

Internal Reporting (Protected Disclosures)

Purpose

The purpose of this policy is to establish Riverina Water 's position on the reporting of wrongdoing, and to create a common understanding of the internal reporting system for members of staff, board members and any other council officials, to confidently report wrongdoing without fear of reprisal. This is known as a PID (Public Interest Disclosure).

This policy sets out:

- how Riverina Water 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 should be read in conjunction with Riverina Water's relevant policies such as the Code of Conduct and the Fraud and Corruption Prevention policy as well as internal policies and procedures on grievance handling and misconduct.

Policy Statement

Riverina Water has a responsibility to establish and maintain a working environment that encourages members of staff, board members and any other council officials to report wrongdoing and support them when they do.

The reporting of suspected wrongdoing is seen as vital to Riverina Water's integrity and reinforces 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
- imposing duties on us if we receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW that framework is the PID Act.

Scope

This policy applies to all staff, board members, committee members and any person providing services or exercising functions on behalf of Riverina Water, including a contractor, subcontractor, or volunteer, who are deemed a public official of Riverina Water for the purposes of this policy.

The CEO, other nominated disclosure officers and people managers within Riverina Water have specific responsibilities under the PID Act and this policy provides information on how people in these roles will fulfil their responsibilities.

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

The internal reporting system under this policy is not intended to be used for staff grievances, which should be raised through the standard grievance procedures under Section 9 of the Riverina Water County Council Enterprise Award.

Who does this policy not apply to?

This policy does not apply to people who have received services from Riverina Water and want to make a complaint about those services. However, you are welcome to lodge a complaint to Riverina Water as outlined in our Complaints Management policy which is available on our website. Anyone wishing to make a complaint is encouraged to contact us via admin@rwcc.nsw.gov.au

What is contained in this policy?

This policy will provide you with information on the following:

- ✓ ways you can make a voluntary PID to Riverina Water under the PID Act
- ✓ the roles and responsibilities of people who hold particular roles under the PID Act
- ✓ what information you will receive once you have made a voluntary PID
- ✓ protection available to people who make a report of serious wrongdoing under the PID Act and what we will do to protect you
- ✓ Riverina Water's procedures for dealing with disclosures
- ✓ Riverina Water's procedures for managing the risk of detrimental actions and reporting detrimental action
- ✓ Riverina Water's record-keeping and reporting requirements
- ✓ how Riverina Water will ensure it complies with the PID Act and this policy

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

- ✓ confidentially contact a nominated disclosure officer within Riverina Water
- ✓ contact the PID Advice Team within the NSW Ombudsman by phone (02) 9286 1000 or email 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.

Definitions

Board member	Councillor who represents their member council on the Riverina Water County Council board
Harass	To subject someone to hostile or prejudicial remarks or actions; pressure or intimidate
Reporter	Someone who reports wrongdoing
Reprisal	The act of punishing someone for an action or injury – can also be called workplace revenge which is the general action of purposeful retaliation within the workplace
PID	Public Interest Disclosure
PID Act	Public Interest Disclosures Act 2022
Public Official	Under the PID Act, a Riverina Water public official is defined as: Permanent employees, whether full time or part time; temporary or casual employees; Board Members; consultants; individual contractors working for Riverina Water; employees of contractors providing services to and on behalf of Riverina Water; other people who perform public official functions whose conduct & activities could be investigated by an investigating authority, including volunteers
Riverina Water	Riverina Water County Council, also referred to as "council"
Staff – member of staff	Employees, whether full time or part time; temporary or casual
Victimise	Single someone out for cruel or unjust treatment
Wrongdoing	Behaviour or action that is wrong (not permissible)

1. Making a report of serious wrongdoing

1.1 Reports, complaints and grievances

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

Some internal complaints or internal grievances may also be PIDs. If an internal 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, and we will also make sure we will follow other relevant policies and procedures that might apply.

1.2 When is a report or complaint a PID?

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

1. *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.
2. *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.
3. *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 2 of this policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines "Dealing with mandatory PIDs" and "Dealing with witness PIDs".

