



# Public Interest Disclosure

Policy No. 060

[unelife.com.au](http://unelife.com.au)  unelife2351  unelife2351

Uncontrolled when printed or downloaded

## Table of Contents

1.	<b>Purpose</b> .....	3
2.	<b>Scope</b> .....	3
3.	<b>Who does this policy apply to?</b> .....	3
4.	<b>Who does this Policy not apply to</b> .....	3
5.	<b>Policy</b> .....	3
5.1.	<b>Reports, complaints and grievances</b> .....	3
5.2.	<b>When will a report be a PID?</b> .....	4
5.3.	<b>Who can make a voluntary PID?</b> .....	5
5.4.	<b>What is serious wrongdoing?</b> .....	5
5.5.	<b>Who can I make a voluntary PID to?</b> .....	5
5.6.	<b>What form should a voluntary PID take?</b> .....	7
5.7.	<b>What should I include in my report?</b> .....	7
5.8.	<b>What if I am not sure if my report is a PID?</b> .....	7
5.9.	<b>Deeming that a report is a voluntary PID</b> .....	7
5.10.	<b>Who can I talk to if I have questions or concerns?</b> .....	8
5.11.	<b>Protection- How is the maker of a voluntary PID protected?</b> .....	8
5.12.	<b>Confidentiality</b> .....	9
5.13.	<b>Protections for people who make mandatory and witness PIDs</b> .....	9
5.14.	<b>Reporting detrimental action</b> .....	10
5.15.	<b>How we will acknowledge that we have received a report and keep the person who made it informed</b> .....	10
5.16.	<b>How we will deal with voluntary PIDs</b> .....	11
5.17.	<b>Report not a voluntary PID</b> .....	11
5.18.	<b>Cease dealing with report as voluntary PID</b> .....	11
5.19.	<b>Where the report is a voluntary PID</b> .....	12
5.20.	<b>How we will protect the confidentiality of the maker of a voluntary PID</b> .....	12
5.21.	<b>How we will assess and minimise the risk of detrimental action</b> .....	13
5.22.	<b>How we will deal with allegations of a detrimental action offence</b> .....	14
5.23.	<b>What UNE Life will do if an investigation finds that serious wrongdoing has occurred</b> 15	
5.24.	<b>Review and dispute resolution</b> .....	15
5.25.	<b>Other agency obligations</b> .....	16
5.26.	<b>How we will ensure compliance with the PID Act and this policy</b> .....	16
5.27.	<b>Roles and responsibilities</b> .....	17
6.	<b>Compliance</b> .....	17
7.	<b>Definitions</b> .....	17
8.	<b>Details</b> .....	18
9.	<b>Appendices</b> .....	19

## 1. Purpose

- 1.1. UNE Life is committed to fostering a workplace culture where public officials are encouraged to report serious wrongdoing. This policy sets out how UNE Life will support and protect individuals who make public interest disclosures (PIDs) under the Public Interest Disclosures Act 2022 (NSW) (PID Act). The integrity of UNE Life relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of serious wrongdoing.

## 2. Scope

- 2.1. This policy is available on our publicly available website.
- 2.2. A copy of the policy is also sent to all staff of UNE Life on their commencement of employment. A copy of the policy can be found internally on EnableHR.

## 3. Who does this policy apply to?

- 3.1. This policy applies to all UNE Life Employees and Representatives.
- 3.2. This policy framework applies across all UNE Life business units and functions.
- 3.3. UNE Life Representatives must comply with the Policy Framework unless exempted by the Chief Executive Officer or an authorised officer in writing.

## 4. Who does this Policy not apply to

This policy does not apply to:

- 4.1. People who have received services from UNE Life and wish to make a service complaint (these should use the relevant UNE Life complaints process).
- 4.2. People, such as consultants or contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.

## 5. Policy

### 5.1. Reports, complaints and grievances

- 5.1.1. When a public official within the UNE Life community reports a suspected or possible wrongdoing at UNE Life, their report will be a PID if it has certain features which are set out in the PID Act.
- 5.1.2. It is important that we quickly recognise that we have received a PID. This is because once a PID is received, the person who has made the report is entitled to certain protections and we have 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.
- 5.1.3. Some internal complaints or grievances may also be PIDs if they have the features of a PID under the PID Act. 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.
- 5.1.4. If a complaint or grievance is a report of serious wrongdoing, UNE Life will consider whether it is a PID. If it is, UNE Life will handle it under this policy (and align with other relevant HR/complaints processes where required).
- 5.1.5. UNE Life takes all complaints and concerns seriously, even where they are not classified as a PID.

