

# **NICC PID Policy and Procedure**

July 2026

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# 1. Purpose

All agencies in NSW are required to have a Public Interest Disclosure (**PID**) Policy (**Policy**) under section 42 of the *Public Interest Disclosures Act 2022* (**PID Act**).

This Policy adopts the NSW Ombudsman's (**Ombudsman**) Model PID Policy, with adaptations so it is suitable for the NICC's context and to align with the NICC's governance structures.

At the NSW Independent Casino Commission (**NICC**), we take reports of serious wrongdoing seriously. We are committed to building a 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing.

The integrity of our agency relies upon all employees, which includes all NICC commissioners, Office of the NICC (**ONICC**) staff, contractors, and subcontractors, speaking up when they become aware of wrongdoing.

This Policy sets out:

- how we will support and protect you if you come forward with a report of serious wrongdoing
- how we will deal with the report and our other responsibilities under the PID Act
- who to contact if you want to make a report
- how to make a report, and
- the protections which are available to you under the PID Act.

This Policy also documents our commitment to building a speak up culture. Part of that speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing by:

- protecting those who speak up from detrimental action, and
- 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 the PID Act.

This Policy should be read in conjunction with the NICC's Charter, Code of Ethics and Conduct, Complaint Management Policy, and GIPA Policy and Procedure.

## 1.1 Accessibility of this policy

This Policy is available on our publicly available website as well as on the ONICC SharePoint.

A copy of the Policy is also sent to all employees on their commencement with the NICC.

## 2. Who does this Policy apply to?

### 2.1 Who this Policy applies to

This Policy applies to, and is for the benefit of, all public officials in NSW. This includes all NICC employees.

You are a public official if you are:

- a person employed in or by an agency or otherwise in the service of an agency
- a person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate
- an individual in the service of the Crown
- a statutory officer
- a person providing services or exercising functions on behalf of an agency, 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 an agency or exercises functions of an agency, and are involved in providing those services or exercising those functions
- a judicial officer
- a Member of Parliament (**MP**), including a Minister, or
- a person employed under the *Members of Parliament Staff Act 2013*.

Contractors and sub-contractors of the NICC who provide advice or supply goods to the NICC are generally not considered public officials under the PID Act. For this Policy to apply to a contractor or subcontractor engaged by the NICC, the individual must be providing services or exercising functions on behalf of the NICC.

The Chief Commissioner (the head of the agency), other nominated disclosure officers and managers within the NICC 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 the NICC may use this Policy if they want information on who they can report wrongdoing to within the NICC.

Any complaints relating to personal work-related grievances are managed under the NICC's Complaints Management Policy.

## 2.2 Who this Policy doesn't apply to

This Policy does not apply to:

- people who have received services from an agency and want to make a complaint about those services
- people, such as contractors, who provide services to an agency. For example, employees of a company that sold computer software to an agency, and
- members of the public.

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 4.10 of this Policy for more information.

However, you can still make a complaint to the NICC about the NICC's operations or about the conduct of a casino operator or its staff. This can be done by emailing the NICC at [office@nicc.nsw.gov.au](mailto:office@nicc.nsw.gov.au). Members of the public can also report a breach or make a complaint about a NSW casino using the form on the [NICC website](#) or by calling Liquor & Gaming NSW (L&GNSW) on 1300 024 720.

## 3. What is contained in this Policy?

This Policy will provide you with information on the following:

- ways you can make a voluntary PID to the NICC under the PID Act
- the names and contact details for the nominated disclosure officers in the NICC
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of the NICC
- 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
- the NICC's procedures for dealing with disclosures
- the NICC's procedures for managing the risk of detrimental action and reporting detrimental action
- the NICC's record-keeping and reporting requirements, and
- how the NICC 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 [agency name]

- contact the Ombudsman's PID Advice Team by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au), or
- 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.

## 4. How to make a report of serious wrongdoing

### 4.1 Reports, complaints and grievances

When a public official reports suspected or possible wrongdoing in the public sector, their report 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 an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this Policy, but we will also make sure we follow our complaints handling policies and procedures.

Regardless of whether a complaint is a PID or not, it is important for NICC employees to speak up. The NICC encourages a culture of open dialogue and is committed to dealing with all complaints in an effective manner.