Voluntary PIDs are what 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.

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



If the report has all 5 features it is a voluntary PID.

You will not be expected to prove that what you reported actually 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 a nominated 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 7 of this policy.

1.3 Who can make a voluntary PID?

Any public official can make a voluntary PID. You are a public official if:

- ✓ you are employed by Riverina Water
- ✓ you are a member of the board or a member of our Audit Risk & Improvement Committee
- ✓ you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Riverina Water
- ✓ you work for an entity (such as a non-government organisation) who is contracted by Riverina Water to provide services or exercise functions on behalf of Riverina Water – if you are involved in undertaking that contracted work.

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

from outside Riverina Water. 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.

1.4 What is serious wrongdoing?

Serious wrongdoing is defined in the PID Act as:

- ✓ *corrupt conduct* — such as a public official accepting a bribe.
- ✓ *serious maladministration* — such as 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 (GIPA).
- ✓ *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.

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

1.5 Who can I make a voluntary PID to?

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

1.5.1 Making a report to someone at Riverina Water

You can make a report inside Riverina Water to:

- ✓ the Chief Executive Officer (CEO)
- ✓ a disclosure officer for Riverina Water – a list of disclosure officers and their contact details can be found at Annexure A of this policy (NB –this information is not available to the general public)
- ✓ 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.

1.5.2 Making a report to someone outside of Riverina Water

You can make your report to a public official in another agency (not Riverina Water) 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 located in their 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 of Riverina Water, it is possible that your disclosure will be referred back to us so that appropriate action can be taken.

1.5.3 Making a report to a Member of Parliament 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 Riverina Water:
 - notification that Riverina Water 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 Riverina Water'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 as a result 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 agency'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.

1.6 Do I have to make a voluntary PID in writing?

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 (ie through Teams, Zoom etc).
- ✓ *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 us/ to investigate the matter(s) you have disclosed if we cannot contact you for further information.

1.7 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.

1.8 What if I am not sure if what I report is a PID?

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for Riverina Water 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 procedures. Even if your report is not a PID, it may fall within another one of Riverina Water's policies for dealing with reports, allegations or complaints.

1.9 Deeming if a report is a voluntary PID

The CEO 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 CEO 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 CEO.

1.10 Who can I talk to if I have concerns?

If you want to find out more about making a PID or are concerned about the process, please contact the Director of Corporate Services.

2. Protections under the PID Act

2.1 How will I be protected if I make 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 as a result 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 Riverina Water that concerns serious wrongdoing relating to Riverina Water has been made, we will 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.

- o 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: 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, in order 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 reporter 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.

2.2 Will I be protected if I make a mandatory or witness PID?

Protections for makers of mandatory and witness PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID
Detrimental action — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.	✓	✓
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓
Ability to seek injunction — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.	✓	✓

<p>Immunity from civil and criminal liability — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for:</p> <ul style="list-style-type: none"> • breaching a duty of secrecy or confidentiality, or • breaching another restriction on disclosure. 	✓	✓
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3. 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 People & Culture Business Partner, the Director of Corporate Services or the CEO. Alternatively, you can contact an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

4. General support

Riverina Water will make sure that staff 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.

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

Where the reported allegations against a Riverina Water public official have been investigated and unsubstantiated, that official will be supported by Riverina Water. The fact of the allegations and any investigation will remain confidential unless otherwise agreed to by the subject officer.

Riverina Water has an established Employee Assistance Program (EAP). The EAP service provides staff with confidential counselling, coaching and support for workplace and personal issues. Staff are encouraged to contact the EAP should they feel this would be helpful for them.

5. Roles and responsibilities

Certain people within Riverina Water have responsibilities under the PID Act.

5.1 The role of the Chief Executive Officer (CEO)

The Chief Executive Officer has ultimate responsibility for maintaining the internal reporting system and fostering a workplace culture where reporting is encouraged.