## 5.2. When will a report be a PID?

5.2.1. There are three types of PIDs:

**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.

**Mandatory PID** – This is a PID where the public official has made a report about serious wrongdoing because they have a legal obligation to make that report, or because making that report is an ordinary aspect of their role or function in an agency.

**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.

5.2.2. 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 5.11 of this policy.

5.2.3. 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'.

5.2.4. 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.

5.2.5. 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:

- A report is made by a public official
- It is made to a person who can receive voluntary PIDs
- The public official honestly and reasonably believes that the information they are providing shows (or tends to show) serious wrongdoing
- The report was made orally or in writing
- The report is voluntary (meaning it is not a mandatory or witness PID)

5.2.6. 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.

5.2.7. 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.

5.2.8. 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.

5.2.9. 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 make 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 5.11 of this policy.

### 5.3. Who can make a voluntary PID?

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

- You are employed by UNE Life
- You are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of UNE Life, or
- You work for an entity (such as a non-government organisation) who is contracted by UNE Life to provide services or exercise functions on behalf of UNE Life –
- If you are involved in undertaking that contracted work.

5.3.2. 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 outside our agency. 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. Appendix B of this policy has a list of integrity agencies.

### 5.4. What is serious wrongdoing?

5.4.1. 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 systematically failing to comply with proper recruitment processes when hiring staff
- Government information contravention- such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access (GIPA) application.
- Local government pecuniary interest contravention – such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access (GIPA) application.
- Privacy contravention- such as unauthorised access to a person's personal information on an agency database.
- 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.

5.4.2. 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.

### 5.5. Who can I make a voluntary PID to?

#### 5.5.1. Making a report to a public officer who works for UNE Life

- The Chief Executive Officer of UNE Life
- A disclosure officer for UNE Life — a list of disclosure officers for UNE Life and their contact details can be found at Appendix 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.

### **5.5.2. Making a report to a recipient outside of UNE Life**

5.5.2.1. You can also 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 Appendix B of this policy
- a disclosure officer of another agency - ways to contact disclosure officers for other agencies are 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

5.5.2.2. If you choose to make a disclosure outside of UNE Life, it is possible that your disclosure will be referred to us so that appropriate action can be taken.

### **5.5.3. To a Member of Parliament or journalist**

5.5.3.1. 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.

5.5.3.2. You did not receive the following from UNE Life:

- Notification that UNE Life will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or

5.5.3.3. The following information at the end of the investigation period:

- Notice of UNE Life decision to investigate the serious wrongdoing
- 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.

5.5.3.4. 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.

5.5.3.5. If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

## 5.6. What form should a voluntary PID take?

5.6.1. 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 UNE Life to investigate the matter(s) you have disclosed if we cannot contact you for further information.

## 5.7. What should I include in my report?

5.7.1. 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.

## 5.8. What if I am not sure if my report is a PID?

5.8.1. You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. It is important for us to understand what is or may be occurring.

5.8.2. 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 the agency's policies for dealing with reports, allegations or complaints.

## 5.9. Deeming that a report is a voluntary PID

5.9.1. The CEO or disclosure 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'.

5.9.2. By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

5.9.3. If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to CEO or disclosure officer to request that they consider deeming your report to be a voluntary PID.

5.9.4. A decision to deem a report to be a voluntary PID is at the discretion of the CEO or disclosure officer. For more information about the deeming power, see the Ombudsman's guideline Deeming that a disclosure is a voluntary PID.

#### 5.10. **Who can I talk to if I have questions or concerns?**

5.10.1. If you have any questions or concerns, make an appointment with one of our disclosure officers and ask that the discussion be kept confidential.

- Chief Executive Officer
- Senior Manager, People, Culture and Governance

#### 5.11. **Protection- How is the maker of a voluntary PID protected?**

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

5.11.2. UNE Life is 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.

5.11.3. UNE Life 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.

5.11.4. 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 UNE Life that concerns serious wrongdoing relating to UNE Life has been made, we 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).

5.11.5. 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.

#### 5.11.6. Immunity from civil and criminal liability

- 5.11.6.1. 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.

