Parliament of
New South Wales

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PUBLIC INTEREST DISCLOSURE POLICY

PARLIAMENT NSW

Public Interest Disclosure Policy

Policy Summary	
Status	Current as at January 2026.
Purpose	To outline how Parliament meets its obligations to have a Public Interest Disclosure (PID) Policy under section 42 of the *Public Interest Disclosures Act 2022* (PID Act). 'Agency' as defined in section 16 of the PID Act. The integrity of Parliament is supported by public officials speaking up when they become aware of wrongdoing. This policy sets out: - How the Parliamentary Departments will support and protect you if you report serious wrongdoing. - How the Parliamentary Departments will deal with the report and 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.
Scope	This policy applies to all workers who can be classified as a public official under section 14 of the PID Act. This policy must be read in conjunction with the Public Interest Disclosure – Operational Guidelines. The policy covers Public Interest Disclosures made to public officials at Parliament, about serious wrongdoing by public officials, as defined in the Act.
Availability	This policy is available electronically from the Parliament's Intranet and hard copies can be requested from the Governance and Risk team via email: PIDEnquiries@parliament.nsw.gov.au Further information is available on the Fraud Corruption & Prevention intranet site.

Policy owner	The Clerk of the Legislative Assembly Clerk of the Parliaments The Chief Executive of the Department of Parliamentary Services
Related policies & documents	This policy forms part of the Parliament's anti-corruption and misconduct measures, and complements the ○ Bullying and Harassment and Sexual Harassment policy ○ Code of Conduct for Members (Legislative Assembly) ○ Code of Conduct for Members (Legislative Council) ○ Code of Conduct for Members' staff ○ Code of Conduct for Parliamentary staff ○ Fraud and Corruption Control Framework for Parliamentary Staff It works alongside Parliament's Grievance Policy and Equal Employment Opportunity Policy, which apply to Parliamentary staff, and the Independent Complaints Officer Protocols that applies to the members of the Legislative Council and the Legislative Assembly.
Policy review	This policy is to be reviewed once each Parliamentary term, or as otherwise required.
Approval	The Clerk of the Legislative Assembly Clerk of the Parliaments The Chief Executive of the Department of Parliamentary Services
Date	January 2026

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1. 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).

At the NSW Parliament we are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe serious wrongdoing.

The integrity of Parliament is supported by our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- how we will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and 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 serious 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.

This policy must be read in conjunction with the Parliament's Public Interest Disclosure - Operational Guidelines.

Per Section 87 of the PID Act, this act does not affect the rights and privileges of Parliament in relation to freedom of speech and Parliamentary debates and proceedings.

2. Definitions

Department Heads – Under the PID Act, the Department Heads (Presiding Officers) of the three Parliamentary Departments are:

- President of the Legislative Council for the Legislative Council;
- The Speaker of the Legislative Assembly for the Legislative Assembly; and
- Both Presiding Officers jointly for the Department of Parliamentary Services.

Subject to the limitations under s.80(2) of the Act the Presiding Officers have delegated their functions as head of the agency, for the purposes of the public interest disclosures scheme, to the Clerk of each House and the Chief Executive.

Departmental Staff – A person employed directly by the Department of the Legislative Assembly, the Department of Parliamentary Services, and the Department of the Legislative Council.

Disclosure Officer – For the purposes of the PID Act, the disclosure officers are those identified as 'disclosure officers' in this PID policy in Annexure A.

Manager – Anyone who is responsible for or manages other employees within the organisation. Pursuant to s.15(1)(b) of the Act, in this policy a manager also refers to a Member of Parliament, in relation to their position managing their staff.

Member – (Member of Parliament) means a Member of the Legislative Council or a Member of the Legislative Assembly. A Member may also be a Minister.

Members' staff – means a person employed by a Member of the Legislative Assembly or a Member of the Legislative Council pursuant to Part 3 of the *Members of Parliament Staff Act 2013*. This does not include persons employed by a Minister or other political office holder as defined by the *Members of Parliament Staff Act 2013*.

Parliament – means the Parliament of New South Wales.

Parliamentary Executive Group (PEG) – The combined group of Presiding Officers and Senior Management Group:

- Clerk, Department of the Legislative Assembly
- Clerk of the Parliaments, Department of the Legislative Council
- Chief Executive, Department of Parliamentary Services
- The Speaker of the Legislative Assembly
- President of the Legislative Council

Parliamentary staff – means a person who carries out work in any capacity for a business or employer or a 'person conducting a business or undertaking'. For the purposes of Parliament, they include: all employees, contractors, subcontractors, and paid interns and trainees.