The CEO can receive reports from staff, board members and other public officials, and has a responsibility to:

- ✓ ensure there is a system in place for assessing disclosures.
- ✓ ensure that Riverina Water complies with this policy and the PID Act.
- ✓ ensure that Riverina Water has appropriate procedures for:
 - overseeing internal compliance with the PID Act
 - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action and ensuring there are strategies in place to protect reporters from reprisal, and manage workplace conflict that may arise in relation to a report
 - implementing corrective action if serious wrongdoing is found to have occurred
 - complying with reporting obligations regarding allegations or finding of detrimental action
 - complying with yearly reporting obligations to the NSW Ombudsman.

5.2 The role of the Disclosures Coordinator

The Disclosures Coordinator has a central role in Riverina Water's internal reporting process. The Disclosures Coordinator can receive and assess reports and is the primary point of contact once a report has been received.

The Disclosures Coordinator has a responsibility to:

- ✓ assess reports to determine whether or not a report should be treated as a public interest disclosure, and to decide how each report will be dealt with (either under delegation or in consultation with the Chief Executive Officer).
- ✓ deal with reports made under the Code of Conduct in accordance with the Code of Conduct Policy 1.01.
- ✓ coordinate Riverina Water's response to a report.
- ✓ acknowledge reports and provide updates and feedback to the reporter.
- ✓ 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.
- ✓ where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer who is the subject of the report.
- ✓ ensure Riverina Water complies with the PID Act.
- ✓ ensure that reports are provided to the NSW Ombudsman as required.

5.3 The role of Disclosure Officers

Disclosures Officers are points of contact within the internal reporting system. They can provide advice about the procedure for making a PID, receive reports of wrongdoing, and assist staff to make reports as required.

Disclosure Officers are responsible for:

- ✓ receiving reports from public officials.
- ✓ receiving reports when they are passed on to them by supervisors and managers.
- ✓ ensuring reports are dealt with appropriately, including making arrangements to ensure reporters can make reports privately and discreetly, if necessary, away from the workplace.
- ✓ discussing with the reporter any concerns they may have about reprisal or workplace conflict.
- ✓ ensuring that any oral reports that have been received are recorded in writing and, where possible, have the report signed and dated by the reporter.

The behaviour of all staff and board members involved in the internal reporting process must adhere to the Code of Conduct Policy 1.01. A breach of the Code of Conduct may result in disciplinary action.

To ensure that Riverina Water complies with the PID Act and deals with all reports of wrongdoing properly, all staff and board members with roles outlined in this policy will receive training on their responsibilities, where appropriate.

5.4 The role of managers, coordinators and supervisors

Managers, coordinators and supervisors play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. All managers, coordinators and supervisors should be aware of this policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing.

They have a responsibility to:

- ✓ encourage staff to report known or suspected wrongdoing within the organisation, and support staff when they do.
- ✓ identify reports made to them in the course of their work which could be public interest disclosures, and if requested, assist the staff member to make the report to a disclosure officer.
- ✓ implement local management strategies, in consultation with the Disclosures Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report.

- ✓ notify the Disclosures Coordinator or CEO immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing.

5.6 The role of all staff

All staff must:

- ✓ report suspected serious wrongdoing or other misconduct. Staff are encouraged to report general wrongdoing to their supervisor. However, the PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this Policy.
- ✓ 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 Riverina Water.
- ✓ treat any person dealing with or investigating reports of serious wrongdoing with respect.
- ✓ not take any detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

5.7 The role of the Chairperson

The Chairperson can receive reports from staff, board members and other public officials about the Chief Executive Officer.

Where the Chairperson receives such reports, the Chairperson has a responsibility to:

- ✓ assess the reports to determine whether or not they should be treated as a public interest disclosure (PID), and to decide how they will be dealt with.
- ✓ refer reports to an investigating authority if this is appropriate or required.
- ✓ liaise with the Disclosures Coordinator to 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.
- ✓ refer actual or suspected corrupt conduct to ICAC; and
- ✓ refer any evidence of a reprisal offence under section 20 of the PID Act to the police or ICAC.