#### 5.12. Confidentiality

5.12.1. 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.

5.12.2. Protection from liability for own past conduct

5.12.3. 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. This undertaking can only be given on application by an integrity agency to the Attorney General.

#### 5.13. Protections for people who make mandatory and witness PIDs

5.13.1. 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 in an agency.
- 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.

5.13.2. 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: (1) breaching a duty of secrecy or confidentiality, or (2) breaching another restriction on disclosure.	✓	✓

#### 5.14. Reporting detrimental action

5.14.1. 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 us through one of our disclosure officers, to one of the disclosure officers within the University of New England, or to an integrity agency. A list of integrity agencies is located at Appendix B of this policy.

#### 5.14.2. General support

5.14.2.1. If you make a report to UNE Life, we will:

- Allocate an appropriate contact person who will take steps to protect your interests, for example, if you are at risk of detrimental action,
- Link you to wellbeing support through the Employee Assistance Program or other program as appropriate.

5.14.2.2. If you have questions about the PID Act and reporting generally you may contact the NSW Ombudsman. Contact details can be found at the web address below:

- <https://www.ombo.nsw.gov.au/>

#### 5.15. How we will acknowledge that we have received a report and keep the person who made it informed

5.15.1. When a disclosure officer in UNE Life 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:

5.15.2. You 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 we deal 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.

5.15.3. 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 about 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.

5.15.4. If we investigate 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, we will tell you whether we found that serious wrongdoing took place.
- information about any corrective action as a result of the investigation/ 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 our agency, 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.

5.15.5. 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.

5.15.6. If you have made an anonymous report, in many cases we may not be able to provide this information to you.

#### 5.16. **How we will deal with voluntary PIDs**

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

5.16.2. If the report is determined to be a voluntary PID, the following steps will be undertaken:

- Notify CEO of receipt of voluntary PID
- CEO and Disclosure officer determine the most appropriate person(s) to assess the report and allocate to this person
- Notify the reporting person of the process that will be undertaken and the expected timeframe for further updates

#### 5.17. **Report not a voluntary PID**

5.17.1. Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with Employee Grievance & Complaint Handling, or an alternate process.

5.17.2. If the report is not 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 in the report.

5.17.3. 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 with you or a disclosure officer, 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.

#### 5.18. **Cease dealing with report as voluntary PID**

5.18.1. We 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). If this occurs, we will notify the maker of the report that we have ceased dealing with the report as a voluntary PID and explain our reasons for making this determination.

## 5.19. **Where the report is a voluntary PID**

### 5.19.1. If the report is a voluntary PID:

- In most cases we 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 the agency engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also 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.
- 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.

## 5.20. **How we will protect the confidentiality of the maker of a voluntary PID**

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

5.20.2. 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.

5.20.3. 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 we 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.

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

5.20.5. We will put in place 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. We will do this by:

- limiting the number of people who are aware of the maker's identity or information that could identify them.
- ensuring 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.
- ensuring that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.
- undertaking 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.
- providing 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.

5.20.6. 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.

5.20.7. If confidentiality cannot be maintained or is unlikely to be maintained, we will:

- Advise the person whose identity may become known
- Update our 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.

## 5.21. **How we will assess and minimise the risk of detrimental action**

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

5.21.2. We 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, investigators and witnesses.

5.21.3. We will take steps to assess and minimise the risk of detrimental action by:

- Explaining 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)
- Providing details of the unit/role that will be responsible for undertaking a risk assessment

- Explaining the approvals for risk assessment and the risk management plan, that is, rank or role of the person who has final approval
- Explaining how the agency will communicate with the maker to identify risks
- Listing the protections that will be offered, that is, the agency will discuss protection options with the maker which may including remote working or approved leave for the duration of the investigation
- Outlining what supports will be provided.

5.21.4. 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.

5.21.5. 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.

## 5.22. **How we will deal with allegations of a detrimental action offence**

5.22.1. If we become 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.

5.22.2. The CEO and/or Disclosure Officers are responsible for:

- Referring alleged detrimental action offences to the appropriate Commission
- Advising the contact for the victim of detrimental action to speak to (if not themselves)
- Advising the victim how they will be updated and of supports that are available

**5.23. What UNE Life will do if an investigation finds that serious wrongdoing has occurred**

5.23.1. If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, we will take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

5.23.2. 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.