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

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

There are three types of PIDs in the PID Act.

1. **Voluntary PID:** This is a 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.
2. **Mandatory PID:** This is a 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:** This is a 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 and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 5 of this Policy.

You can find more information about mandatory and witness PIDs in the Ombudsman's guidelines 'Dealing with mandatory PIDs' and 'Dealing with witness PIDs'.

### **4.3 What is a voluntary PID?**

Voluntary PIDs involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has 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, and
5. the report is voluntary (meaning it is not a mandatory or witness PID).

If the report has all five features, it is a voluntary PID.

You will not be expected to prove that what you reported actually happened or is serious wrongdoing. You do have to honestly believe, on reasonable grounds, that the information you are reporting shows or tends to show serious wrongdoing.

Even though you do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If we make an error and do not identify that you have made a voluntary PID, you will still be entitled to the protections under the PID Act.

If you make a report and believe we have made an error by not identifying that you have made a voluntary PID, you should raise this with a nominated disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review or we may seek to conciliate the matter. You may also contact the Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this Policy.

#### 4.4 Who can make a voluntary PID?

Any public official can make a voluntary PID. A public official is defined in section 2.1 of this Policy. You are a public official if:

- you are employed by the NICC
- you are a contractor or subcontractor who provides services, or exercises functions, on behalf of the NICC (not simply providing advice or goods to the NICC), or
- you work for an entity (such as a non-government organisation) who is contracted by the NICC to provide services or exercise functions on behalf of the NICC — if you are involved in undertaking that contracted work.

The NICC delegates many of its functions to H&R, whose staff are generally employees of the Department of Creative Industries, Tourism, Hospitality & Sport (**DCITHS**). H&R staff members, and H&R's contractors and sub-contractors who provides services or exercise functions on behalf of the NICC, including delegated functions, are public officials. H&R staff are covered by the DCITHS PID Policy, [which can be found here](#).

Contractors and sub-contractors of the NICC who provide advice or supply goods to the NICC are generally not considered public officials under the PID Act. For this Policy to apply to a contractor or subcontractor engaged by the NICC, the individual must be providing services or exercising functions on behalf of the NICC.

A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside our agency. It also means that you can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (**ICAC**) and the Ombudsman. Annexure B of this Policy has a list of integrity agencies and their contact details.

#### 4.5 What is serious wrongdoing?

Reports must be of one or more of the following categories of serious wrongdoing to be a voluntary PID. Serious wrongdoing is defined in the PID Act as:

- **corrupt conduct** — such as a public official accepting a bribe
- **serious maladministration** — such as an agency 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 local government pecuniary interest contravention** — such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- **a privacy contravention** — such as unlawfully accessing a person's personal information on an agency's database, and
- **a serious and substantial waste of public money** — such as an agency 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 what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

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

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

### 4.6.1 Making a report to a public official who works for the NICC

You can make a report inside the NICC to:

- the Chief Commissioner
- a disclosure officer for the NICC — a list of disclosure officers for the NICC and their contact details can be found at **Annexure A** of this Policy, or
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager 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.

NICC employees can make a voluntary PID about conduct witnessed within the NICC to another agency, as outlined in section 4.6.2 of this Policy. The NICC has not delegated the responsibility of receiving or dealing with PIDs to another entity under section 81(3) of the PID Act.

### 4.6.2 Making a report to a recipient outside of the NICC

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. These include:

- **the head of another agency** — this means the head of any public service agency
- **an integrity agency** — a list of integrity agencies is located at **Annexure B** of this Policy
- **a disclosure officer for another agency** — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website, and

- a Minister or a member of a Minister's staff but the report must be made in writing.

You may choose to make a report to DCITHS. This can be via DCITHS' external integrity hotline (which includes an anonymous report option), which is provided by Core Integrity. Reports can be made by:

- phone: 1800 303 406
- online: using the online portal
- email: [DCITHSIntegrityHotline@coreintegrity.com.au](mailto:DCITHSIntegrityHotline@coreintegrity.com.au)
- post: PO Box 730, Milsons Point 1565

If you choose to make a disclosure outside of the NICC, it is possible that your disclosure will be referred back to us so that appropriate action can be taken.

