
GENERATOR PROPERTY MANAGEMENT PTY LTD

PUBLIC INTEREST DISCLOSURE ACT, (PID ACT) POLICY

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Purpose

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)*.

Under the PID Act, wholly NSW Government owned entities, such as Generator Property Management Pty Ltd (**GPM**), are deemed to fall with the definition of an 'Agency' and as such are required to comply with this Act.

This policy applies to, and for the benefit of, all public officials in NSW. You are considered for the purpose of this Act, as an employee of GPM, (the Agency,) to be a public official.

At GPM we take reports of wrongdoing extremely seriously. We are committed to building a 'speak up' culture where public officials/employees, contractors and consultants are encouraged to report any conduct that they reasonably believe involves wrongdoing.

This policy sets out:

- how GPM will support and protect you if you come forward with a report of serious wrongdoing.
- how GPM 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.
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is the PID Act.

This policy should be read in conjunction with the following policies:

- Complaints and Grievance
- Code of Ethics
- Fraud and Corruption

Policy Statement

At GPM we are committed to building a 'speak up' culture, where all staff and contractors/consultants are encouraged to report any conduct that they reasonably believe involves wrongdoing.

GPM recognises the trust that the NSW Government place in us and the need to uphold ethical and lawful conduct in all aspects of our business.

Serious wrongdoing can have a negative impact on our work environment and puts at risk the reputation of GPM, its directors, management, and staff and undermines the relationship GPM has with its stakeholders. Accordingly, the integrity of GPM relies upon our employees, contractors, consultants, and subcontractors speaking up when they become aware of wrongdoing

The people who work within GPM are usually best placed to know when a colleague is doing the wrong thing, systems are not working properly, or we are wasting public funds. In recognition of this, the PID Act sets in place a system to encourage the company's public officials to report serious wrongdoing by providing them with protections. GPM is committed to providing its staff, who are also the company's public officials, with those protections at a minimum.

Accessibility of this policy

This policy is available on GPM's publicly available website as well as on GPM's network within the Policies folder.

A copy of the policy is also sent to all staff of GPM upon their commencement.

Who does the Act apply to?

The Act applies to and for the benefit of all public officials in NSW. This policy has been developed to ensure the following people identified in the Act are protected:

- **a person employed in or by an agency** or otherwise in the service of an agency.
- 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.
- an individual in the service of the Crown.
- a statutory officer.
- 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.
- a judicial officer.
- a member of Parliament (**MP**), including Minister.
- a person employed under the *Members of Parliament Staff Act 2013*.

The Chief Executive Officer of GPM, as well as other nominated disclosure officers and managers within GPM have specific responsibilities under the PID Act. This policy also 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 GPM may use this policy if they want information on who they can report wrongdoing to within GPM.

Who does this policy not apply to?

This policy will not apply to:

- people who have received services from GPM and want to make a complaint about those services.
- people, such as contractors, who provide services to GPM.

This means that if you are not a public official, this policy does not apply to your complaint. Your complaint should be made via email to: info@gpmco.com.au

Review of policy

This policy will be reviewed by GPM every 2 years as approved by the GPM Board. Should you identify an error or issue with this policy, please email info@gpmco.com.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 GPM under the PID Act.

- the names and contact details of the nominated disclosure officers at GPM.
- the roles and responsibilities of people who hold particular roles under the PID Act, and who are employees of GPM.
- what information you will receive once you have made a voluntary PID.
- protections available to people who make a report of serious wrongdoing under the PID Act, and what GPM will do to protect you.
- GPM's procedures for dealing with disclosures.
- GPM's procedures for managing the risk of detrimental action and reporting detrimental action.
- GPM's record-keeping and reporting requirements.
- how GPM will ensure it complies with the PID Act and this policy.

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

- confidentially contact a nominated disclosure officer within GPM.
- 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.

1. How to make a report of serious wrongdoing

(a) Reports, complaints, and grievances

When a public official as identified under the Act and listed above reports suspected or possible wrongdoing associated with either in the public sector or in an Agency such as GPM, their report will be a PID if it has certain features which are set out in the PID Act.

