

Public Interest Disclosures Policy

Section 1 - Audience

(1) This policy applies to public officials as defined in the [Public Interest Disclosure Act 1994 NSW \(PID Act\)](#). This includes:

- a. all current staff of the University including its controlled entities; or
- b. individual contractors and consultants working for the University and their employees; and
- c. all other individuals defined as a public official in the PID Act.

Section 2 - Purpose

(2) The purpose of this policy is to meet the University's obligations under the PID Act, which prescribes a framework for the disclosure and investigation of corrupt conduct, maladministration, failure to exercise functions in accordance with the [Government Information \(Public Access\) Act 2009 NSW \(GIPA Act\)](#) and serious and substantial waste in the public sector.

Section 3 - Principles

(3) The University is committed to:

- a. creating a climate of trust and supporting any public official who comes forward to make a report if they are aware of, or if they suspect, genuine wrongdoing;
- b. encouraging public officials to make a disclosure within the University, but respect any decision to make a disclosure to an external organisation or individual as defined in the PID Act;
- c. keeping the identity of any public official reporting wrongdoing confidential, as far as reasonably possible;
- d. protecting any public official who acts honestly and reasonably from detrimental action resulting from the reporting of wrongdoing, as far as reasonably possible;
- e. properly assessing, investigating or otherwise dealing with any report of wrongdoing thoroughly and impartially, and taking appropriate action if a report of wrongdoing is confirmed;
- f. managing any workplace issues, and appropriately addressing any other identified issues or problems, that a report of wrongdoing identifies, or that result from a report of wrongdoing;
- g. keeping any public official who reports wrongdoing informed of the progress and outcome of any enquiry or investigation, having regard to any obligations to maintain confidentiality and privacy, and any limitations or constraints which may be experienced because of a request for anonymity;
- h. ensuring University staff are aware of the contents of this policy and the protections under the PID Act for a person who makes a disclosure and that relevant and appropriate training is provided.

Section 4 - Roles and Responsibilities

Principal Officer

(4) The Vice-Chancellor (VC) is the Principal Officer and has ultimate responsibility for maintaining a working environment that supports genuine reporting, and ensuring the University's compliance with anti-corruption legislation.

(5) The Principal Officer has a responsibility to:

- a. receive any report of wrongdoing from the Chancellor;
- b. receive and assess reports received by or referred to them from a Disclosures Officer, to determine whether or not a report should be treated as a public interest disclosure, and to decide how the report will be dealt with;
- c. ensure that there are strategies in place to support a public official making a genuine report of wrongdoing, to protect any public official making a genuine report from any detrimental action, and to manage any workplace issues that arise in relation to a report;
- d. make decisions following any enquiry or investigation in relation to a report of wrongdoing, or appoint an appropriate decision maker;
- e. take appropriate action if a report of wrongdoing is confirmed or substantiated;
- f. report any matter which is suspected, on reasonable grounds, which may be or may concern corrupt conduct to the [Independent Commission Against Corruption](#);
- g. report any evidence of an offence under section 20 of the PID Act to the Commissioner of Police or the Independent Commission Against Corruption;

Disclosures Coordinator

(6) The Director, Assurance Services is the Disclosures Coordinator and has responsibility to:

- a. be the primary point of contact in the University for a public official making a report of wrongdoing;
- b. co-ordinate the University's response to a report of wrongdoing, including any enquiry or investigation;
- c. acknowledge a report of wrongdoing and to provide regular updates and feedback to a public official making a report;
- d. assess whether it is possible and appropriate to keep the identity of a public official making a report of wrongdoing confidential, and to seek the consent of a public official making a report to disclose their identity as may be considered prudent;
- e. assess the risk of detrimental action related to or likely to arise out of a report of wrongdoing, and to develop strategies to manage any risk identified;
- f. where required, provide or co-ordinate support to staff involved in the reporting, enquiry or investigation process, including protecting the interests of any public officials who are the subject of a report of wrongdoing and ensuring that their rights are respected;
- g. ensure that the University complies with the PID Act;
- h. ensure that the University complies with its reporting obligations in accordance with anti-corruption legislation, including compiling and providing any necessary reports to relevant authorities;
- i. keep a public official who reports wrongdoing informed of the progress and outcome of any enquiry or investigation, having regard to any obligations to maintain confidentiality and privacy, and any limitations or constraints which may be experienced because of a request for anonymity;
- j. ensure compliance with the University's reporting obligations in accordance with the PID Act, including reporting on statistical information about public interest disclosures in the annual report for the University and

to the NSW Ombudsman as required.