Presiding Officers – For the purpose of the PID Act, the President of the Legislative Council, and the Speaker of the Legislative Assembly are referred to as the Presiding Officers throughout the policy.

Public Official – Anyone employed by either or both of the Presiding Officers, or a person employed under the *Members of Parliament Staff Act 2013* (including electorate officers), independent contractors or volunteers providing services to or on behalf of the Parliament.

Note: The definition does not include anyone employed by a political party. In addition, members of Parliament are defined as public officials, but not for the purposes of protection under the Act. This means that members may be the subject of a disclosure but are not subject to the protection against detrimental action.

Senior Management Group (SMG) – The SMG includes:

- Clerk, Department of the Legislative Assembly
- Clerk of the Parliaments, Department of the Legislative Council
- Chief Executive, Department of Parliamentary Services

The group is the key governance committee within Parliament that has responsibility for operational and administrative management across the three Parliamentary Departments.

Visitor – A person who is not an employee or staff, for example members of the public and other persons on the Parliamentary precincts that do not fall within the above definitions.

3. Who does this policy apply to?

This policy applies to all public officials in NSW. You are a public official if you are:

- a person employed under the *Members of Parliament Staff Act 2013*.
- a person employed 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.
- Members of Parliament, including Ministers.

Note: Members of Parliament, including Ministers, are defined as public officials, but not for the purposes of protection under the Act. This means that members cannot make a public interest disclosure under the Act but can be the subject of a disclosure and receive a disclosure.

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

4. Who does this policy not apply to?

This policy does not apply to:

- people who have received services from an agency and want to make a complaint about those services.
- people, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency.

This means that if you are not a public official, this policy does not apply to your complaint. (There are some circumstances where a complaint can be deemed to be a voluntary PID. See Deeming that a report is a voluntary PID section of this policy for more information).

However, you can still make a complaint to the Parliament or other agencies covered by this policy:

- to make a complaint to Parliament please refer to the 'Contact us' section of the Parliament website.
- to make a complaint to any other agency covered by this policy, please refer to the complaints page of that agency's website.

5. Compliance with the PID Act

Non-compliance with the PID Act or this policy may be determined to be misconduct for staff and may result in disciplinary action being taken as per the Parliament Misconduct Policy.

DPS will monitor the policy and provide advice to the Senior Management Group, comprising the Clerks and Chief Executive, as to whether the policy is meeting its purpose, any non-compliance with the policy, and recommendations to improve the performance of the policy. Relevant matters concerning the operation of the scheme may be raised as appropriate with the Parliament's Audit and Risk Committee (ARC).

6. What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to Parliament, under the PID Act.
- the names and contact details of disclosure officers for the three Parliamentary Departments.
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Parliament.
- 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, or other relevant legislation, and what we will do to protect you.
- Parliament's procedures for dealing with disclosures.
- Parliament's procedures for managing the risk of detrimental action and reporting detrimental action.
- Parliament's record-keeping and reporting requirements.
- how the three Parliamentary Departments will ensure compliance with the PID Act and this policy.

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

- confidentially contact a disclosure officer within Parliament.
- contact Governance & Risk team by email: PIDEnquiries@parliament.nsw.gov.au.
- 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 wish to seek independent legal advice.

7. Procedure

How to make a report of serious wrongdoing

7.1 Reports, complaints and grievances

When a public official reports suspected or possible serious wrongdoing in the public sector, 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, it should be assessed to consider whether it is a PID. If it is a PID, it should be dealt with as per the processes set out in this policy.

It is important that arrangements are in place to recognise that a PID has been received in a timely manner. This is important because once a PID is received, the person who has made the report is entitled to certain protections and a decision will need to be made as to how the PID will be dealt with and how the person who has made the report will be supported and protected.

7.2 When will a report be a PID?

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

Type	Explanation	Example
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.	A Parliamentary staff member making a report of suspected corrupt conduct by a public official to a manager or Disclosure Officer. The disclosure could be about the conduct of another staff member or about a member of Parliament. It also could be about the conduct of a public official in another agency.
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.	A public official who is a manager comes across a serious breach of procurement rules by a staff member and communicates it internally in line with their obligations under the relevant policy and procedure to deal with potential matters of fraud.
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.	A disclosure arising within a code of conduct interview.

