.

Detrimental action includes action causing, comprising, or involving any of the following:

- a. injury, damage, or loss
- b. intimidation or harassment
- c. discrimination, disadvantage, or adverse treatment in relation to employment
- d. dismissal from, or prejudice in, employment
- e. disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/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*.

The PID Act 2022 does not protect employees from disciplinary or other management action where TAFE NSW has reasonable grounds to take such action.

Refer to the [Public Interest Disclosure Procedure](#) for more information on Protections for PIDs.

### 3.6 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 reporting wrongdoing, you should tell the Public Interest Disclosures Coordinator or the Managing Director immediately. For more information, please refer to the [PID Procedure](#).

### 3.7 Protection against legal action

If you make a public interest disclosure in accordance with the PID Act 2022, 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.

However, the protections do not grant immunity for any misconduct an eligible reporter has engaged in that is revealed in their disclosure.

### 3.8 Support for those reporting wrongdoing

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

Access to support may also be available for other employees involved in the internal reporting process where appropriate. Reporters and other employees involved in the process can discuss their support options with the Nominated Disclosure Coordinator.

### 3.9 Sanctions for making false or misleading statements

It is a criminal offence under the PID Act 2022 to willfully make a false or misleading statement when reporting wrongdoing. TAFE NSW will not support employees who willfully make false or misleading reports. Such conduct may also be a breach of the code of conduct resulting in disciplinary action.

Further, false, or misleading reports will not attract the protections available under either the PID Act 2022.

### 3.10 The rights of persons the subject of a report

TAFE NSW is committed to ensuring an employee who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, 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:

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

### 3.11 Breaches of this Policy

TAFE NSW may commence applicable disciplinary action if a person to whom this Policy applies breaches this Policy (or the [PID Procedure](#)), including and up to termination of employment.

## 4. Responsibilities

Position	Responsibility
Managing Director	<p>The Managing Director has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture and ensuring TAFE NSW complies with the PID Act 2022. The Managing Director, or their nominated delegate, can receive reports from employees and has a responsibility to:</p> <ul style="list-style-type: none"> <li>• assess reports received by or referred to them, to determine whether the report should be treated as a public interest disclosure, and to decide how the report will be dealt with</li> <li>• ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report</li> <li>• make decisions following any investigation or appoint an appropriate decision-maker</li> <li>• take appropriate remedial action where wrongdoing is substantiated, or systemic problems are identified</li> <li>• refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)</li> <li>• refer any evidence of a reprisal offence under section 34 of the PID Act 2022 to the Commissioner of Police and the ICAC.</li> </ul>
Public Interest Disclosures Coordinator	<p>The <a href="#">Disclosures Coordinator</a> has a central role in TAFE NSW's internal reporting system. The Disclosures Coordinator can receive and assess reports and is the primary point of contact in TAFE NSW for the reporter. The Disclosures Coordinator has a responsibility to:</p> <ul style="list-style-type: none"> <li>• assess reports to determine whether a report should be treated as a public interest disclosure, and to decide how each report will be dealt with</li> <li>• coordinate TAFE NSW's response to a report</li> <li>• acknowledge reports and provide updates and feedback to the reporter</li> <li>• assess whether it is possible and appropriate to keep the reporter's identity confidential</li> <li>• assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified</li> <li>• where required, provide, or coordinate support to the employee involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report</li> <li>• ensure TAFE NSW complies with the PID Act 2022 and the relevant sections of the Corporations Act</li> <li>• provide reports to the NSW Ombudsman in accordance with the PID Act 2022.</li> </ul>

