

## Public Interest Disclosure How-To Guide

### GUIDE PURPOSE

The UTS College PID Policy provides a framework for public officials (disclosers) to report serious wrongdoing in the public sector, and to be protected when they do so. This how-to guide has been developed to assist public officials in making a voluntary PID to UTS College in accordance with the UTS College PID Policy.

### SCOPE

This guide applies to all public officials (disclosers) in NSW. 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.

This guide must be read in conjunction with the UTS College PID Policy.

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

### POLICY PRINCIPLES

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

1. A public official (disclosers) can make a voluntary PID if:
  - you honestly and reasonably believe that the information you are disclosing shows serious wrongdoing
  - it is made to a disclosure officer for UTS College
  - the report is made orally or in writing.

#### What is serious wrongdoing?

2. Serious wrongdoing can include any of the following:
  - corrupt conduct
  - serious maladministration
  - a government information contravention
  - a privacy contravention
  - a serious and substantial waste of public money.

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

3. 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
  - your manager.

4. You can make a report **outside** of UTS College to:
- a public official in another agency or an integrity agency
  - members of parliament
  - journalists.

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.

#### **How do I report serious wrongdoing?**

5. You can make a voluntary PID in writing or orally.

6. You can make an anonymous report. However, it may be difficult for UTS College to investigate the matter(s) you have disclosed if we cannot contact you for further information.

7. 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.

8. Your manager or disclosure officers as listed in Annexure A of the PID Policy can provide further information. You can also email the Chief Disclosure Coordinator at [PID@utscollege.edu.au](mailto:PID@utscollege.edu.au) with your questions or concerns.

#### **Protections**

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

- Protection from detrimental actions
- Right to compensation / ability to seek injunction
- Immunity from civil and criminal liability
- Confidentiality
- Protection from liability for own past conduct.

10. If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately.

11. 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
- 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.

12. You can seek internal review 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.

### What we will do if an investigation finds that serious wrongdoing has occurred

13. 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
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

## DEFINITIONS

<b>CEO</b>	Head of UTS College
<b>CFO/Company Secretary</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 Disclosure Policy

## ADMIN USE ONLY

APPROVAL		
Position title:	<b>Chair of the Board of Directors</b>	Date: 21 March 2024
Policy Title	Public Interest Disclosure How-To Guide	
Executive	CFO and Company Secretary	
Manager	Head of Finance and Governance	
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## VERSION HISTORY

No.	Author	Description of change/purpose	Date
1.0	Legal and Governance Officer	Initial version	27 February 2024