This policy primarily relates to making a voluntary PID and how the Parliamentary Departments will deal with voluntary PIDs. More information about mandatory and witness PIDs as they pertain to public officials generally are contained within 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'.

Voluntary PIDs involve a public official making a report because they have information that they (the public official) 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:

1. A report is made by a public official	2. It is made to a person who can receive voluntary PIDs	3. The public official *honestly and reasonably believes* that the information they are providing *shows (or tends to show) serious wrongdoing*	4. The report was made orally or in writing	5. The report is voluntary (meaning it is not a mandatory or witness PID)

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

The public official will not be expected to prove that what is being reported actually happened or is serious wrongdoing. However, the public official does have to have a genuine belief, on reasonable grounds, that the information being reported shows or tends to show serious wrongdoing. Even though the serious wrongdoing does not need to be proven nor evidence provided, a mere allegation with no supporting information is unlikely to meet this test.

A disclosure does not comply with the criteria for a voluntary PID, if the information concerns only a grievance about an employment matter that does not have significant implications beyond matters personally affecting the individual or relates to a disagreement about reasonable management action taken or proposed in relation to the grievance.

A disclosure is not a public interest disclosure to the extent it involves the public official wilfully makes a false statement to, or misleads or attempts to mislead, the agency or person to whom the disclosure is made.

If a genuine error in judgement is made protections may still be available under the PID Act. However, if a report is made in error and there is no requirement to disclose that a voluntary PID has been made, the matter should be raised with a nominated disclosure officer or contact officer for confirmation. If the outcome is deemed unsatisfactory by that officer, an internal review can be sought for conciliation of the matter. The NSW Ombudsman may also be contacted.

7.3 Who can make a voluntary PID?

Any public official (except a member of Parliament) can make a voluntary PID — see 'Who this policy applies to'.

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

in agencies outside of Parliament. It also means that you can make a PID to *any* agency, for example, an integrity agency like the Independent Commission Against Corruption. If the matter relates to corrupt conduct by a Member of Parliament or a public official working for Parliament (ICAC), or a disclosure of serious maladministration by a government department that you could make to the Ombudsman in your capacity as a public official working for Parliament. **Annexure B** of this policy has a list of integrity agencies.

7.4 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 the serious mismanagement of public resources.
- *a government information contravention* — such as destroying, concealing or altering government records to prevent them from being released under a Government Information Public Access application.
- *a local government pecuniary interest contravention* — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship.
- *a privacy contravention* — such as unlawfully accessing a person's personal information on an agency's database.
- *a serious and substantial waste of public money* — such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

When a report is made, it is not necessary to state what category of serious wrongdoing is being reported, nor if it is considered serious wrongdoing.

7.5 Who can I make a voluntary PID to?

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

Making a report to a public official of the NSW Parliament

You can make a make a report to the following public officials, who include managers:

- The Presiding Officers.
- The Clerks, Deputy Clerks, Chief Executive DPS, DPS Executive Directors, DPS Human Services Director and Chief Financial Officer.
- A Member of Parliament, who is not a Minister can receive a voluntary PID within their capacity as a manager to their staff and must report it as soon as reasonably practicable to a disclosure officer for Parliament.
- A disclosure officer for the Parliament — a list of disclosure officers for the Parliament and their contact details can be found at Annexure A of this policy.

- Your manager (including managers employed under the *Members of Parliament Staff Act 2013*) — 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.

Making a report to other recipients

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 Annexure B of this policy.
- *a disclosure officer for another agency* — how 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 Ministers' staff* - the report must be made in writing. For a person employed to work for a political office holder under the MOPS Act, the Minister's Chief of Staff or the most senior member of their staff, is defined as the person's manager. Where a disclosure is made *orally* to a Minister, Chief of Staff or Minister's staff member, it is not classed as a voluntary public interest disclosure, and the person must be directed to remake the disclosure to a disclosure officer of an agency responsible to the Minister or to an integrity agency.

If you choose to make a disclosure outside of the Parliament, it is possible that your disclosure will be referred back to the Parliament so that appropriate action can be taken.