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, GPM will consider whether it is a PID. If it is a PID, GPM will deal with it as set out in this policy but may will also follow GPM's Complaints and Grievances Policy. To the extent that there is an inconsistency between these documents, this PID Policy will prevail.

It is important for GPM to quickly recognise that a PID has been received. This is because once a PID is received, the person who has made the report is entitled to certain protections and GPM has 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.

(b) When will a report be 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 in GPM or within an agency.

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.

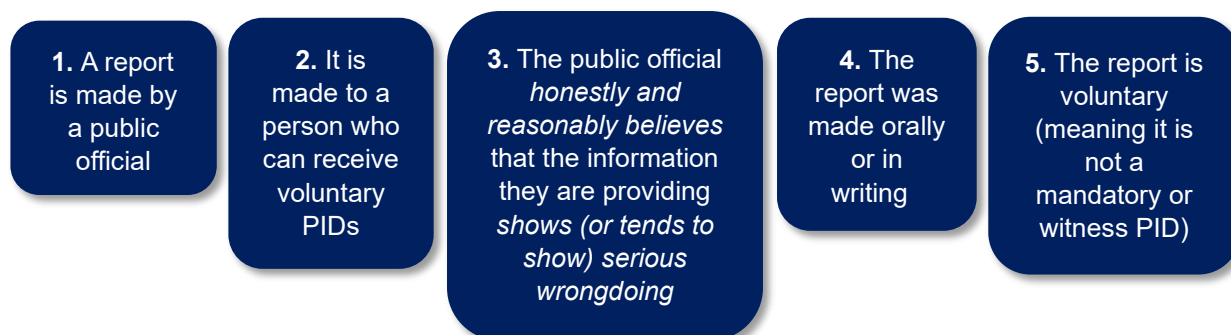
This policy mostly relates to making a voluntary PID and how GPM will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this policy.

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 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.

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 five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually occurred 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 occurred or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If GPM makes an error and does 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 GPM has 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 GPM 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.

(c) Who can make a voluntary PID?

Any public official can make a voluntary PID — see 'Who this policy applies to.' You are a public official if:

- you are employed by GPM.
- you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of GPM; or

- you work for an entity (such as a non-government organisation) who is contracted by GPM to provide services or exercise functions on behalf of GPM — 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 GPM. This means that GPM may receive PIDs from public officials outside GPM. 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.

(d) What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Serious wrongdoing is defined in the PID Act as:

- *corrupt conduct* – such as a public official accepting a bribe.
- *serious maladministration* – such as 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, (GIPA), application.
- *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 GPM what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

(e) Who can I make a voluntary PID to?

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

Making a report to a public official who works for GPM

You can make a report inside GPM to:

- the Chief Executive Officer
- a disclosure officer for GPM – a list of disclosure officers for GPM and their contact details can be found at Annexure A of this policy.
- 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.

If you are person providing services or exercising functions on behalf of GPM (including a contractor, subcontractor or volunteer) or if you are an employee, partner or officer of an entity that provides services on behalf of GPM or exercises functions of GPM — your manager is taken to be the public official in GPM who oversees those services or functions, or who manages the relevant contract or volunteering arrangement.

For anyone else, including employees of GPM, your manager is the person to whom you report directly or indirectly, or who supervises you directly or indirectly.

Making a report to a recipient outside of GPM

The Act also allows you to 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 located 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 of GPM, it is possible that your disclosure will be referred back to GPM so that appropriate action can be taken.

Making a report to a Minister of Parliament (MP) or journalist

Disclosures to MP's or journalists are different to other reports. The Act prescribes that 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 GPM:
 - notification that GPM 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 GPM's decision to investigate the serious wrongdoing
 - a description of the results of investigations 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 twelve months if you applied for an internal review of GPM'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.

(f) What form should a voluntary PID take?

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.

- *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 GPM to investigate the matter(s) you have disclosed if we cannot contact you for further information.

(g) What should I include in my report?

You should provide as much information as possible so that GPM 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 become aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

(h) What if I am not sure if my 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 GPM to understand what is or may be occurring.

GPM is subsequently 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 GPM's policies for dealing with reports, allegations, or complaints.

