

## Public Interest Disclosure Policy

### ACCESSIBILITY

This policy is available on our publicly available website as well as on SharePoint.

A copy of the policy is also sent to all staff of UTS College on their commencement. A hard copy of the policy can be requested from the Legal and Governance Officer.

### PURPOSE

The integrity of UTS College relies upon our staff, volunteers, contractors, and subcontractors speaking up when they become aware of wrongdoing. This policy documents our commitment to building a culture, supported by a framework, that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action
- imposing duties on agencies who receive reports of wrongdoing to take appropriate action to investigate or otherwise deal with them.

In NSW, that framework is governed by the PID Act.

### SCOPE

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are:

- persons employed in or by UTS College or otherwise in the service of UTS College
- persons providing services or exercising functions on behalf of UTS College, 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 UTS College or exercises functions of UTS College, and are involved in providing those services or exercising those functions.

The CEO, other nominated disclosure officers and managers within UTS College have specific responsibilities under the PID Act. This policy also provides information on how people in these roles will fulfil their responsibilities. Other public officials who work in and for the public sector, but do not work for UTS College may use this policy if they want information on who they can report wrongdoing to within UTS College.

This policy does not apply to:

- students who do not fall within the scope set out above
- people who have received services from UTS College and want to make a complaint about those services
- people, such as contractors, who provide services to UTS College.

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 section 1(i) of this policy for more information).

However, you can still make a complaint to UTS College.

If you are a student, you can make a verbal complaint to any staff member or in writing to the Student Complaints Resolution Office (SCRO) at [scro@utscollege.edu.au](mailto:scro@utscollege.edu.au). Refer to the following UTS College documents for more information:

- [Student Complaints and Appeals Policy](#)
- [Student Complaints and Appeals \(Academic\) Procedure](#)
- [Student Complaints and Appeals \(Non-Academic\) Procedure](#).

UTS College staff can make complaints to their manager, another senior manager, or Director, People. Refer to the following UTS College documents for more information:

- [Complaints and Grievance Resolution Policy](#)
- [Complaints and Grievance Resolution Procedure](#)

Other people can make complaints via email to [privacy@utscollege.edu.au](mailto:privacy@utscollege.edu.au).

## OTHER UTS COLLEGE POLICIES

This policy should be read in conjunction with the following UTS College internal (staff only) documents:

- [Code of Conduct](#)
- [Complaints and Grievance Resolution Policy](#)
- [Complaints and Grievance Resolution Procedure](#)
- [Performance Management Policy](#)
- [Managing Unsatisfactory Performance Procedure](#)

Section 12 of the PID Act confirms that if it applies to an organisation, that organisation is excluded from the whistleblower requirements under the *Corporations Act 2001* (Cth). Therefore, UTS College has removed its Whistleblower Policy.

## COMPLIANCE

This policy will be reviewed by Governance periodically to consider whether it is meeting its purpose. Please contact the Chief Disclosure Coordinator at [PID@utscollege.edu.au](mailto:PID@utscollege.edu.au) should you spot an error or have an issue with this version of the policy.

## OVERVIEW

This policy will provide you with information on the following:

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

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

- confidentially contact a nominated disclosure officer within UTS College
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au)
- access the NSW Ombudsman's PID guidelines which are available on its website.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may need to seek independent legal advice.

**DEFINITIONS** are set out at the end of this policy.

## POLICY PRINCIPLES

### Section 1: How to make a report of serious wrongdoing.

#### (a) Reports, complaints, and grievances

A report by a public official of suspected or possible wrongdoing in the public sector 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 they are, we will deal with it as set out in this policy.

Recognising a PID quickly is important because once a PID is received, the person who has made the report is entitled to certain protections and support we have certain decisions to make on how we will deal with the PID and such protections and support.

#### (b) When will a report be a PID?

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

1. *Voluntary 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 report is a voluntary PID if it has all of 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)

2. *Mandatory 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.
3. *Witness PID*: Where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

This policy mostly relates to making a voluntary PID, which are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’, and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection.

### (c) Who can make a voluntary PID?

Any public official can make a voluntary PID (about *any* agency, not just the agency they are employed by or working for) — see ‘Who this policy applies to’ above. You are a public official if:

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

### (d) What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out above):

- *corrupt conduct* — such as a UTS College staff member accepting a bribe
- *serious maladministration* — such as UTS College systemically failing to comply with proper recruitment processes when hiring staff
- *a government information contravention* — such as destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
- *a privacy contravention* — such as unlawfully accessing a person’s personal information on UTS College’s database
- *a serious and substantial waste of public money* — such as UTS College not following a competitive tendering process when contracting with entities to undertake government work.

