

Internal Reporting Policy

Purpose

The purpose of this policy is to establish an internal reporting system and to encourage and support staff to report wrongdoing at NSW Trustee & Guardian (NSWTG). This policy must be read in conjunction with the [Internal Reporting Procedure](#).

This policy is designed to complement normal communication channels between supervisors, managers and staff. Staff are encouraged to raise matters of concern with their supervisors or managers, but also have the option of making reports about a public interest issue in accordance with this policy and the [Public Interest Disclosures Act 1994](#) (PID Act).

Staff should report any suspected wrongdoing within NSWTG or any activities or incidents they see within NSWTG that they believe are wrong.

The PID Act outlines five categories of wrongdoing being corrupt conduct, maladministration, serious and substantial waste of public money, breach of the [Government Information \(Public Access\) Act 2009](#) (GIPA Act) and local government pecuniary interest contravention.

The internal reporting system established under this policy is not intended to be used for workplace issues. If a staff member makes a report under this policy that is substantially a workplace issue, the matter will be referred to the teams that make up Human Resources (HR), including People & Performance team and Talent & Learning team for management under the Managing Workplace Issues Procedure.

Policy statement

NSWTG's commitment

NSWTG is committed to create and sustain a positive, ethical and transparent culture, led by the Chief Executive Officer (CEO) and the Executive Leadership Team (ELT).

For this purpose, NSWTG strongly commits to:

- create a climate of trust, where staff are comfortable and confident to report wrongdoing.
- encourage and support staff to come forward if they are aware of or suspect wrongdoing within NSWTG.
- keep the identity of the staff member disclosing wrongdoing confidential. The identity will only be disclosed in accordance with the confidentiality guideline in the PID Act, such as when it is necessary to investigate the matter effectively.
- protect staff from any reprisal resulting from making a report.
- assess and deal with reports appropriately, impartially and take relevant action when required.
- keep staff who make reports informed of the report's progress and the outcome.
- encourage staff to report wrongdoing within NSWTG, but respect any decision to disclose wrongdoing anonymously and outside of NSWTG in accordance with provisions of the PID Act.
- ensure staff are aware of how to make reports, are familiar with this policy and the benefits of internal reports to NSWTG and the public interest generally.
- ensure managers and supervisors understand the benefits of reporting wrongdoing and are aware of the needs and concerns of those who report wrongdoing.
- review the policy and procedure periodically to ensure it is relevant and effective.

NSWTG reports on its obligations under the PID Act and provides statistical information about public interest disclosures in its annual report and to the NSW Ombudsman every six months. To ensure NSWTG complies with the PID Act and deals with all reports of wrongdoing appropriately, staff identified as NSWTG internal report recipients will undertake training with regards to their responsibilities.

Public Interest Disclosures

NSWTG will treat a report as a public interest disclosure if it meets the requirements of a public interest disclosure under the PID Act. These requirements include:

- the report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act or local government pecuniary interest contravention.
- the person making the report must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- the report must be made to a NSWTG internal report recipient, an investigating authority or in limited circumstances to an MP or journalist as set out in the PID Act.

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies.

If an internal report is not assessed as a PID, NSWTG recognises such reports may raise important issues. NSWTG will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

Roles, responsibilities and processes

The roles, responsibilities and processes to make, receive, assess and deal with internal reports are outlined in the [Internal Reporting Procedure](#). The list of NSWTG internal report recipients is available on the intranet.

Scope

This policy applies to:

- all NSWTG staff, including ongoing, temporary, casual employees and contingent labour
- consultants
- employees of contractors providing services to NSWTG
- other people who perform public official functions, whose conduct and activities could be investigated by an investigating authority, including volunteers
- public officials of another public authority who report wrongdoing relating to NSWTG.

Legislative context

The objective of the PID Act is to encourage and facilitate the disclosure, in the public interest, of corrupt conduct, maladministration, serious and substantial waste, government information contravention and local government pecuniary interest contravention in the public sector.

[Section 6D of the PID Act 1994](#) requires public authorities to have a policy governing the procedures for receiving, assessing and dealing with public interest disclosures.

The [Independent Commission Against Corruption Act 1988](#) governs the reporting of corruption to the ICAC. Principal officers are required to report any public interest disclosure relating to corrupt conduct to ICAC.

Related resources

- [Internal Reporting Procedure](#)
- Internal Reporting Form
- NSWTG Internal Report Recipients
- [Public Interest Disclosures Act 1994](#)
- [Independent Commission Against Corruption Act 1988](#)
- [Government Sector Employment Act 2013](#)
- Managing Workplace Issues Procedure
- [Code of Ethical Conduct](#)
- [Corporations Act 2001 \(Australian Government\)](#)
- [Government Information \(Public Access\) Act 2009](#)

Definitions

Internal report – a report that is made in accordance with this policy and the [Internal Reporting Procedure](#).

NSWTG internal report recipient – staff members within NSWTG who are authorised to receive internal reports.

Public Interest Disclosure – a disclosure of wrongdoing which meets the requirements for protection under Part 2 of the PID Act.

Public official – an individual who is an employee of, or otherwise in the service of a public authority.

Workplace issue – as defined in the Managing Workplace Issues Procedure.

Wrongdoing – generally taken to mean five categories of serious misconduct, being corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act or a local government pecuniary interest contravention. An expanded definition is available in the [Internal Reporting Procedure](#).

Document information

Title:	Internal Reporting Policy
Owner:	Director, Strategy, People & Governance
Approver:	A/Chief Executive Officer
Date of Effect:	27 August 2021