(i) Deeming that a report is a voluntary PID

The Chief Executive Officer 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.'

Deeming that a report is a voluntary PID, 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 Chief Executive Officer 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 Chief Executive Officer. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID.'

(j) Who can I talk to if I have questions or concerns?

If you have questions or concerns, you may contact any of the persons located at Annexure A of this policy.

2. Protections

(a) How is the maker of a voluntary PID protected?

When you make a voluntary PID you receive special protections under the PID Act.

GPM is committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. GPM is also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

GPM 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 unfavourable treatment, bullying, harassment, intimidation, dismissal or even threats about these matters.
- Once GPM becomes aware that a voluntary PID by a person employed or otherwise associated with GPM that concerns serious wrongdoing relating to GPM has been made, GPM 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 from 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 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. An integrity agency may recommend to the Attorney General that someone is given an undertaking.

(b) Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- *A mandatory PID:* This is a PID where the public official has made the 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 at GPM.
- *A 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.

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.	✓	✓
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: <ul style="list-style-type: none">• breaching a duty of secrecy or confidentiality, or• breaching another restriction on disclosure.	✓	✓

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 GPM, or to an integrity agency.

A list of the persons to whom you may report detrimental action is located at Annexure A of this policy.

A list of integrity agencies is located at Annexure B of this policy.

4. General support

GPM will ensure that persons who report wrongdoing are provided with information on how to access support services.

5. Roles and Responsibilities of employees of GPM

Certain people within GPM have responsibilities under the PID Act:

(a) **The Board is responsible for:**

- ensuring that this policy is maintained
- consideration of advice from the Audit and Risk Committee of relevant matters within the Committee's remit.

(b) **The Audit and Risk Committee is responsible for:**

- seeking assurance as to the adequacy of the systems for managing internal compliance with the PID Act
- receiving updates in relation to the receipt and handling of voluntary PIDs and the implementation of corrective actions
- reviewing whether management has taken steps to embed a 'speak up culture.'

(c) **The Chief Executive Officer is responsible for:**

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures
- ensuring that GPM complies with this policy and the PID Act
- ensuring that GPM 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
 - complying with yearly reporting obligations to the NSW Ombudsman.

(d) **Disclosure officers**

Disclosure officers are responsible for:

- receiving reports from public officials
- receiving reports when they are passed on to them by managers
- ensuring reports are dealt with appropriately
- ensuring that any oral reports that have been received are recorded in writing.

(e) **Managers**

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise
- passing on reports they receive to a disclosure officer.

(f) All employees

All employees must:

- report suspected serious wrongdoing or other misconduct
- 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 GPM
- 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.

6. How GPM will deal with voluntary PIDs

(a) How GPM will acknowledge that we have received a report and will keep the person who made it informed

When a disclosure officer at GPM 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:

- 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 GPM deals 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 a voluntary PID, GPM 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 GPM decides 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 GPM investigates the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - a description of the results of the investigation — that is, GPM 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 GPM, 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 as a result of the investigation and the corrective action taken that cannot be revealed to you. GPM 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 GPM may not be able to provide this information to you.

(b) How GPM will deal with voluntary PIDs

Once a report that may be a voluntary PID is received, GPM 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. If it is a voluntary PID, GPM will ensure that we comply with the requirements in the PID Act.

Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our Complaints and Allegations Policy or through an alternate process.

If the report is not a voluntary PID, GPM 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.

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 to you, or a disclosure officer, or request an internal review, or that the matter be conciliated. GPM can, but do not have to, request the NSW Ombudsman to conciliate the matter.

Cease dealing with report as voluntary PID

GPM may 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).

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases GPM will conduct an investigation 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 whether GPM, engaged in serious wrongdoing. There may be circumstances where GPM believes an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where GPM decides that the report should be referred to another agency, such as an integrity agency.
- Before referring a matter, GPM will discuss the referral with the other agency, and will provide you with details of the referral and a contact person within the other agency.
- If GPM decides 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.

(c) How GPM will protect the confidentiality of the maker of a voluntary PID

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

In accordance with 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 GPM.

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 GPM reasonably consider 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.