5.23.3. The CEO and/or Disclosure Officers are responsible for:

- Handling of the findings of any investigation
- Advising appropriate parties about the findings of the investigation, noting that some parties may receive partial advice due to confidentiality requirements and that 'appropriate parties may vary on a case-by-case basis
- Ensuring that all accepted recommendations are fully implemented

**5.24. Review and dispute resolution**

**Internal review**

5.24.1. People who make voluntary PIDs can seek internal review of the following decisions made by UNE Life:

- That UNE Life is not required to deal with the report as a voluntary PID
- To stop dealing with the report because we 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.

5.24.2. We will ensure internal reviews are conducted in compliance with the PID Act.

5.24.3. If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of our decision. The application should state the reasons why you consider our decision should not have been made. You may also submit any other relevant material with your application.

5.24.4. Applications for and internal review should be sent to the CEO or a Disclosure Officer who will review the application and advise on the expected timeframe for a response to the application.

#### **Voluntary dispute resolution**

5.24.5. If a dispute arises between us 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 we and the maker of the report are willing to resolve the dispute.

#### **5.25. Other agency obligations**

##### **Record-keeping requirements**

5.25.1. We must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that UNE Life complies with its obligations under the State Records Act 1998.

5.25.2. Reporting of voluntary PIDs and UNE Life annual return to the Ombudsman  
Each year we provide an annual return to the NSW Ombudsman which includes:

- Information about voluntary PIDs received by UNE Life during each return period (yearly with the start date being 1 July)
- Action taken by UNE Life to deal with voluntary PIDs during the return period
- How UNE Life promoted a culture in the workplace where PIDs are encouraged.

5.25.3. The CEO and Disclosure Officers are responsible for ensuring the information about voluntary PIDs and other relevant to the annual return is collected in a timely manner and stored in an appropriately secure manner. The CEO and Disclosure Officers are also responsible for overseeing the preparation of the annual return.

#### **5.26. How we will ensure compliance with the PID Act and this policy**

5.26.1. Compliance with the PID Act and this policy will be ensured by:

- Regular compliance reporting to the Board of UNE Life, including a summary of any voluntary PID's received
- Periodic audit as directed by The NSW Ombudsman
- Other reporting requirements as required by University of New England (parent entity of UNE Life)

## 5.27. Roles and responsibilities

Role	Responsibilities (as per policy)
<b>Chief Executive Officer (CEO)</b>	<ul style="list-style-type: none"> <li>• Fostering a workplace culture where reporting is encouraged</li> <li>• Receiving disclosures from public officials</li> <li>• Ensuring there is a system in place for assessing disclosures</li> <li>• Ensuring UNE Life complies with this policy and the PID Act</li> <li>• Ensuring that UNE Life has appropriate systems for:               <ul style="list-style-type: none"> <li>ensuring that UNE Life has appropriate systems for:                   <ul style="list-style-type: none"> <li>Overseeing internal compliance with the PID Act</li> </ul> </li> </ul> </li> <li>• Supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action</li> <li>• Implementing corrective action if serious wrongdoing is found to have occurred</li> <li>• Complying with reporting obligations regarding allegations or findings of detrimental action</li> <li>• Complying with yearly reporting obligations to the NSW Ombudsman.</li> </ul>
<b>Disclosure officers (listed in Appendix A)</b>	<ul style="list-style-type: none"> <li>• Receiving reports from public officials</li> <li>• Receiving reports when they are passed on to them by managers</li> <li>• Ensuring reports are dealt with appropriately, including by referring the matter to the appropriate complaint unit (if relevant)</li> <li>• Ensuring that if a report is made verbally, the Disclosure Officer must write comprehensive notes and ask the reporter to sign and provide them with a copy.</li> </ul>
<b>Managers</b>	<ul style="list-style-type: none"> <li>• Receiving reports from persons that report to them or that they supervise</li> <li>• Passing on reports they receive to a disclosure officer.</li> </ul>
<b>All employees</b>	<ul style="list-style-type: none"> <li>• Report suspected serious wrongdoing or other misconduct</li> <li>• 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 UNE Life</li> <li>• Treat any person dealing with or investigating reports of serious wrongdoing with respect</li> <li>• Must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.</li> </ul>

## 6. Compliance

All UNE Life employees and representatives must comply with this policy. A failure to comply with this policy may amount to misconduct/serious misconduct and/or unsatisfactory performance.