When you make your report, you do not need to state to us what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

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

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

#### *Making a report to a public official who works for UTS College*

You can make a report inside UTS College to:

- Chief Disclosure Coordinator at [PID@utscollege.edu.au](mailto:PID@utscollege.edu.au)
- a disclosure officer for UTS College — a list of disclosure officers for UTS College and their contact details can be found at Annexure A of this policy
- your manager — this is one of the persons who directly, or indirectly, supervises you and who 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 a recipient outside of UTS College*

Within the constraints and requirements of the PID Act, 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 (which may include an integrity agency (see the list set out in Annexure B) and/or a Minister and/or one of their staff)
- members of parliament
- journalists.

If you choose to make a disclosure outside of UTS College, there are different requirements than those set out in this policy in respect of how such reports are made (including the form) and the process for assessing and responding to such reports. Please refer to the PID Act for further information. Where you make a disclosure outside of UTS College it is also possible that your disclosure will be referred back to us so that appropriate action can be taken.

#### **(f) What form should a voluntary PID take?**

You can make a voluntary PID in writing (e.g. email [PID@utscollege.edu.au](mailto:PID@utscollege.edu.au) or write a letter to a person who can receive voluntary PIDs) or orally (e.g. a private discussion (face-to-face, telephone, video-conference) with a person who can receive voluntary PIDs).

If you wish to make the report anonymously, you can do so. However, 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 UTS College to investigate the matter(s) you have disclosed if we cannot contact you for further information.

#### **(g) What should I include in my report?**

You should provide as much information as possible so 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.

#### **(h) What if I am not sure if my report is a PID?**

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

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.

#### **(i) Deeming that a report is a voluntary PID.**

The CEO has what is called a 'deeming power' which means that, in certain circumstances, the CEO can determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This decision is at the CEO's discretion.

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

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

Your manager or disclosure officers as listed in Annexure A of this policy can provide further information so that your questions and concerns can be addressed. You can also email the Chief Disclosure Coordinator at [PID@utscollege.edu.au](mailto:PID@utscollege.edu.au) with your questions or concerns. Further information on rights to internal review and conciliation is found in section 7 of this policy.

## Section 2: Protections

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

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

- *Protection from detrimental action*
  - A person cannot take detrimental action (that includes bullying, harassment, intimidation or dismissal) against another person because they have made a voluntary PID or are considering making a PID. Detrimental action is a criminal offence and is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both.
  - Once we become aware that a voluntary PID by a person employed or otherwise associated with UTS College that concerns serious wrongdoing relating to UTS College 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.

Note that reasonable management action (such as ordinary performance reviews and performance management) is not detrimental action under the PID Act provided such action is not taken because of the PID.

- *Right to compensation / Ability to seek injunction*

A person may seek compensation where unlawful detrimental action has been taken against them and/or 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).
- *Immunity from civil and criminal liability*

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.

- *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. We will maintain the confidentiality of the maker of a disclosure in line with PID Act and this policy.
- *Protection from liability for own past conduct*

On application by an integrity agency, 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.

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

Protections for makers of mandatory and witness PIDs fall under the following headings set out in (a) above:

- *Protection from detrimental action*
- *Right to compensation / ability to seek injunction*

- *Immunity from civil and criminal liability.*

### Section 3: Reporting detrimental action.

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately. You can report any experience of adverse treatment or detrimental action:

- directly to us either by contacting:
  - you manager
  - a disclosure officer as listed in Annexure A of this policy
  - the Chief Disclosure Coordinator via email at [PID@utscollege.edu.au](mailto:PID@utscollege.edu.au)
  - the People team
  - the CEO
- to an integrity agency, as listed in Annexure B of this policy.

### Section 4: General support

If you have made a report, the following support will be provided to you. We:

- will allocate to you a key contact person who will take steps to protect your interests, for example, if you are concerned about, or are at risk of, detrimental action
- may provide you with wellbeing support through the Employee Assistance Program
- may refer to the NSW Ombudsman if you have questions about the PID Act and reporting generally.

### Section 5: Roles and responsibilities of UTS College's employees

Certain people within UTS College have responsibilities under the PID Act.