#### 4.6.3 Making a report to a Member of Parliament or journalist

Disclosures to MPs or journalists are different to other reports. You can only disclose a report of wrongdoing as a voluntary PID to an MP or journalist in the following circumstances:

- you must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures
- the previous disclosure must be substantially true
- you did not make the previous disclosure anonymously
- you did not give a written waiver of your right to receive information relating to your previous disclosure, and
- in respect of your previous disclosure you either:
  - received notification that [agency name] will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
  - did not receive the following information at the end of the investigation period:
    - notice of the NICC's decision to investigate the serious wrongdoing
    - a description of the results of an investigation into the serious wrongdoing
    - details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

Investigation period means:

- after six months from the previous disclosure being made, or
- after 12 months if you applied for an internal review of the agency's decision within six months of making the disclosure.

If all the above requirements are met, your disclosure to an MP or journalist may be a voluntary PID.

## 4.7 What form should a voluntary PID take?

You can make a voluntary PID:

- **in writing** — this could be an email or letter to a person who can receive voluntary PIDs
- **orally** — have a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually, or
- **anonymously** — write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. 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 the NICC to investigate the matter(s) you have disclosed if we cannot contact you for further information.

The NICC has a central register to track all PIDs received, their status and outcome. This register is confidential to protect the identity of PID makers who wish to remain anonymous.

## 4.8 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.

## 4.9 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. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations or complaints.

## 4.10 Deeming that a report is a voluntary PID

The Chief Commissioner, as head of the agency, can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. This is known as the ‘deeming power’.

By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If you make a report that has not met all the requirements of a voluntary PID, you can refer your matter to the Chief Commissioner to request that they consider deeming your report to be a voluntary PID. Referrals to the Chief Commissioner must be made in writing.

A decision to deem a report to be a voluntary PID is at the discretion of the Chief Commissioner. For more information about the deeming power, see the Ombudsman’s guideline ‘Deeming that a disclosure is a voluntary PID’.

### 4.10.1 Factors considered when deciding to deem a disclosure

The decision whether to deem a disclosure to be a voluntary PID is discretionary.

In considering whether to exercise that discretion, the Chief Commissioner will have regard to the public interest and, in particular, to the objects of the PID Act.

Other considerations that might be relevant when deciding whether to exercise the deeming power include:

- **does the disclosed information show serious wrongdoing** - The deeming power may only be used if the head of the agency believes honestly and on reasonable grounds that the disclosure shows or tends to show serious wrongdoing.
- **is there uncertainty about whether the person is a public official** - For borderline cases where there is legal doubt whether a person who has made a disclosure is a public official, such as contractors or former employees. Regard will be given where it is appropriate to deem the disclosure as a PID to ensure that the PID protections apply to the reporter
- **what is the risk to the person if the disclosure is not deemed to be a voluntary PID** - Regard will be given to the objects of the PID Act and the public interest, and whether it is appropriate that the reporter have statutory protection from risks arising from not having the protections of the PID Act
- **why is the disclosure not otherwise a voluntary PID** - Consideration will be given to what (if any) features are missing from the complaint that would otherwise cause it to be a PID

- **the benefits of deeming the disclosure to be a PID:**
  - will deeming the disclosure to be a voluntary PID ensure that a person who has reported serious wrongdoing will be appropriately protected?
  - will it encourage others to report wrongdoing and is it consistent with promoting a culture where the reporting of wrongdoing is encouraged?
  - will it help to ensure that the serious wrongdoing is appropriately investigated or otherwise dealt with?

#### 4.11 Who can I talk to if I have questions or concerns?

For information about making a PID or whether their complaint may be a PID, NICC employees are encouraged to speak to their manager or a disclosure officer in the first instance for a confidential discussion.

If you have concerns about making a report, you can seek confidential advice from the DCITHS Ethics & Integrity Team by email at [ethics@dciths.nsw.gov.au](mailto:ethics@dciths.nsw.gov.au).

You can also seek information from the Ombudsman:

- the PID Advice Team by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au), or
- access the 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.