## 7. Definitions

**Approval Authority:** UNE Life Board or UNE Life Management; the group responsible for the final approval of policies, ensuring they align with organisational goals, legal requirements, and operational needs.

**Policy Development Team:** A group responsible for the drafting, revising, and initial review of policy documents before they are submitted for approval convened at any time by the General Manager, Finance & Corporate Services

**Business Unit Managers:** Managers who oversee specific divisions or departments and are responsible for ensuring their teams comply with organisational policies.

**Staff Members:** Employees of the organisation who are required to understand and comply with all relevant policies.

**UNE Life Representatives:** Individuals who act on behalf of UNE Life, including employees, board members, volunteers, consultants, and contractors

**Effective Date:** The date when a policy becomes active and enforceable

## 8. Details

<b>Effective Date</b>	11/05/2026
<b>Review Date</b>	11/05/2027
<b>Approval Authority</b>	UNE Life Board
<b>Approval Date</b>	11/05/2025
<b>Supersession</b>	This policy supersedes the following documents: 1. Public Interest Disclosure (UNEA) 12 May 2025– 11 May 2026
<b>Enquiries Contact</b>	UNE Life Corporate Services +61 2 6773 2349

## 9. Appendices

### APPENDIX A- Internal Reporting

Recipient	Contact	Best For
<b>Manager or Supervisor</b>	Direct contact	Initial concerns; informal discussion
<b>Chief Executive Officer (CEO)</b>	Tel: +61 2 6773 5536 Email: ceo@unelife.une.edu.au	Formal disclosure; confidentiality priority
<b>Executive Team Member</b>	<p>Deb Hiscox Tel: +61 2 6773 2612, Email <a href="mailto:dhiscox@une.edu.au">dhiscox@une.edu.au</a></p> <p>Anthony Rogers +61 2 6773 5521, Email <a href="mailto:anthonyr@une.edu.au">anthonyr@une.edu.au</a></p> <p>Tania Court +61 2 6773 2399, Email <a href="mailto:tcourt@une.edu.au">tcourt@une.edu.au</a></p>	Concerns involving management/CEO
<b>Board Chair</b>	[Contact via CFO Anthony Rogers]	Concerns involving CEO or governance; escalation
<b>Internal Auditor</b>	<p>UNE Director of Governance Kus Pandey</p> <p>Acting Director Governance and University Secretary</p> <p>Email: <a href="mailto:governance@une.edu.au">governance@une.edu.au</a></p>	Financial/audit-related concerns
<b>External Auditor</b>	<p>NSW Audit Office</p> <p>Phone us on +61 2 9275 7100, Email us on <a href="mailto:mail@audit.nsw.gov.au">mail@audit.nsw.gov.au</a></p>	Concerns about audit independence

## APPENDIX B: External Regulator Contact Directory

### External Regulator Contact Directory & Reporting Guide

Integrity agency	What they investigate	Contact information
<b>The NSW Ombudsman</b>	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: <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
<b>The Auditor-General</b>	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100; Writing: GPO Box 12, Sydney NSW 2001; Email: <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
<b>Independent Commission Against Corruption</b>	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: <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
<b>The Inspector of the Independent Commission Against Corruption</b>	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023; Writing: PO Box 5341, Sydney NSW 2001; Email: <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>
<b>The Law Enforcement Conduct Commission</b>	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: <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>
<b>The Inspector of the Law Enforcement Conduct Commission</b>	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023; Writing: GPO Box 5341, Sydney NSW 2001; Email: <a href="mailto:oiiecc_executive@oiiecc.nsw.gov.au">oiiecc_executive@oiiecc.nsw.gov.au</a>
<b>Office of the Local Government</b>	Local government pecuniary interest contraventions	Email: <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>The Privacy Commissioner</b>	Privacy contraventions	Telephone: 1800 472 679; Writing: GPO Box 7011, Sydney NSW 2001; Email: <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
<b>The Information Commissioner</b>	Government information contraventions	Telephone: 1800 472 679; Writing: GPO Box 7011, Sydney NSW 2001; Email: <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>

## APPENDIX C: Confidential Disclosure Form

**IMPORTANT:** This form is confidential and protected. Complete as much or as little as you are comfortable with. You may remain anonymous.