#### (a) CEO

The CEO is responsible for:

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials
- ensuring there is a system in place for assessing disclosures, that UTS College complies with this policy and the PID Act, and that UTS College 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.

#### (b) CFO and Company Secretary

The CFO and Company Secretary is responsible for:

- fostering a workplace culture where reporting is encouraged
- receiving disclosures from public officials

- maintaining the system in place for assessing disclosures
- ensuring UTS College complies with this policy and the PID Act
- review and approve the annual report which is lodged with the NSW Ombudsman.

**(c) Chief Disclosure Coordinator**

The Chief Disclosure Coordinator is responsible for:

- receiving disclosures from public officials and/or when they are passed on to them by managers and disclosure officers
- maintaining the system in place for assessing disclosures
- ensuring UTS College complies with this policy and the PID Act.

**(d) Disclosure officers**

Disclosure officers are responsible for:

- receiving reports from public officials and/or when they are passed on to them by managers
- ensuring reports are dealt with appropriately, including by referring the matter to the Chief Disclosure Coordinator (if relevant)
- ensuring that any oral reports that have been received are recorded in writing.

**(e) Managers**

The responsibilities of managers include:

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

**(f) All employees**

All employees must:

- report suspected serious wrongdoing or other misconduct
- use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of UTS College
- treat any person dealing with or investigating reports of serious wrongdoing with respect.

All employees must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

## **Section 6: How we will deal with voluntary PIDs**

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

When a disclosure officer in UTS College receives a report which is, 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 (either via email, phone discussion, or another communication method such as Microsoft Teams). This acknowledgement will:
  - state that the report will be assessed to identify whether it is a PID and that PID Act applies to how we deal with the report

- provide you with clear information on how you can access this PID policy and details of a contact person and available supports.
- 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 why and 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 (you can reach out to your contact officer if you want more frequent updates). We will provide you with the following information once the investigation is complete:
  - a description of the results of the investigation (ie whether we found that serious wrongdoing took place)
  - information about any corrective action as a result of the investigation/s (ie what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by UTS College, what we have put in place to address that serious wrongdoing).
- There may be some details about both the findings of the investigation and the corrective action taken that cannot be revealed to you, we will always balance your rights as a reporting person and our legal obligations.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

#### **(b) How we will deal with voluntary PIDs**

Once a report that may be a voluntary PID is received it will be referred to the Chief Disclosure Coordinator, who will assess whether it has the features of a voluntary PID or is another type of disclosure so that we can make sure that the right steps are followed.

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

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, however, it will still need to be dealt with by the Chief Disclosure Coordinator, in a manner consistent with our Complaints and Grievance Resolution Policy and Procedure (outlined above) or through an alternate process.

If you are not happy with this assessment or otherwise disagree with it, you can raise request a review in accordance with section 7 of this policy.

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

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). In such a case, we will notify you and explain our reasons why.

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

If the report is a voluntary PID the following will apply.

- In most cases we will investigate to make findings about the details of the serious wrongdoing disclosed (i.e. whether it occurred, who was involved/responsible, and whether the people involved, or the agency engaged, in serious wrongdoing). Sometimes, we may believe an investigation is not warranted (eg if the

conduct has previously been investigated). We will provide you with updates and the outcome of our investigation.

- Sometimes, we may decide that the report should be referred to another agency, such as an integrity agency (e.g. reports concerning possible corrupt conduct may be required to be reported to the ICAC).
- 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.

### **(c) How we will protect the confidentiality of the maker of a voluntary PID**

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

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.

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
- it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- it is reasonably considered necessary to disclose the information to protect a person from detriment
- it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- the information has previously been lawfully published
- 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
- the information is disclosed for the purposes of proceedings before a court or tribunal
- the disclosure of the information is necessary to deal with the disclosure effectively
- it is otherwise in the public interest to disclose the identifying information.

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
- 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.

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

- advise the person whose identity may become known of the fact that confidentiality cannot be maintained and provide additional support

- implement strategies to minimise the risk of detrimental action
- remind persons who become aware of the identifying information of the consequences for failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

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

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. We will do this by:

- explaining that a risk assessment will be undertaken, that a risk management plan will be created (including reassessing the risk throughout the entirety of the matter), and providing details of the unit/role that will be responsible for undertaking a risk assessment
- explaining the rank or role of the person who has final approval in respect of such assessment and plan
- explaining how we will communicate with the maker to identify risks
- listing the protections that will be offered (ie we will discuss protection options with the maker which may include remote working or approved leave for the duration of the investigation)
- outlining what supports will be provided.