Position	Responsibility
Nominated Disclosure Officers	<p><a href="#">Disclosures Officers</a> are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing, and assist the employee to make reports. Disclosures Officers have a responsibility to:</p> <ul style="list-style-type: none"> <li>document in writing any reports received verbally, and have the document signed and dated by the reporter</li> <li>make arrangements to ensure the employee can make reports privately and discreetly when requested, if necessary, away from the workplace</li> <li>discuss with the reporter any concerns they may have about reprisal or workplace conflict</li> <li>carry out a preliminary assessment and forward reports to the Disclosures Coordinator or Managing Director for full assessment.</li> <li></li> </ul>
Managers and Supervisors	<p>Supervisors and line managers play an important role in receiving PIDs as well as managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where employees are comfortable and confident about reporting wrongdoing. They have a responsibility to:</p> <ul style="list-style-type: none"> <li>encourage employees to report known or suspected wrongdoing within TAFE NSW and support employees when they do</li> <li>identify reports made to them in the course of their work which could be a public interest disclosure, and assist the employee make the report to an officer authorised to receive public interest disclosures under this policy</li> <li>implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report</li> <li>notify the disclosures coordinator or Managing Director immediately if they believe an employee is being subjected to reprisal as a result of reporting wrongdoing.</li> <li></li> </ul>



Position	Responsibility
Employee, (staff member, contractors, consultants)	<p>Employees play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All employees are obliged to:</p> <ul style="list-style-type: none"> <li>• report all known or suspected wrongdoing and support those who have made reports of wrongdoing</li> <li>• if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation, and maintaining confidentiality</li> <li>• treat any employee or person dealing with a report of wrongdoing with courtesy and respect</li> <li>• respect the rights of officers the subject of reports. Employees must not: <ul style="list-style-type: none"> <li>• victimise or harass anyone who has made a report</li> <li>• make false or misleading reports of wrongdoing.</li> </ul> </li> </ul> <p>Additionally, the behaviour of all employees involved in the internal reporting process are obliged to adhere to TAFE NSW's Code of Conduct. A breach of the code could result in disciplinary action.</p>

## 5. Definitions

Term	Meaning
Eligible Reporter	A person set out in the scope of this Policy as a person the Policy applies to.
Nominated Disclosure Officer	Means an employee authorised by TAFE NSW to receive a PID. You can find a list of Nominated Disclosures Officers <a href="#">here</a> .
Manager and Supervisors	Means the employee 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.
Public Interest Disclosure (PID)	Means a report made under the PID Act 2022 that meet the requirements of the relevant legislation.
Corruption or Corrupt Conduct	The improper use of knowledge, power or position for personal gain or the advantage of others. Acting dishonestly or unfairly or breaching the public trust. A member of the public influencing a public official to use their position in a way that is dishonest, biased or breaches the public trust. The Independent Commission Against Corruption Act 1988 further defines corruption.
Fraud	Fraud is the use of deceit to obtain unfair advantage to the detriment of others. It may involve money, equipment or academic standing.



Term	Meaning
Misconduct	Conduct which constitutes a ground for disciplinary action whilst acting in their capacity as a public official; where such conduct contravenes TAFE NSW's Code of Conduct
Serious and substantial waste of public money	Involves the uneconomical, inefficient, or ineffective use of resources which results in loss/wastage of public funds/resources. In addressing any report of serious and substantial waste, regard will be had to the nature and materiality of the waste.

## 6. Related documents

This Policy should be read in conjunction with:

- a. Legislation:
  - i. [Public Interest Disclosures Act 2022 \(NSW\)](#)
  - ii. [Independent Commission Against Corruption Act 1988 \(NSW\)](#)
  - iii. [Government Information \(Public Access\) Act 2009 \(NSW\)](#)
  - iv. [Ombudsman Act 1974 \(NSW\)](#)
- b. TAFE NSW policies and procedures:
  - i. [Code of Conduct and Ethical Practices](#)
  - ii. [PID Procedure](#)
- c. TAFE NSW reporting link:

For a reporter	<a href="#">Reporting Form</a>
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## 7. Contacts

Accountable Officer	Chief People Officer
Responsible Officer	Director, Workforce Alignment
Day to Day	Manager, Integrity Agency Assurance

## 8. Document History

No	Effective	Approved by	Amendment
1	13 June 2017	TAFE NSW Executive Leadership Team	WDCSG220170011
2	30/6/2022	Chief Operating Officer	Revisions to incorporate requirements under the Corporations Act, the NSW Ombudsman model policy, and TAFE NSW's Ways of Working requirements
3	01/12/2023	Chief People Officer	Updates to the new <i>Public Interest Disclosure Act 2022</i>