**Submission Method:** Email to [see Appendix A for contacts ] or via Post addressed to an Appendix A contact marked “CONFIDENTIAL – PUBLIC INTEREST DISCLOSURE”. Postal address below:

UNE Life Pty Ltd  
PO Box U53  
UNIVERSITY OF NEW ENGLAND NSW 2351

You can also report verbally to a Manager, CEO or Executive Team Member as per Appendix A.

---

### SECTION 1: Your Details (Optional)

#### Field

#### Details

#### Your Name (Optional)

Anonymous

Named

**If named, please add the below details:**

**Position/Role:**

**Business Unit:**

**Contact Method:**

Email:

Phone:

Postal Address:

**Preferred Communication**

Email

Phone

Post

Anonymous (no contact)

**Confidentiality Request**

Keep identity completely confidential

Disclose identity only if necessary for investigation

Identity may be disclosed

## APPENDIX C: Confidential Disclosure Form

### SECTION 2: Disclosure Details

**What wrongdoing are you reporting?** (tick all that apply)

- Dishonest or fraudulent conduct
- Corrupt conduct (bribes, inducements)
- Illegal conduct (theft, violence, drugs, criminal damage)
- Breach of legal/regulatory obligations
- Financial irregularities or mismanagement
- Unsafe work practices or WHS breach
- Danger to public health, safety, or environment
- Retaliation against person for making disclosure
- Other (describe): \_\_\_\_\_

**Describe the wrongdoing in detail:**

What happened?

When did it happen?

Where did it happen?

Who was involved and your relationship with them? (names, positions, if known)

Why do you believe this is wrongdoing?

How did you become aware of the wrongdoing?

What evidence do you have? (documents, emails, witnesses, if known)

## APPENDIX C: Confidential Disclosure Form

Have you reported this matter before?

- No
- Yes

To whom?

When?

- Yes

To external regulator (ASIC/APRA/ATO/Police/Other):

If yes, what was the outcome?

---

### SECTION 3: Impact & Urgency

How urgent is this matter?

- Immediate danger to health/safety (Emergency)
- High risk / Significant impact
- Moderate risk / Moderate impact
- Low risk / Minor impact

Does this matter involve:

- Substantial/imminent danger to health, safety, or environment?
- Potential financial loss or fraud?
- Risk of retaliation against whistleblower?
- Public interest implications?

Describe impact:

## APPENDIX C: Confidential Disclosure Form

### SECTION 4: Support & Protection

Do you require support?

<input type="checkbox"/> Legal advice about whistleblower protections	<input type="checkbox"/> Counselling/EAP services
<input type="checkbox"/> Protection from retaliation (interim measures)	<input type="checkbox"/> Flexible work arrangements during investigation

Other:

---

### SECTION 5: Declaration

I declare that the information provided in this disclosure is, to the best of my knowledge, true and correct. I understand that making a false or misleading disclosure is a criminal offence under the Public Interest Disclosures Act 2022 (NSW) and Corporations Act 2001 (Cth).