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

GPM will implement 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 practically can to not unnecessarily disclose information from which the maker of the report can be identified. GPM will do this by:

- We will limit the number of people who are aware of the maker's identity or information that could identify them.
- If we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so.
- We will 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.
- We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- We will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation.
- We will 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, GPM will:

- advise the person whose identity may become known
- update the agency's risk assessment and risk management plan
- implement strategies to minimise the risk of detrimental action
- provide additional 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.

(d) How GPM will assess and minimise the risk of detrimental action

GPM will not tolerate any detrimental action being taken against a person who has made a PID, as well as investigators or witnesses, or the person the report is about.

GPM will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, as well as investigators and witnesses.

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

- undertaking a risk assessment (including reassessing risk throughout the entirety of the matter)
- explaining to the maker
 - that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
 - how GPM will communicate with the maker to identify risks
- discuss protection options with the maker which may include remote working or approved leave for the duration of the investigation
- outlining what supports will be provided.

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
- 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.

(e) How GPM will deal with allegations of detrimental action offence

If GPM becomes aware of an allegation that a detrimental action offence has occurred, or may occur, we will:

- take all steps possible to stop the action and protect the person(s)
- take appropriate disciplinary action 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.

(f) What GPM will do if an investigation finds that serious wrongdoing has occurred

The findings of an investigation into serious wrongdoing will be provided to the appropriate decision maker 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
- how the maker of a voluntary PID will be notified of the corrective action

The decision maker will be determined on the basis of the matter under investigation.

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, GPM 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 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.

7. Review and dispute resolution

(a) Internal review

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

- that we are not required to deal with the report as a voluntary PID
- to stop dealing with the report because we have 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.

GPM 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 within 28 days of being informed of GPM's decision. The application should state the reasons why you believe that the decision should not have been made. You may also submit any other relevant material with your application.

Internal review applications should be submitted to the Chief Executive Officer within 14 days of being notified of the decision and must be accompanied by any relevant supporting information. If the Chief Executive Officer is implicated, the application should be lodged with the Chair of the Board.

Internal reviews should be undertaken within 21 days however this time period may be extended where required, for example due to the complexity of the matter or where further information is required.

(b) Voluntary dispute resolution

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

8. Other obligations

(a) Record-keeping requirements

GPM must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that we are complying with our obligations under the *State Records Act 1998*.

Information will be stored in a secure file within our Records Management System. Security/access levels will be applied to all communications regarding reports made in accordance with the PID Act.

(b) Reporting of voluntary PIDs and GPM's annual return to the Ombudsman

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

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

The Disclosure Coordinator (see Annexure A of this policy), with assistance from other Disclosure Officers, is responsible for collecting information about voluntary PIDs and the other information captured in the annual return, and for preparing and submitting the annual return. The information and the return will be stored in a secure location on GPM's Records Management System.

(c) How GPM will ensure compliance with the PID Act and this policy

The Disclosure Coordinator / Disclosure Officers will regularly monitor GPM's compliance with the PID Act and this policy.

The Disclosure Coordinator / Disclosure Officers will conduct a review every two years of GPM's compliance with the PID Act and this policy, and report findings of the review to the Chief Executive Officer / GPM Board if required. The Chief Executive Officer will implement any necessary measures to address non-compliance.

GPM may, at any time, engage an external entity to assist GPM to fulfill its responsibilities to ensure staff are trained under the PID Act.

Reviews:

This document will be subject to review every 2 years or as required to meet GPM's business requirements. Internal audits may also be conducted.

Signed:



David Wood

Chief Executive Officer

APPENDIX A: DISCLOSURE OFFICERS FOR GPM

The following persons are all Disclosure Officers for the purposes of this policy.

Role / Position	Title(s)
Disclosures Coordinator	Chief Executive Officer david.wood@gpmco.com.au
Other Disclosure Officers	Board Chair dlhmgarnett@telstra.com Chief Financial Officer & Company Secretary lisa.alexander@gpmco.com.au Central Coast Site Manager dougal.mulvey@gpmco.com.au Western Region Site Manager marlon.frost@gpmco.co.au

APPENDIX 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	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
Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au