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| Title | Public Interest Disclosure | Version | 3 |
| Policy No. | BP2019/02 | Effective date | 11/09/2019 |

1. OVERVIEW

This document outlines the Policy for making disclosures under the *Public Interest Disclosures Act 1994* (PID Act) and should be read in conjunction with the Act itself.

2. BACKGROUND

The Forestry Corporation of NSW (Forestry Corporation) is committed to maintaining and enhancing its credibility and reputation as an ethical organisation. A key strategy in pursuing this aim is to provide appropriate mechanisms through which concerns and complaints can be brought to notice and investigated.

Integrity, honesty, fairness and impartiality are essential attributes underpinning the high standards of ethical conduct expected within the Forestry Corporation and for which each individual is accountable. For the Forestry Corporation to be an effective, well managed and ethical organisation these attributes must be consistently demonstrated and applied across the organisation.

One of the most sensitive and contentious issues in the management of concerns and complaints is that relating to protected disclosures. This is due to the fact that protected disclosures usually relate to actions or decisions made by colleagues, managers or executive officers. In these circumstances it is understandable that people making a disclosure may have genuine reservations concerning the investigation of the matter and possible repercussions against themselves. The Public Interest Disclosures Policy and procedures are aimed to help address these concerns.

3. SCOPE

This policy applies to all public interest disclosures made under the PID Act by permanent, temporary and casual employees, contractors, volunteers and members of the Board.

4. POLICY

Any wrongdoing witnessed within the Forestry Corporation should be reported. Reports about the four categories of serious wrongdoing identified in the PID Act – corrupt conduct, maladministration, serious and substantial waste of public money, and government information contravention – will be dealt with under the PID Act as public interest disclosures and according to this policy. For more information about each category of wrongdoing see the NSW Ombudsman’s guideline on [what can be reported](#).

Corrupt Conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official. Corrupt conduct can take many forms, e.g., taking or offering bribes, public officials dishonestly using influence, blackmail, fraud and illegal gambling.

For example, this could include:

- The improper use of knowledge, power or position for personal gain or the advantage of others
- acting dishonestly or unfairly, a member of the public influencing or trying to influence a public official to use their position in a way that is dishonest, biased or breaches public trust.

Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives. For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

Serious and substantial waste of public money

The term serious and substantial waste is not defined in the PID Act. The Auditor-General provides the following working definition:

"Serious and substantial waste refers to the uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources."

Examples may include awarding large contracts without complying with the Corporation's procurement policy or poor cost management practices. In addressing any complaint of serious and substantial waste, the true nature and materiality of the waste will be considered.

Government information contravention

A government information contravention is a failure to properly fulfil functions under the *Government Information (Public Access) Act 2009* (GIPA Act). For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

Other wrongdoing

Although reports about the previous four categories of conduct can attract the specific protections of the PID Act, you should report all activities or incidents that you believe are wrong. For example, these could include:

- harassment or unlawful discrimination
- reprisal action against a person who has reported wrongdoing
- practices that endanger the health or safety of staff or the public.

These types of issues should be reported to a supervisor in accordance with existing policies. Even if these reports are not dealt with as protected disclosures it is intended that the person making the report should be protected as much as possible from any form of reprisal.

Procedure

The Procedure for Public Interest Disclosure is a separate document.

5. RELATED LEGISLATION

- Public Interest Disclosures Act 1994
- Independent Commission Against Corruption Act 1988
- Ombudsman Act 1974
- Public Finance and Audit Act 1983
- Government Information (Public Access) Act 2009

6. RELATED POLICIES

- Forestry Corporation Code of Conduct

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| Document title: BP2013/02 - Public Interest Disclosure | Version No. 3 | Page 2 |
| Document ID (TRIM No.): D00145765 | Issue Date: 11/09/2019 | Review Date: 31/08/2022 |

7. RELATED DELEGATIONS

- Administrative

8. RELATED DOCUMENTS

- Public Interest Disclosure Procedure

9. REVISION HISTORY

| Version | Policy Number | Date |
|---------|---------------|------------|
| 1 | BP2013/02 | 02/07/2013 |
| 2 | BP2016/03 | 01/07/2016 |
| 3 | BP2019/02 | 11/09/2019 |

10. DATE OF NEXT REVIEW

31/8/2022

11. CONTACT OFFICER

Manager, Communication and Media



Chief Executive Officer