**Date:**

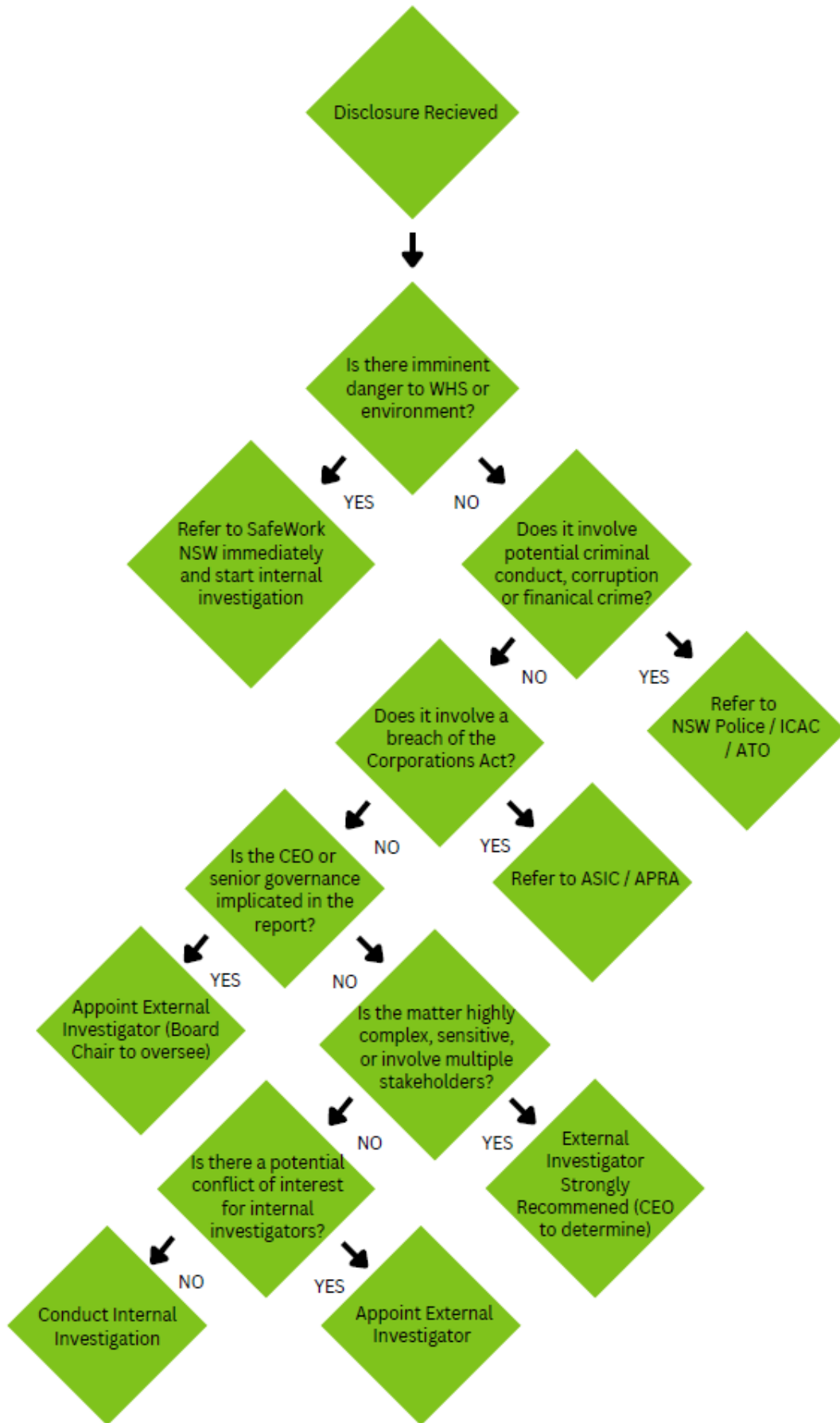
**Signature (if not anonymous):**

**APPENDIX C: Confidential Disclosure Form**

**OFFICE USE ONLY**

<b><u>Field</u></b>	<b><u>Details</u></b>
<b>Date Received</b>	
<b>Received By</b>	
<b>Reference Number</b>	
<b>Registered in PID Register</b>	<input type="checkbox"/> Yes - Date:
<b>Preliminary Assessment</b>	<input type="checkbox"/> Disclosable Matter <input type="checkbox"/> Personal Grievance <input type="checkbox"/> Unable to determine
<b>Confidentiality Level</b>	<input type="checkbox"/> Fully Confidential <input type="checkbox"/> Limited Disclosure <input type="checkbox"/> No Confidentiality Constraint
<b>Detriment Risk</b>	<input type="checkbox"/> Low <input type="checkbox"/> Moderate <input type="checkbox"/> High
<b>Investigation Scope</b>	<input type="checkbox"/> Internal <input type="checkbox"/> External <input type="checkbox"/> Regulator Referral
<b>Interim Measures Required</b>	<input type="checkbox"/> Yes: <input type="checkbox"/> No
<b>Assigned Investigator</b>	
<b>Estimated Timeline</b>	