Making a report to a Member of Parliament or Journalist

Disclosures to Members of Parliament, *other than in their capacity of managers of staff*, or to journalists, are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to a Member of Parliament 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 the Parliament:
  - notification that the Parliamentary Departments will not investigate the serious wrongdoing and will not refer the previous disclosure to another agency, or
  - the following information at the end of the investigation period:

- notice of the Parliament's decision to investigate the serious wrongdoing.
- a description of the results of an investigation into the serious wrongdoing.
- details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

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

7.6 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* — contact 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.

7.7 What should I include in my report?

You should provide as much information as possible so we can deal with the report effectively. The type of information you should include is:

- date, time and location of key events.
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved.
- your relationship with the person(s) involved, such as whether you work closely with them.
- your explanation of the matter you are reporting.
- how you became aware of the matter you are reporting.
- possible witnesses.
- other information you have that supports your report.

7.8 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 the Parliamentary Departments to understand what is currently happening or what may transpire.

The Parliamentary Departments are then responsible for making sure your report is handled appropriately under the PID Act, or 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.

7.9 Deeming that a report is a voluntary PID.

The Clerk of the Legislative Assembly, Clerk of the Legislative Council or Chief Executive of DPS may deem that a disclosure 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'. They can also deem a disclosure as a voluntary PID at the request of the maker of the report.

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

If you make a report that has not met all the requirements of a voluntary PID, you can request that your report be deemed a voluntary PID.

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

7.10 Who can I talk to if I have questions or concerns?

If you have initial questions or concerns, you can contact the contact DPS Fraud Prevention (see Annexure A).

8. Protections

8.1 How is the maker of a voluntary PID protected?

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

The Parliament is committed to taking all reasonable steps to protect you from detrimental action as a result of having made a PID. The Parliament is also committed to upholding your confidentiality to the greatest extent possible while the PID is being dealt with.

The Parliament 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:

8.2 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.
- When a voluntary PID is made by a person employed or otherwise associated with Parliament a risk assessment will be undertaken. Following the risk assessment steps will be implemented 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.
- 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.

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.

8.3 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.

8.4 Protection from liability for own past conduct

The PID Act allows the Attorney General to 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.

8.5 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 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.

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: • breaching a duty of secrecy or confidentiality, or • breaching another restriction on disclosure.	✓	✓

9. 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 any integrity agency.

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

The Parliament will allocate the person making the report a key contact person who can take steps to help protect against the risk of detrimental action. The Parliament may refer you or your question to the NSW Ombudsman if you have questions about the PID Act and reporting generally. Wellbeing support will be offered through the Employee Assistance Program.

10. Roles and responsibilities of Parliamentary employees

Certain people within the Parliament have responsibilities under the PID Act.

Presiding Officers

As the agency heads for the purpose of the PID Act the Presiding Officers are 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 the Parliament complies with this policy and the PID Act.
- ensuring that the Parliament 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.

Subject to the limitations specified in s.80(2) of the PID Act, the Presiding Officers have delegated their functions under the PID Act to the Clerk of the relevant House or the Chief Executive of the DPS, apart from their responsibility to ensure that the agency refers information of a detrimental action offence to relevant authorities under s34 of the Act; and their responsibility to assess and minimise the risk of detrimental action being taken against a person for having made a PID (s61).

Disclosure officers

For the purposes of the PID policy, the disclosure officers identified in Annexure A of this policy.

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.

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 the Parliament

- treat any person dealing with or investigating reports of serious wrongdoing with respect
- protect and maintain the confidentiality of those who report wrongdoing
- not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

11. How the Parliament will deal with voluntary PIDs

11.1 How the Parliament will acknowledge that we have received a report and keep the person who made it informed

When a disclosure officer of the Parliament 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:

- 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 Parliament 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, you will be informed as soon as possible as to how the report will be dealt with. This may include:
  - investigating the serious wrongdoing.
  - Referral of the report to a different agency (if appropriate) to deal with the voluntary PID. You will be provided the details of any referral.
  - A decision not to investigate the report and to not refer it to another agency for it to be investigated. You will be provided the reasons for such a decision. The NSW Ombudsman will also be notified of this decision.
- If the serious wrongdoing is investigated, you will receive 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. When the investigation is complete you will receive the following information:
  - a description of the results of the investigation.
  - information about any corrective action as a result of the investigation/s.

  Note: 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.
- If you have made an anonymous report information on any investigation will not be able to be made available to you.