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

- 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.

**(e) How we will deal with allegations of a detrimental action offence**

Immediately notify your manager, a disclosure officer as listed in Annexure A of this policy, or the Chief Disclosure Coordinator if you are the victim of detrimental action.

Disclosure officer as listed in Annexure A of this policy are responsible for making referrals about alleged detrimental action offences.

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.

The Chief Disclosure Coordinator or a designated senior manager will provide updates and the required support to the person who the alleged detrimental action has been taken against.

#### **(f) What we will do if an investigation finds that serious wrongdoing has occurred**

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, we will take corrective action in line with the PID Act, which 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.

Our procedure for taking corrective action includes:

- an investigation report containing findings, outcomes and recommended corrective actions must be provided by the disclosure officer to the Chief Disclosure Coordinator or the CEO
- the Chief Disclosure Coordinator or the CEO:
  - may recommend changes to the report or further investigation
  - will have final approval of the report and any recommended corrective actions
  - will be responsible for ensuring corrective action takes place and notify the maker of the proposed or recommended corrective action.

## **Section 7: Review and dispute resolution**

### **(a) Internal review**

People who make voluntary PIDs can seek internal review (conducted in compliance with the PID Act) of the following decisions made by us:

- that we are 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.

You must apply for an internal review in writing within 28 days of being informed of our decision to [PID@utscollege.edu.au](mailto:PID@utscollege.edu.au). The application should state the reasons why you consider our decision should not have been made and include any other relevant material with your application.

The Chief Disclosure Coordinator will appoint an individual (normally a member of staff but may also be an external person) who was not substantially involved in the original decision to be responsible for conducting the internal review within a period of 28 days.

### **(b) 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.

## **Section 8: Other agency obligations**

### **(a) Record-keeping requirements**

We must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that UTS College complies with its obligations under the PID Act and any applicable laws. Records must be managed in line with the [Records Retention and Destruction Policy](#), [Records Retention and Destruction Procedure](#) and [Privacy Policy](#) (particularly for personal information).

### **(b) Reporting of voluntary PIDs and UTS College's annual return to the Ombudsman**

Each year we provide an annual return to the NSW Ombudsman which includes:

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

The Legal and Governance Officer is responsible for collecting the information captured in the annual return and preparing the annual return. This information is stored in a secured virtual folder.

### **(c) How we will ensure compliance with the PID Act and this policy**

The annual return will be provided to the CFO and Company Secretary for review and input.

The CFO and Company Secretary will:

- ensure that compliance requirements under the PID Act are being met
- recommend any required updates to this policy or any other associated document or process
- escalate any issues to the Audit and Risk Committee in consultation with the policy contacts.

It is an offence under the PID Act, and a breach of the policy, to:

- wilfully make false or misleading statements when making a disclosure
- prevent or influence someone against making a disclosure
- take detrimental action against another person for making or attempting to make a disclosure
- deliberately fail to comply with an order relating to the protection of a person making a disclosure.

A breach of this policy or the PID Act may result in:

- action under the [Code of Conduct](#)
- infringement of the PID Act, and/or
- other penalties as determined by external authorities in line with other legislation or policies.

Privacy breaches should be referred to the Privacy Officer via email to [privacy@utscollege.edu.au](mailto:privacy@utscollege.edu.au).

## DEFINITIONS

<b>CEO</b>	Head of UTS College
<b>CFO/Coy Sec</b>	Chief Financial Officer & Company Secretary of UTS College
<b>Corrupt conduct</b>	Corrupt conduct is conduct which adversely affects, whether or not directly, the honest or impartial exercise of official functions of a public authority or involves a breach of public trust or the misuse of information acquired through official functions.
<b>Government information contravention</b>	A failure, other than a trivial failure, by an agency or public official to exercise functions in accordance with: (a) the <i>Government Information (Information Commissioner) Act 2009</i> (NSW), or (b) the <i>Government Information (Public Access) Act 2009</i> (NSW), or (c) the <i>State Records Act 1998</i> (NSW).
<b>ICAC</b>	Independent Commission Against Corruption
<b>PID</b>	Public Interest Disclosure
<b>PID Act</b>	<i>Public Interest Disclosure Act 2022</i> (NSW)
<b>Privacy contravention</b>	A failure, other than a trivial failure, by an agency or public official to exercise functions in accordance with: (a) the <i>Privacy and Personal Information Protection Act 1998</i> (NSW), or (b) the <i>Health Records and Information Privacy Act 2002</i> (NSW).
<b>Serious maladministration</b>	Conduct, other than conduct of a trivial nature, of an agency or a public official relating to a matter of administration that is: (a) unlawful, or (b) unreasonable, unjust, oppressive, or improperly discriminatory, or (c) based wholly or partly on improper motives.
<b>UTS College</b>	UTS College Limited, its representative offices and its controlled entities.