**APPENDIX D: Decision Flowchart For Investigation Scope**



Uncontrolled when printed or downloaded

## APPENDIX E: Authority Delegation Table

Decision Point	Primary Authority	Escalation Authority or Required Consultation
<b>Initial Handling &amp; Assessment</b>		
Receive & formally acknowledge a report that may be a PID.	Disclosure Officer	N/A
Determine if a report meets the criteria to be a formal PID.	Disclosure Officer in consultation with the CEO.	Board Chair (if the CEO is implicated in the disclosure).
Conduct the initial Risk Assessment for detrimental action against the reporter.	Disclosure Officer	CEO must be notified of the risk plan.
<b>Investigation &amp; Management</b>		
Decide whether to investigate, refer to another agency, or dismiss a PID.	CEO	Board Chair (if the decision is to dismiss a high-risk matter).
Approve and implement interim protective measures for the reporter.	CEO	Board Chair (if measures are significant or have major budget implications).
Decide between an internal vs. external investigation.	CEO	Board Chair (if the CEO has a potential conflict of interest).
Appoint an internal or external investigator.	CEO	Budget approval from CFO if external. Board Chair (if cost >\$10k or CEO is conflicted).
Approve the final scope of an investigation.	CEO	Board Chair (if scope is significantly expanded or extended > 20 weeks).
<b>Legal &amp; Confidentiality</b>		
Make a referral to an external integrity agency (e.g., ICAC, Ombudsman).	CEO	Board Chair must be notified of referrals concerning corruption or serious financial crime.
Make a referral to law enforcement (e.g., NSW Police).	CEO	Board Chair must be informed.
Authorise the disclosure of a reporter's identity (where permitted by the Act).	CEO, following mandatory consultation with Legal Counsel.	Board Chair (if disclosure is material or high-risk).
<b>Outcomes &amp; Actions</b>		
Investigate allegations of detrimental action (retaliation).	CEO	Board Chair (if the allegation involves senior management).
Accept final investigation report and findings.	CEO	Board Chair (if findings are significant or implicate senior management).
Authorise corrective actions and disciplinary outcomes (e.g., training, warnings, termination).	CEO, in consultation with People, Culture & Governance.	Board Chair (if the outcome is termination or involves a senior staff member).
Approve the formal notification of outcome to the reporter.	CEO	N/A

## APPENDIX F: PID Support & Resources

### Support Available Through UNE Life

#### 1. Confidential Counselling & EAP Services

<b>Provider</b>	Peninsula (EAP partner)
<b>Access</b>	Free, confidential counselling up to 6 sessions per year
<b>Contact</b>	1800 719 887, Employer Code: PeninsulaWW
<b>Services</b>	Emotional support, stress management
<b>Availability</b>	24/7 phone support; office hours video/face-to-face

#### 2. Occupational Health & Safety Support

<b>Contact</b>	Head People, Culture & Governance / SafeWork NSW
<b>Services</b>	Health monitoring; return-to-work support; reasonable adjustments
<b>Availability</b>	Office hours

#### 3. Legal Advice

<b>Contact</b>	CEO
<b>Services</b>	Referral to external legal counsel for PID protections advice
<b>Cost</b>	UNE Life will cover reasonable legal costs for external PID advice

#### 4. Interim Protective Measures

- Temporary role/location change
- Modified duties or flexible working arrangements
- No-contact orders
- Confidentiality protocols
- Regular check-ins and monitoring

#### 5. Regular Communication & Updates

- CEO will provide regular updates on investigation progress (at least every 4 weeks)
- Anonymous update channels available (secure email, coded letters)
- Direct contact line for urgent concerns

### Support Available Externally - Mental Health & Wellbeing

<b>Resource</b>	<b>Contact</b>	<b>Services</b>
<b>Lifeline</b>	13 11 14 (24/7)	Crisis support; counselling
<b>Beyond Blue</b>	1300 224 636 (24/7)	Mental health support; counselling
<b>Headspace</b>	1800 650 890	Mental health support for young adults
<b>Samaritans</b>	1300 368 300 (24/7)	Emotional support; crisis intervention

## APPENDIX F: PID Support & Resources

### Managing Stress & Wellbeing During Investigation

Tips for PID Officers:

1. **Seek Early Support** – Don't wait until distress is significant; access EAP or counselling early
  2. **Maintain Confidentiality** – Limit discussion to those directly involved; avoid spreading concern
  3. **Document Everything** – Keep records of communications and support received
  4. **Regular Communication** – Stay in contact with CEO for updates and reassurance
  5. **Use Support Services** – Don't isolate; use counselling, EAP, or trusted support networks
  6. **Know Your Rights** – Familiarise yourself with PID protections
  7. **Report Retaliation** – Immediately report any suspected retaliation to CEO
  8. **Look After Physical Health** – Exercise, sleep, nutrition support mental resilience
  9. **Build Support Network** – Confide in trusted friends, family, or support group
  10. **Seek Legal Advice** – If concerned about retaliation or process, seek legal advice early
-