11.2 How the Parliament will deal with voluntary PIDs

Once a report that may be a voluntary PID is received the information contained in the report will be assessed 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. Parliament will investigate a voluntary PID as set out in the Parliament's Public Interest Disclosures Procedure - Investigation Guidelines. In general:

- if the disclosure is made to a Clerk or the Chief Executive, or a nominated disclosure officer they will continue to manage it.
- if the report is received by a Presiding Officer, a respective Department nominated disclosure officer will manage it.
- if the report is received by a manager, a nominated disclosure officer will deal with it.
- if the disclosure officer is not a Presiding Officer, they will review the assessment and any response.

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 the relevant incident handling procedure (For example, The Grievance Policy, or Prevention of Bullying, Harassment and Sexual Harassment Policy) or through an alternate process.

If the report is not a voluntary PID, you will be notified that the PID Act does not apply to the report and the concerns raised in the report will be dealt with.

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 (within 28 days) or request that the matter be conciliated.

Cease dealing with report as voluntary PID

The Parliament 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). The person making the report will be notified and reasons will be provided.

Where the report is a voluntary PID

If the report is a voluntary PID:

- In most cases an investigation will be conducted 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. In making an assessment, Parliament may utilise the services of a third party or an accredited external investigator to be engaged. An accredited investigator is an investigator who can demonstrate professional, academic or industry accreditation in a relevant field.

- The investigation will generally be conducted by an external investigator.
- There may be circumstances where an investigation is not warranted — for example, if the conduct has previously been investigated.
- There also may be circumstances where 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, the referral will be discussed with the other agency, and you will be provided with details of the referral and a contact person within the other agency.
- If there is a decision not to investigate a report and to not refer the matter to another agency, you will be provided the reasons for this, and the NSW Ombudsman will be notified.

11.3 How Parliament will assess and minimise the risk of detrimental action

The Parliament 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.

The Parliament 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.

The Parliament will take the necessary steps to assess and minimise the risk of detrimental action by:

- completing a risk assessment and establishing a risk management plan that will be maintained and reassessed throughout the entirety of the matter.
- providing information to the maker of a PID about:
  - how Parliament will communicate with them to identify and manage risks of detrimental action.
  - what supports are available or will be provided.
- implementing strategies to mitigate risks of detrimental action.

Detrimental action against a person is an act or omission that causes, comprises, involves or encourages detriment to a person or a threat of detriment to a person (whether express or implied). Detriment to a person includes:

- injury, damage or loss
- property damage
- reputational damage
- intimidation, bullying or harassment

- unfavourable treatment in relation to another person's job
- discrimination, prejudice or adverse treatment
- disciplinary proceedings or disciplinary action, or
- any other type of disadvantage.

Detrimental action does not include:

- lawful action taken by a person or body to investigate serious wrongdoing or other misconduct
- the lawful reporting or publication of a finding of serious wrongdoing or other misconduct
- the lawful making of adverse comment, resulting from investigative action
- the prosecution of a person for a criminal offence
- reasonable management action taken 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.

11.4 How the Parliament will deal with allegations of a detrimental action offence resulting directly from a PID

If the Parliament becomes aware of an allegation that a detrimental action offence has occurred or may have occurred, the relevant officer will:

- acknowledge the report of alleged detrimental action.
- inform the person who the alleged action has been taken against about how they will be updated and what supports will be offered.
- determine whether detrimental action is occurring, and if so, take all steps possible to stop the action and protect the person(s).
- consider whether disciplinary action should be taken 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.

11.5 What the Parliament will do if an investigation finds that serious wrongdoing has occurred?

The findings of an investigation into serious wrongdoing will be provided by a Presiding Officer to the appropriate delegate 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, and
- how the maker of a voluntary PID will be notified of the corrective action.

The delegate will be determined on the basis of the matter under investigation; however, it will generally be the Clerk of the Legislative Assembly, or the Clerk of the Parliaments,

Department of the Legislative Council, or the Chief Executive of the Department of Parliamentary Services.

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

12. Review and dispute resolution

12.1 Internal review

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

- that the Parliament is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Parliament 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.

The Parliament 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 our decision to a Disclosure Officer. 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.

The internal review will be dealt with by a person (the reviewer) who was not substantially involved in making the decision or dealing with the report. Internal reviews will be completed within 20 working days of the reviewer receiving all information supplied by the applicant. The reviewer will notify the applicant of their decision, and Parliament will give effect to that decision.