## 5. Protections

### 5.1 How is the maker of a voluntary PID protected?

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

We are committed to taking all reasonable steps to protect you from detriment as a result of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with, and will take steps to ensure confidentiality is maintained as far as is practicable.

We will not tolerate any type of detrimental action being taken against you because you have made a report, might make a report or are believed to have made a report.

The maker of a voluntary PID is protected in the following ways:

- **protection from detrimental action** – A person cannot take detrimental action against another person because they have made a voluntary PID or are considering making a PID. Detrimental action includes bullying, harassment, intimidation or dismissal. Once

we become aware that a voluntary PID by a person employed or otherwise associated with the NICC that concerns serious wrongdoing relating to the NICC 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. It is a criminal offence for someone to take detrimental action against a person because they have made or may make a voluntary PID. It is punishable by a maximum penalty of 200 penalty units or imprisonment for five years or both. A person may seek compensation where unlawful detrimental action has been taken against them. A person can 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). Note that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- **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.
- **protection from liability for own past conduct** – 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. An integrity agency may recommend to the Attorney General that someone is given an undertaking.

Generally, NICC employees are not required to make mandatory reports, including PIDs, as a part of their role.

## 5.2 Protections for people who make mandatory and witness PIDs

Apart from PIDs that are made voluntarily by public officials, there are other types of reports that are recognised as PIDs under the PID Act:

- **a mandatory PID** – This is a PID where the public official has made the 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.

- **a witness PID** – This is a PID where a person discloses information during an investigation of serious wrongdoing following a request or requirement of the investigator.

Protections for makers of mandatory and witness PIDs are detailed in the table below.

| Protection                                                                                                                                                                                                                                                                                                                                                                                                            | Mandatory PID | Witness PID |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|-------------|
| <b>Detrimental action</b> — It is an offence to take detrimental action against a person based on the suspicion, belief or awareness that a person has made, may have made or may make a PID.                                                                                                                                                                                                                         | ✓             | ✓           |
| <b>Right to compensation</b> — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.                                                                                                                                                                                                                                | ✓             | ✓           |
| <b>Ability to seek injunction</b> — An injunction can be sought to prevent the commission or possible commission of a detrimental action offence against a person. For example, an order to prevent dismissal or to require reinstatement.                                                                                                                                                                            | ✓             | ✓           |
| <b>Immunity from civil and criminal liability</b> — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> <li>• breaching a duty of secrecy or confidentiality, or</li> <li>• breaching another restriction on disclosure.</li> </ul> | ✓             | ✓           |

## 6. 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, or to an integrity agency. A list of integrity agencies is located at **Annexure B** of this Policy.

Internal reports of detrimental action, can be confidentially reported either in writing or orally to the Chief Commissioner or Director ONICC.

## 7. General support

A person who makes a report will be allocated a key contact person who will take steps to protect the reporter's interests and will answer any questions about the PID process. Generally, this will be the Director ONICC.

All individuals can seek confidential advice from the DCITHS Ethics & Integrity Team by email at [ethics@dciths.nsw.gov.au](mailto:ethics@dciths.nsw.gov.au). The Ombudsman's PID Advice Team can also provide advice on the PID process and can be contacted by phone on (02) 9286 1000 or via email at [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au).

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.

### 7.1 Employee Assistance Program

The Employee Assistance Program (**EAP**) is a short-term, confidential, counselling service designed to offer support to employees with personal or work-related issues.

The EAP is staffed by independent qualified practitioners.

All employees (and their immediate family) have access to the EAP, for a limited number of counselling sessions at no cost to the employee and can be provided over the phone or face-to-face.

Leaders, managers, and supervisors can access Manager Assist through the EAP, to help with workplace issues.

The NICC EAP provider is [Converge International](#).

## 8. Roles and responsibilities of NICC employees

Certain people within the NICC have responsibilities under the PID Act.

### 8.1 The Chief Commissioner

The Chief Commissioner 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
- ensuring the NICC complies with this Policy and the PID Act, and
- ensuring that the NICC 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 Ombudsman.

## 8.2 Disclosure officers

Disclosure officers are responsible for:

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

## 8.3 Managers

The responsibilities of managers include:

- receiving reports from persons that report to them or that they supervise, and
- passing on reports they receive to a disclosure officer.