6 How we will deal with voluntary PIDs

6.1 Acknowledge that a report has been received and keep the person who made it informed.

When a disclosure officer 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 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 Riverina Water deals with the report.
- ✓ provide clear information on how to access the PID policy; and
- ✓ provide details of a contact person and available supports.

If the report is a voluntary PID, we will inform you as soon as possible 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 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.

If you have made an anonymous report, it is unlikely that we will be able to provide this information to you.

6.2 Dealing with voluntary PIDs

Once a report is received, we will look at the information contained in the report to see if it has the features of a voluntary PID or another type of disclosure, and to make sure that the right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

The Disclosures Coordinator is responsible for assessing reports, in consultation with the CEO where appropriate. All reports will be assessed on the information available to the Disclosures Coordinator at the time. It is up to the Disclosures Coordinator to decide whether an investigation should be conducted and how that investigation should be carried out. In assessing a report, the Disclosures Coordinator may decide that the report should be referred elsewhere or that no action is to be taken on the report.

If the report is a voluntary PID we will conduct an investigation to find out whether the serious wrongdoing disclosed in the report occurred. We will establish who was responsible, and whether the people involved, or Riverina Water itself, engaged in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted – for example, if the conduct has previously been reported and 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.

6.3 Referral to another agency

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 *Independent Commission Against Corruption Act 1988*.

Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral and a contact person within the other agency.

6.4 What about a report that is deemed not to be a voluntary PID?

Even if the report is not deemed to be a voluntary PID, it will still be dealt with in a manner consistent with our internal complaints or grievance handling process as outlined in our Award.

If the report is deemed not to be 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. We will advise that we have stopped dealing with the matter as a voluntary PID.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the Disclosures Coordinator, request an internal review or request that the matter be conciliated. We can, but do not have to, request the NSW Ombudsman to conciliate the matter.

6.5 How we will protect 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 reporter.
- ✓ when the public official or Riverina Water 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 reporter 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 practically can to not unnecessarily disclose information from which the maker of the report can be identified.

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

If confidentiality cannot be maintained or is unlikely to be maintained, Riverina Water will develop a plan to support and protect the reporter from reprisal in consultation with them.

It is important that reporters only discuss their report with those responsible for dealing with it. This will include the Disclosures Coordinator and the CEO, or in the case of a report about the CEO, the Disclosures Coordinator and the Chairperson.

6.6 How we will assess and minimise the risk of detrimental action

Riverina Water will not tolerate any detrimental action against staff, board members or any other public official who report wrongdoing or who are believed by others to have reported wrongdoing.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express 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 in relation to a person's regular work performance or through the annual SARP process.

When a staff member or board member reports wrongdoing, Riverina Water will undertake a thorough risk assessment to identify the risk of detrimental action in reprisal for reporting, as well as 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, Riverina Water may:

- ✓ proactively remind staff at team meetings about the seriousness of workplace bullying and harassment and the consequences for this.
- ✓ relocate the reporter or the staff member who is the subject of the allegation within the current workplace.
- ✓ transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified; or
- ✓ grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These other courses of action should not be seen as punishment and will only be taken in consultation with the reporter.

6.7 Responding to allegations of a detrimental action offence

If it is believed that detrimental action has been or is being taken against an individual in reprisal for reporting wrongdoing, the relevant supervisor, the Disclosures Coordinator or the CEO must be notified immediately. In the case of an allegation of reprisal by the CEO, the Chairperson should be notified.

All supervisors 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.

The Disclosures Coordinator will investigate all allegations of detrimental action, with support from People & Culture. The Disclosures Coordinator will:

- ✓ assess if the reprisal allegation warrants investigation, ensuring this is conducted by a senior and experienced member of staff.
- ✓ ensure all steps possible are taken to stop that activity should it be determined that reprisal is occurring.
- ✓ ensure that appropriate disciplinary action is taken against anyone that has taken detrimental action.
- ✓ refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC.
- ✓ notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

6.8 What Riverina Water will do if an investigation finds that serious wrongdoing has occurred

The investigation findings will be provided to the CEO for review (except where the report concerns the CEO, in which case the report will be provided to the Chairperson of the Board or an external agency).