12.2 Voluntary dispute resolution

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.

13. Other obligations

13.1 Record-keeping requirements

Each of the Parliamentary Departments must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that the three Parliamentary Departments comply with their obligations under the *State Records Act 1998*.

Confidential records in relation to investigations into serious wrongdoing are retained in each Department's document management register (CM9) under appropriate security.

13.2 Reporting of voluntary PIDs and the Parliament annual return to the Ombudsman

- Each year the Parliamentary Departments provide their respective annual returns to the NSW Ombudsman which includes:
- information about voluntary PIDs received by the Parliamentary Departments during each return period (yearly with the start date being 1 July).
- Action taken by the Parliamentary Departments to deal with voluntary PIDs during the return period.
- how the Parliamentary Departments promoted a culture in the workplace where PIDs are encouraged.

Annexure A — Names and contact details of disclosure officers for the Parliament of NSW

The following list of personnel have been nominated as Disclosure Officers.

Legislative Council:

Position title	Phone	Email
President of the Legislative Council	02 9230 2300	council@parliament.nsw.gov.au
Clerk of the Parliaments	02 9230 2323	steven.reynolds@parliament.nsw.gov.au
Deputy Clerk of the Legislative Council	02 9230 2464	stephen.frappell@parliament.nsw.gov.au
Clerk Assistant, Procedure of the Legislative Council	02 9230 3389	sharon.ohnesorge@parliament.nsw.gov.au
Clerk Assistant, Committees of the Legislative Council	02 9230 3367	beverly.duffy@parliament.nsw.gov.au
Clerk Assistant, Committees of the Legislative Council	02 9230 3528	madeleine.foley@parliament.nsw.gov.au
Clerk Assistant, Black Rod, Legislative Council	02 9230 2976	tina.higgins@parliament.nsw.gov.au

Legislative Assembly:

Position title	Phone	Email
Speaker of the Legislative Assembly	02 9230 2201	assembly@parliament.nsw.gov.au
Clerk of the Legislative Assembly	02 9230 2222	helen.minnican@parliament.nsw.gov.au
Deputy Clerk of the Legislative Assembly	02 9230 2224	carly.maxwell@parliament.nsw.gov.au
Clerk Assistant of the Legislative Assembly	02 9230 2696	jonathan.elliott@parliament.nsw.gov.au
Clerk Assistant of the Legislative Assembly	02 9230 2223	simon.johnston@parliament.nsw.gov.au

Department of Parliamentary Services:

Position title	Phone	Email
Speaker of the Legislative Assembly	02 9230 2201	assembly@parliament.nsw.gov.au
President of the Legislative Council	02 9230 2300	council@parliament.nsw.gov.au
Chief Executive, Department of Parliamentary Services	02 9230 2900	DPS.ExecutiveOffice@parliament.nsw.gov.au
Executive Director, Corporate Services	02 9230 2777	josh.faulkner@parliament.nsw.gov.au
Executive Director, Parliamentary Services	02 9230 2700	carly.dunlop@parliament.nsw.gov.au
Director, People, Property and Security	02 9230 2919	helen.gors@parliament.nsw.gov.au
Director, Finance and Governance and Chief Audit Executive	0412 003 631	margaret.palmer@parliament.nsw.gov.au

Annexure B — Details of NSW 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**: oilecc_executive@oilecc.nsw.gov.au
Office of the Local Government	**Local government pecuniary interest contraventions**	**Email**: olg@olg.nsw.gov.au
The Privacy Commissioner	**Privacy contraventions**	**Telephone**: 1800 472 679 **Writing**: GPO Box 7011, Sydney NSW 2001 **Email**: ipcinfo@ipc.nsw.gov.au
The Information Commissioner	**Government information contraventions**	**Telephone**: 1800 472 679 **Writing**: GPO Box 7011, Sydney NSW 2001 **Email**: ipcinfo@ipc.nsw.gov.au

Annexure C — Email addresses for positions listed in policy.

Name	Email
Governance & Risk team	PIDEnquiries@parliament.nsw.gov.au

14. Document Control

Version No.	Date of issue	Author	Description of Change
1.0	4 September 2024	Governance and Risk Manager	Initial Policy
2.0	23 January 2026	Governance and Risk Officer	Updated Document Control Updating Nominated Disclosure Officers Updating Governance and Risk contact details