## 8.4 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 the NICC, and
- 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.

# 9. How we will deal with voluntary PIDs

## 9.1 How we will acknowledge the report and keep the reporter informed

When a disclosure officer in the NICC receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will receive the following information. The information will generally be provided by the Director ONICC, as the key contact person for the complainant.

- You will receive an acknowledgment that the report has been received. This will generally be from your key contact person and will:
  - state that the report will be assessed to identify whether it is a PID
  - state that the PID Act applies to how the NICC deals with the report
  - provide a copy of this Policy
  - provide you with 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 the reasons for this decision. We will also notify the Ombudsman of this decision.
- If we decide to investigate the serious wrongdoing, we will aim to provide you with updates on the investigation at least monthly.
  - If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
    - a description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
    - information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.
  - Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.
- There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.

During the investigation, if you would like to provide further information or report detrimental action, you should contact your key contact person. You may also wish to contact an integrity agency listed at **Annexure B** should the answer to any concerns raised during the investigation be unsatisfactory.

If you have made an anonymous report, or did not provide contact details, we may not be able to provide this information to you.

## 9.2 How we will deal with voluntary PIDs

Once a report that may be a voluntary PID is received, the Director ONICC will undertake a preliminary assessment of the voluntary PID to see if it has the features of a voluntary PID. They may seek further external advice at their discretion to assist in this assessment we will take the following steps to deal with the PID.

Following the preliminary assessment, the Chief Commissioner will determine whether it is a voluntary PID, and the report will be dealt with in accordance with this section.

The Director ONICC will:

- advise you of the decision
- if the report is a voluntary PID, discuss with you:
  - whether you are at risk of detrimental action and, where appropriate, take steps to mitigate the risk of detrimental action occurring against you
  - whether you need support networks to be put in place and how this will be assessed on an ongoing basis
  - how updates will be provided to you
- Ensure an appropriate risk management plan is in place to manage the risks of detrimental action
- all appropriate records are maintained, and
- confidentiality is maintained.

As the NICC is a small agency, the PID may involve one or more of the individuals associated with the procedure for dealing with a PID. Should this occur, an appropriately senior member of the NICC and/or ONICC that is not associated with the subject matter of the PID will fill in for any role to ensure any determination and investigation is conducted independently. These members may also refer the PID to an independent agency for assessment and investigation where appropriate.

### 9.2.1 Report not a voluntary PID

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with our the NICC's complaint management processes or through an alternate process.

If the report is not a voluntary PID, your key contact officer 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.

If you are not happy with this assessment or otherwise disagree with it, you can raise it with the person who has communicated the outcome with you or a disclosure officer, request an internal review or request that the matter be conciliated. We can, but do not have to, request the Ombudsman to conciliate the matter.

You can seek advice from the Ombudsman at any point in the assessment process, including a decision that a report is not a voluntary PID. You may also seek independent legal advice.

### 9.2.2 Ceasing 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).

If we determine to stop dealing with a report because it is not a voluntary PID, the Director ONICC will advise you of this outcome in writing. The outcome will include:

- reasons why the NICC has ceased dealing with the report as a voluntary PID
- if the report did not have all the features of a PID, what features were missing, and
- review and support options available.

### 9.2.3 Where the report is a voluntary PID

If the report is a voluntary PID:

- The Chief Commissioner will determine the appropriate scope and nature of any investigation to be conducted, including any decision to appoint an external investigator. In most cases we will conduct an investigation to make findings about whether the serious wrongdoing disclosed in the report occurred, who was involved, who was responsible, and whether the people involved, or the agency engaged, in serious wrongdoing.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. 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.

Where an external investigator is appointed, it can be for any reason. Should this occur, we will advise you that the matter has been referred for external investigation and provide regular updates on the investigation.

There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated. Should this occur, we will advise you and the Ombudsman of the outcome and the reasons for not investigating the matter.

### 9.3 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
- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or [we/agency] reasonably considers it necessary to disclose the information to protect a person from detriment
- where it is necessary the information be disclosed to a person whose interests are affected by the disclosure
- where the information has previously been lawfully published
- when 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
- when the information is disclosed for the purposes of proceedings before a court or tribunal
- when the disclosure of the information is necessary to deal with the disclosure effectively
- if it is otherwise in the public interest to disclose the identifying information.

