

Ms Helen Minnican
Committee Manager
Committee on the Independent Commission
Against Corruption
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000



Dear Ms Minnican

I am writing in reply to your letter of 26 November 2008 regarding the Inquiry into the protection of public sector whistleblower employees.

At the hearings conducted on 24 November 2008, Mr Woodward took the following question on notice:

Ms Diane Beamer: So there is a document that would show the number of protected disclosures in councils of the 74 that you have reviewed?

Mr Woodward: There would not necessarily be a document; it would be internal. We do that for a whole range of things to give us trends and so forth.

Ms Diane Beamer: Would it be interesting for the Committee to look at how many there are in the local government sector?

Chair: You could put it on notice, Ms Beamer.

Mr Woodward: Yes, certainly. ...

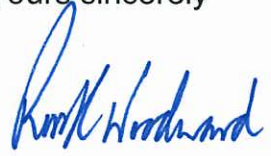
In response to this question, the Department has undertaken a survey of completed Promoting Better Practice Review reports. Of the review reports that have been completed and tabled to date, the following councils had failed to adopt internal reporting policies:

Council	Date of report	Policy since adopted
Campbelltown City Council	10 September 2004	Yes
Jerilderie Shire Council	11 January 2005	Yes
Dungog Shire Council	5 September 2005	Yes
Maitland City Council	14 September 2005	Yes
Shellharbour City Council	4 August 2006	Yes
Wollongong City Council	16 November 2006	Yes

Wellington Council	10 August 2007	Yes
Deniliquin Shire Council	8 April 2008	No

I trust this information is of assistance.

Yours sincerely

for  16/12/08
Garry Payne AM
Director General

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CONTACT

A167667

Mr Jasen Burgess
A/Committee Manager
Committee on the Independent Commission
Against Corruption
Parliament of New South Wales
Macquarie Street
SYDNEY NSW 2000



Dear Mr Burgess

I am writing in reply to your letter of 19 December 2008 regarding questions taken on notice by Mr Ross Woodward at the public hearing of the Committee's Inquiry into the protection of public sector employees.

As I understand it, you have requested the following information:

- The number of protected disclosures received that relate to the 74 councils where the Department has completed Promoting Better Practice reviews
- The outcomes of these disclosures.

It is unclear from your letter whether the information you require relates to protected disclosures received by the councils reviewed or to protected disclosures received by or referred to the Department about the councils reviewed. The Department does not collect data on protected disclosures dealt with internally within councils, and I am unable to provide information on this. I have accordingly addressed my response to information concerning protected disclosures received by or referred to the Department of Local Government about the councils in question.

Before responding to your request, I should explain that it would be inappropriate for the Department to provide information that may serve to disclose the identities of complainants concerned or the councils in question. Accordingly, I have restricted my response to simply providing statistical information.

For simplicity of reference, I should also restate the relevant statistical information provided in the Department's written submission to the Inquiry:

In the 2007/08 year, the Department received five (5) complaints that were identified as protected disclosures. In the current financial year, to date, the Department has also received five (5) complaints that were identified as protected disclosures. All but one of these were referred by another investigating authority and related to matters that could form the subject of a protected disclosure to that investigating authority. Had the complaints been made directly to the Department

of Local Government, given their subject matter, they could not have been treated as protected disclosures. As implied by the above, only one of the protected disclosures referred to was made directly to the Department and related to the serious and substantial waste of local government money.

Since making its submission, the Department has received another seven (7) protected disclosures. Of these, four (4) were made directly to the Department and related to the serious and substantial waste of local government money. Three (3) were referred by another investigating authority and related to matters that could form the subject of a protected disclosure to that investigating authority.

Of the twelve (12) protected disclosures received in 2007/08 and 2008/09 (to date), six (6) related to councils where the Department has completed a Promoting Better Practice Review.

In terms of the outcomes of protected disclosures received by the Department, of the five disclosures received in 2007/08, in two cases the Department found no evidence of maladministration; one matter was addressed through the monitoring of the Council's implementation of the Department's Promoting Better Practice Review report recommendations; one matter was referred to the council concerned for action under its code of conduct; and one matter was the subject of investigation by the Department.

Of the twelve received in 2008/09 to date, in three cases the Department found no evidence of maladministration; one matter was resolved by the council concerned prior to the Department's intervention; and eight matters are currently the subject of review by the Department.

Of the six protected disclosures received by the Department in relation to councils where the Department has completed a Promoting Better Practice Review, in one case the Department found no evidence of maladministration; one matter was addressed through the monitoring of the council's implementation of the Promoting Better Practice Review report recommendations; one matter was referred to the council concerned for action under its code of conduct; and three matters are currently the subject of review by the Department.

I trust the above information is of assistance.

Yours sincerely

Garry Payne

24/12/08

for

Garry Payne AM
Director General