Disclosure Officers

(7) Disclosure Officers are the additional points of contact within the University's reporting system for any public official who wants to report wrongdoing. The Disclosure Officers are:

- a. Deputy Vice-Chancellor (Academic) and Vice President (DVCAVP)
- b. Deputy Vice-Chancellor (Research and Innovation) (DVCRI);
- c. Deputy Vice-Chancellor (Global Engagement and Partnerships) (DVCGEP);
- d. Chief Operating Officer (COO);
- e. Chief Financial Officer (CFO);
- f. Pro Vice-Chancellor Human and Social Futures (PVCHSF);
- g. Pro Vice-Chancellor Health, Medicine and Wellbeing (PVCHM);
- h. Pro Vice-Chancellor Engineering, Science and Environment (PVCESE);
- i. Pro Vice-Chancellor Learning and Teaching (PVCLT);
- j. Pro Vice-Chancellor Indigenous Education and Research (PVCIER);
- k. Pro Vice-Chancellor Research and Innovation (PVCRI);
- l. Pro Vice-Chancellor Academic (PVCA);
- m. Chief People and Culture Officer (CPCO);
- n. The Chair of the University Council's Risk Committee;
- o. Chancellor.

(8) They have responsibility to:

- a. receive a report of wrongdoing, undertake a preliminary assessment of it and forward a confidential report to the Disclosures Co-ordinator or the Principal Officer for full assessment;
- b. assist a public official to make a report of wrongdoing;
- c. make arrangements to ensure that a public official can make a report of wrongdoing privately and discreetly, which may require meeting a public official outside of the workplace;
- d. document in writing any report of wrongdoing received verbally, and to have the document signed and dated by the public official making the report;
- e. discuss with a public official making a report of wrongdoing any concerns that they may have regarding possible detrimental action;
- f. provide advice about this Policy and about making a public interest disclosure.

Staff Supervisors

(9) Staff Supervisors play an important role in supporting those involved in or affected by the internal reporting process set out in this Policy.

(10) They have responsibility to:

- a. support public officials who report known or suspected wrongdoing within the University;
- b. identify reports made to them in the course of their work which could be a report of wrongdoing, and assist a public official making a report to make it to a Disclosure Officer authorised to receive a report of wrongdoing under this Policy;
- c. implement local management strategies, in consultation with the Disclosures Co-ordinator, to minimise the risk of detrimental action in relation to a report of wrongdoing; and

- d. notify the Disclosures Co-ordinator or Principal Officer immediately if they believe a public official is being subject to detrimental action as a result of reporting wrongdoing.

Section 5 - Policy Review

- (11) This policy will be reviewed annually.

Section 6 - Related Documents

- (12) Further information on how to make a disclosure under the PID Act: [University Fraud and Corruption Website](#)
- (13) [Public Interest Disclosures Act 1994 NSW](#)
- (14) [Government Information \(Public Access\) Act 2009 NSW](#)
- (15) [Code of Conduct](#)
- (16) [Independent Commission Against Corruption](#)

Status and Details

Status	Historic
Effective Date	14th March 2018
Review Date	26th March 2019
Approval Authority	University Council
Approval Date	14th March 2018
Expiry Date	8th June 2021
Responsible Executive	David Toll Chief Operating Officer
Enquiries Contact	Daniel Bell General Counsel <hr/> Legal and Compliance

Glossary Terms and Definitions

"Council" - The governing authority of the University established under section 8A of the University of Newcastle Act 1989.

"Risk" - Effect of uncertainty on objectives. Note: An effect is a deviation from the expected, whether it is positive and/or negative.

"Controlled entity" - Has the same meaning as in section 16A of the University of Newcastle Act 1989.

"Course" - When referring to a course offered by the University, a course is a set of learning activities or learning opportunities with defined, assessed and recorded learning outcomes. A course will be identified by an alphanumeric course code and course title. Course types include core courses, compulsory courses, directed courses, capstone courses and electives. For all other uses of this term, the generic definition applies.

"Officer" - Has the meaning given in the Corporations Act 2001 (Cth), or any replacing legislation.

"Staff" - Means a person who was at the relevant time employed by the University and includes professional and academic staff of the University, by contract or ongoing, as well as conjoint staff but does not include visitors to the University.

"Supervisor" - Staff members with direct supervisory responsibility for other staff within the workplace (a Supervisor may also be member of Senior Management, with duties as an Officer as defined in the Work Health and Safety Act 2011, or any replacing legislation).