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, Riverina Water will 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, procedures and practices 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.

Advice on the findings of serious wrongdoing and the proposed corrective actions, including suitable timeframes, will be issued to the person concerned by the CEO. An improvement notice may also be issued.

The Disclosures Coordinator and People & Culture Business Partner will be responsible for ensuring that any recommended corrective action takes place. Support for the person being issued such advice will continue to be offered as required.

6.9 Providing feedback to the person who has reported the wrongdoing

We will provide the person who has reported the wrongdoing (the reporter) the following information once the investigation is completed:

- ✓ 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 as a result of the investigation/s. 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 Riverina Water, what we have put in place to address that serious wrongdoing.

There may be some details about both the findings made as a result 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.

7. Review and dispute resolution

7.1 Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Riverina Water:

- ✓ that Riverina Water is not required to deal with the report as a voluntary PID.
- ✓ to stop dealing with the report because it was decided it was not a voluntary PID.
- ✓ to not investigate the 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.

Riverina Water 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 (email is fine) within 28 days of being informed of the original decision. The application should state the reasons why you consider Riverina Water's decision should not have been made. You may also submit any other relevant material with your application.

Requests for an internal review should be directed via email to the CEO.

7.2 Voluntary dispute resolution

If a dispute arises between Riverina Water 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 Riverina Water and the maker of the report are willing to resolve the dispute.

8. Other Riverina Water obligations

8.1 Record keeping requirements

Riverina Water must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that Riverina Water complies with its obligations under the State Records Act 1998. PID reports will be held in a secure, confidential area within Magiq with limited access. This folder will be managed by the Governance team.

8.2 Reporting of voluntary PIDs and Riverina Water annual return to the Ombudsman

Each year Riverina Water provides an annual return to the NSW Ombudsman which includes:

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

9 Policy Implementation

Upon adoption, this policy will be advised to all staff through internal communications including the use of short information videos. Those staff that have been identified within this policy as being Disclosure Officers, will receive training on their role and the reporting procedure. The policy will be published to the Intranet.

A copy of this policy will be provided to all staff on commencement as part of the induction process and contractors will be provided a link to review the policy on our website and sign to acknowledge they have read it.

More information

More information about public interest disclosures is available from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

Annexure A –Contact details of disclosure officers for Riverina Water

There are a number of disclosure officers nominated at Riverina Water. For people outside the organisation wanting to make a PID, the contact details are:

Disclosures Coordinator: Director Corporate Services – etonacia@rwcc.nsw.gov.au.
Phone (02) 69220617

Chief Executive Officer – acrakanthorp@rwcc.nsw.gov.au. Phone (02) 69220603

Annexure B – List of Integrity agencies

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

The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
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Policy number	1.11
Responsible area	Chief Executive Office
Approved by	Riverina Water Board. Res 23/127
Approval date	26 October 2023
Legislation or related strategy	Public Interest Disclosures Act 2022 Public Interest Disclosures Regulation 2011 Local Government Act 1993 Anti-Discrimination Act 1997 Fair Work Act 2009 Independent Commission Against Corruption Act 1988 Ombudsman Act 1974 NSW Government Information (Public Access) Act 2009 (GIPA) Privacy & Personal Information Protect Act NSW 1998 (PIPPA) Riverina Water Council Enterprise Award
Documents associated with this policy	Code of Conduct – Policy 1.01 Fraud & Corruption Prevention – Policy 1.14 Fraud & Corruption Prevention Plan – 1.14(a) Related Parties Disclosures – Policy 1.28 Gifts & Benefits Procedure – GC.001
Policy history	14 Dec 2022 = Res 22/193) 24 Aug 2021 – Res 21/088

26 Oct 2016 – Res 16/190 (Policy name Protected
Interest Disclosures)

15 Oct 2014 – Res 14/131

Original policy adopted 14 Dec 2012 – Res 12/176

Policy details may change prior to review date due to legislative or other changes, therefore this document is uncontrolled when printed.

END OF POLICY STATEMENT