We will not disclose identifying information unless it is necessary and authorised under the PID Act.

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 take all reasonable steps to ensure confidentiality, which may include:

- referring an investigation to an external investigator
- undertake a risk assessment and implement a risk management plan to protect the identity of the maker of the PID and protect them from detrimental action

- limiting the availability of records that identify, or may identify, the maker of the PID, and ensuring that only authorised persons have access to these records
- limiting the number of people who are aware of the maker's identity or information that could identify them
- not disclosing the identity, or information that may identify, the PID maker without their consent, and/or
- reminding individuals who know the identity of the maker of a PID, and the PID maker themselves, that they have a legal obligation to keep the PID maker's identity confidential.

If confidentiality cannot be maintained or is unlikely to be maintained, we will take all reasonable steps to support the maker of the PID, including:

- advising the person whose identity may become known
- updating the agency's risk assessment and risk management plan
- implementing strategies to minimise the risk of detrimental action
- providing additional supports to the person who has made the PID, and/or
- reminding 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.

#### **9.4 How we will assess and minimise the risk of detrimental action**

The NICC will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses or the person the report is about.

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 take steps to assess and minimise the risk of detrimental action by:

- explaining that a risk assessment will be undertaken, and a risk management plan will be created (including reassessing the risk throughout the entirety of the matter)
- providing details of the unit/role that will be responsible for undertaking a risk assessment, including whether it is an external assessor
- explaining the approvals for risk assessment and the risk management plan
- explaining how the agency will communicate with the maker of the PID to identify risks
- listing the protections that will be offered, that is, the agency will discuss protection options with the maker, such as leave for the duration of the investigation, and/or
- 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:

- injury, damage or loss
- property damage
- 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, and
- 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.

## **9.5 How we will deal with allegations of a detrimental action offence**

If the NICC becomes 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 an integrity agency, such as the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (where appropriate), and
- notify the Ombudsman about the allegation of a detrimental action offence being committed, including how the NICC has responded the alleged detrimental action.

The Chief Commissioner is responsible for determining whether any evidence of detrimental action is to be referred to an integrity agency for further investigation. Should this occur, we will:

- advise the victim of detrimental action of whether the conduct has been referred to an integrity agency, and contact details for the person responsible for investigating the conduct at that agency should that occur
- advise the victim of detrimental action about the outcomes of the external investigation, and
- provide additional supports to the victim of detrimental action as required.

## **9.6 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 the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

The Chief Commissioner is responsible for determining what, if any, corrective action is to be taken, and the scale of the corrective action.

Corrective action can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to employees where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand), and/or
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

Should corrective action be taken, we will:

- advise the relevant parties what the findings of the investigation, subject to the investigation plan for the individual matter
- advise the maker of the PID of the following matters in writing, where appropriate:
  - the outcome of the investigation
  - what corrective action was taken, and/or
  - reasons for the corrective action
- ensure the corrective action is overseen by an appropriately senior member of the NICC or, where appropriate, an external body.

## 10. Review and dispute resolution

### 10.1 Internal review

People who make voluntary PIDs about conduct witnessed within the NICC can seek internal review of the following decisions made by the NICC:

- that the NICC is not required to deal with the report as a voluntary PID
- to stop dealing with the report because the NICC decided it was not a voluntary PID
- to not investigate the serious wrongdoing and not refer the report to another agency, and
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

We will ensure internal reviews are conducted in compliance with the PID Act.

If you would like to make an application for an internal review, you must apply in writing within 28 days of being informed of our decision to the Director, ONICC. The application should state the reasons why you consider our decision should not have been made. You may also submit any other relevant material with your application.

The NICC will ensure that internal reviews are conducted in compliance with the PID Act. As a general principle, the internal review should be conducted by a person at an equal or higher seniority as the original decision maker who was not involved in the original decision of the NICC. Where this is not possible (for example where the original decision-maker was the Chief Commissioner), the internal review may be conducted by an appropriately senior member of the NICC not involved in the original decision.