## SUPPORTING DOCUMENTS

- *Public Interest Disclosures Act 2022* (NSW)
- *Ombudsman Act 1974* (NSW)
- *Government Information (Information Commissioner) Act 2009* (NSW)
- *Government Information (Public Access) Act 2009* (NSW)
- *State Records Act 1998* (NSW)
- *Privacy and Personal Information Protection Act 1998* (NSW)
- *Health Records and Information Privacy Act 2002* (NSW)
- [Privacy Policy](#)
- [Privacy Management Plan](#)
- [Code of Conduct](#)
- [Delegations of Authority Policy](#)
- [Student Complaints and Appeals Policy](#)
- [Student Complaints and Appeals \(Academic\) Procedure](#)
- [Student Complaints and Appeals \(Non-Academic\) Procedure](#)
- [Complaints and Grievance Resolution Policy](#)
- [Complaints and Grievance Resolution Procedure](#)
- [Performance Management Policy](#)
- [Managing Unsatisfactory Performance Procedure](#)
- [Records Retention and Destruction Policy](#)
- [Records Retention and Destruction Procedure](#).

## ANNEXURE A — Names and contact details of disclosure officers for UTS College

Name	Contact details
Chief Disclosure Coordinator	<a href="mailto:PID@utscollege.edu.au">PID@utscollege.edu.au</a>
Morwenna Shahani	<a href="mailto:morwenna.shahani@insearch.edu.au">morwenna.shahani@insearch.edu.au</a>
Peter Harris	<a href="mailto:peter.harris@utscollege.edu.au">peter.harris@utscollege.edu.au</a>
Carol Churches	<a href="mailto:carol.churches@utscollege.edu.au">carol.churches@utscollege.edu.au</a>
Nathan Patrick	<a href="mailto:nathan.patrick@utscollege.edu.au">nathan.patrick@utscollege.edu.au</a>
Sally Payne	<a href="mailto:sally.payne@utscollege.edu.au">sally.payne@utscollege.edu.au</a>
Michael Baer	<a href="mailto:michael.baer@utscollege.edu.au">michael.baer@utscollege.edu.au</a>
Adriana Vontelas	<a href="mailto:adriana.vontelas@utscollege.edu.au">adriana.vontelas@utscollege.edu.au</a>

## ANNEXURE B — List of integrity agencies

Integrity agency	What they investigate	Contact information
<b>The NSW Ombudsman</b>	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
<b>The Auditor-General</b>	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
<b>Independent Commission Against Corruption</b>	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
<b>The Inspector of the Independent Commission Against Corruption</b>	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> PO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>
<b>The Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<b>Telephone:</b> 02 9321 6700 or 1800 657 079 <b>Writing:</b> GPO Box 3880, Sydney NSW 2001 <b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>
<b>The Inspector of the Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the LECC and LECC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> GPO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiiecc_executive@oiiecc.nsw.gov.au">oiiecc_executive@oiiecc.nsw.gov.au</a>
<b>Office of the Local Government</b>	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>The Privacy Commissioner</b>	<b>Privacy contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
<b>The Information Commissioner</b>	<b>Government information contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>

## ADMIN USE ONLY

APPROVAL		
Position title: <b>Chair of Board of Directors</b> Date: 21 March 2024		
Policy Title	Public Interest Disclosure Policy	
Executive	CFO and Company Secretary	
Manager	Head of Finance and Governance	
Policy ID	PO/GOV/09/24	
Effective Date	21 March 2024	
Endorsed by	Executive	29 February 2024
Approved by	Board	21 March 2024

## VERSION HISTORY

No.	Author	Description of change/purpose	Date
1.0	Legal and Governance Officer	Initial version	30 Sep 2023
2.0	CFO/Company Secretary	Revised post governance restructure	27 Feb 2024