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# Public Interest Disclosures policy

Responsible Officer: Group Manager People and Performance (Helen McNeil)

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## Recommendation

That Council:

1. Revoke the 'Public Interest Disclosures' policy dated 17 June 2020 and any policies revised as a result of the revocation; and
2. Adopt the revised 'Public Interest Disclosures' policy attached to this report.

## Background

It is a legislative requirement for Council to have in place a public interest disclosures policy which, among other things, designates certain positions within the organisation as 'disclosures coordinators' for the receipt, processing, and/or referral of public interest disclosures (i.e. wrong doing under the *Public Interest Disclosures Act* ('PID Act')).

Following the organisation structure and resourcing review completed in late 2021, a review of the roles previously designated as Disclosures Coordinators was required. As a result, Council's 'Public Interest Disclosures' policy has been reviewed and amendments are proposed.

### • Summary of key changes

Several minor amendments have been made (as a 'tracked change') to the revised 'Public Interest Disclosures' policy ([Attachment 1](#)), as outlined below:

- The introductory paragraph, provided as background, has been consolidated.
- Application of the policy has been clarified to extend to Audit, Risk and Improvement Committee members.
- Disclosures Coordinators have been updated as follows:
  - Human Services Manager deleted and replaced with People and Culture Manager (position name change); and
  - Governance Advisor deleted (position made redundant) and replaced with Governance and Risk Manager (new position).

## Finance

Not applicable.

## Legal

On 14 October 2021 a new [Public Interest Disclosure Bill 2022 \(NSW\)](#) ('PID Bill') was tabled in the NSW Parliament. The Bill was subsequently passed by both Houses of NSW Parliament on 29 March 2022 and assented to on 13 April 2022. The legislation replaces the *Public Interest Disclosure Act 1994* and will commence 18 months after the date of assent or earlier by a day appointed by proclamation.

The requirements relating to public interest disclosure policies are more prescriptive under the new *Public Interest Disclosures Act 2022* than the predecessor legislation.

The intention of the review of Council's 'Public Interest Disclosures' policy was to update the nominated Disclosures Coordinators, not to bring it in line with the new legislative requirements. A further review of the policy will be undertaken for this purpose during the 18-month transition period once the NSW Ombudsman has updated and developed its guidance, training and policy material.

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## **Consultation**

The 'Public Interest Disclosures' policy has been reviewed and updated by Council's governance staff. There is no legislative requirement to place the policy on public exhibit prior to it being adopted.

## **Conclusion**

The revised 'Public Interest Disclosures' policy has been updated to reflect the current positions within the organisation structure and is recommended for adoption by Council.

## Attachment

1. Revised 'Public Interest Disclosures' policy (**for adoption**)