

Reporting Wrongdoing - Public Interest Disclosures Policy

Section 1 - Purpose

(1) The purpose of this Policy, together with the [Reporting Wrongdoing - Public Interest Disclosures Procedure](#), is to establish an internal system for receiving, assessing and dealing with Internal Reports of suspected wrongdoing which are public interest disclosures under the [Public Interest Disclosures Act 1994](#) (NSW). This Policy will refer to that Act as the '[PID Act](#)'.

(2) This is a Policy of the University and does not form part of any contract with the individuals to whom it applies, including employees. It may be varied by the University in its discretion.

Background

(3) This Policy and the associated Procedure are made under section 6D of the [PID Act](#) and are based on guidelines adopted by the [NSW Ombudsman](#).

(4) The University is committed to the aims and objectives of the [PID Act](#) which are to encourage and facilitate internal reporting on serious wrongdoing arising from:

- a. Corrupt Conduct;
- b. Maladministration;
- c. Serious and Substantial Waste in the public sector; and
- d. failure to exercise functions in accordance with any provisions of the [Government Information \(Public Access\) Act 2009](#) (NSW) ('GIPA Act').

(5) Reporting of suspected wrongdoing in public administration is in the public interest and is vital to the ongoing integrity of the public sector.

(6) The University is committed to high standards of ethical and accountable conduct and does not tolerate serious wrongdoing. It recognises the value and importance of contributions of staff to promote an ethical, accountable culture and the integrity of administrative and management practices.

(7) The University will take all reasonable and necessary steps to provide protection to staff who make Internal Reports under the [PID Act](#) from suffering any reprisal for the making of the reports.

Scope

(8) This Policy applies to all individuals who are:

- a. employees of the University; or
- b. otherwise engaged in the service of the University. This includes individuals such as:
 - i. consultants and independent contractors (and their employees) who are in the service of the University;
 - ii. employees of corporations engaged by the University under a contract to provide services to the

- University; and
- iii. volunteers in the service of the University.

(9) In this Policy and the [Reporting Wrongdoing - Public Interest Disclosures Procedure](#), these individuals are referred to as 'staff'.

Section 2 - Policy

(10) Internal Reports on serious wrongdoing arising from Corrupt Conduct, Maladministration, Serious and Substantial Waste of public money and Government Information Contravention will be dealt with under the [PID Act](#) as public interest disclosures in accordance with this Policy. For more information, see the [NSW Ombudsman Guidelines](#) on 'What can be reported'.

(11) For a report to be considered a public interest disclosure and attract the protections of the [PID Act](#), it must:

- a. be an Internal Report;
- b. relate to one or more of the four serious categories of wrongdoing referred to above; and
- c. be made in accordance with the [Reporting Wrongdoing - Public Interest Disclosures Procedure](#) to one of the Disclosure Officers or to one of the external investigating authorities as noted in the Procedure.

(12) In addition to the above, the staff member making the report must honestly believe on reasonable grounds that the information shows or tends to show Corrupt Conduct, Maladministration, Serious and Substantial Waste or Government Information Contravention.

(13) Reports by staff will not be considered to be public interest disclosures if they:

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

(14) Further, it is important for staff to understand that it is a criminal offence under the [PID Act](#) to willfully make a false or misleading statement when reporting wrongdoing.

(15) Wrongdoing that does not relate to one of the categories identified under the [PID Act](#) should still be reported to a supervisor in line with relevant University policies and industrial instruments. For details, see Associated Information.

Section 3 - Procedures

(16) Refer to the [Reporting Wrongdoing - Public Interest Disclosures Procedure](#).

Section 4 - Guidelines

(17) Nil.

Section 5 - Definitions

(18) Commonly defined terms are located in the University [Glossary](#). The following definitions apply for the purpose of this Policy:

- a. Corrupt Conduct means the dishonest or partial exercise of official functions by staff. For example, this could

include:

- i. the improper use of knowledge, power or position for personal gain or the advantage of others; or
 - ii. acting dishonestly or unfairly, or breaching public trust.
- b. Government Information Contravention means a failure by staff to properly fulfil functions under the [GIPA Act](#). For example, this could include:
- i. destroying, concealing or altering records to prevent them from being released;
 - ii. knowingly making decisions that are contrary to the [GIPA Act](#); or
 - iii. directing another person to make a decision that is contrary to the [GIPA Act](#).
- c. Internal Reports are reports made by staff.
- d. Maladministration means conduct by staff 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.
- e. Serious and Substantial Waste means uneconomical, inefficient or ineffective use of resources by staff that could result in the loss or wastage of public resources. For example, this could include:
- i. not following a competitive tendering process for a large scale contract; or
 - ii. having bad or no processes in place for a system involving large amounts of public funds.

Status and Details

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