The reviewer may decide:

- to confirm the NICC's decision, or
- the disclosure is to be dealt with, or to continue to be dealt with, as a voluntary public interest disclosure by the agency under the PID Act.

An internal review will generally be conducted within 28 days of receipt of the request for review. The reviewer will notify the applicant of their decision, along with any reasons for the decision.

## 10.2 Voluntary dispute resolution

If a dispute arises between the NICC and a person who has made a report which is, or may be, a voluntary PID, we may request the 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.

## 11. Other agency obligations

### 11.1 Record-keeping requirements

The NICC must keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that we comply with our obligations under the *State Records Act 1998*.

At a minimum, all records relating to a PID, the investigation, and outcomes will be digitised and stored in an approved digital record keeping system. The NICC will also maintain a register of PIDs, along with their outcomes.

As far as practicable, the NICC will ensure that all information, including the identity of the maker of the PID, will be kept confidential in accordance with section 9.3 of this Policy.

### 11.2 Reporting of voluntary PIDs and the NICC's annual return to the Ombudsman

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

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

All information provided to the Ombudsman is anonymised.

The Manager, ONICC is responsible for collecting information about voluntary PIDs for the purposes of the annual return. The annual return is prepared by the ONICC and approved by the Director, ONICC.

### 11.3 How we will ensure compliance with the PID Act and this Policy

The Chief Commissioner has oversight of this Policy and whether it is operating effectively, including whether the NICC is continuing to comply with the PID Act and whether the Policy is meeting its purpose.

Non-compliance with the PID Act or this Policy may be determined to be misconduct and result in disciplinary action being taken in accordance with the *Government Sector Employment Act 2013*.

The NICC will provide advice to the DCITHS Audit and Risk Committee (**ARC**) about the performance of this Policy on an as-needs basis. This advice will include any non-compliance and the actions taken or recommended to improve the performance of this Policy.

## 12. Related policies and legislation

### 12.1 Related policies

- NICC Charter
- NICC Code of Ethics and Conduct
- NICC Complaint Management Policy
- NICC GIPA Policy and Procedure.
- [DCITHS PID Policy](#)
- [NSW Ombudsman's PID guidelines for agencies](#)

### 12.2 Related legislation

- *Casino Control Act 1992*
- *Gaming and Liquor Administration Act 2007*
- *Government Information (Public Access) Act 2009*
- *Government Sector Employment Act 2013*
- *Public Interest Disclosures Act 2022*
- *State Records Act 1998*

## 13. Variation and compliance with the PID Act

This Policy is effective from 8 July 2026 and remains in place until amended or revoked. The NICC may amend this Policy from time to time as appropriate. The Manager, ONICC is responsible for ensuring this Policy is monitored for compliance with the PID Act and can be contacted for any issues or errors found within this Policy.

In addition to the oversight processes in section 11.3 of this Policy, this Policy will be reviewed every three years as part of the NICC's policy review processes, or earlier if required by legislative or organisational changes.

## 13.1 Variation log

| Version | Approval date  | Changes                                                                                                                                                                                                   | Next review date |
|---------|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1       | September 2023 | N/A                                                                                                                                                                                                       | September 2024   |
| 1.1     | October 2024   | Nil                                                                                                                                                                                                       | September 2025   |
| 2       | October 2025   | <p>Updates to NICC governance structure and document formatting.</p> <p>Insertion of additional background at 3 (making/receiving a PID) and 3.2 (voluntary PIDs).</p> <p>Insertion of variation log.</p> | March 2028       |
| 3       | June 2026      | Adoption of the Ombudsman's Model PID Policy                                                                                                                                                              | June 2029        |

## Annexure A – Names and contact details of the disclosure officers for the NICC

| Name and title                              | Role               | Contact details                                                    |
|---------------------------------------------|--------------------|--------------------------------------------------------------------|
| Philip Crawford – Chief Commissioner, NICC  | Head of agency     | <a href="mailto:office@nicc.nsw.gov.au">office@nicc.nsw.gov.au</a> |
| Alex Kennedy – Director, Office of the NICC | Disclosure officer | <a href="mailto:office@nicc.nsw.gov.au">office@nicc.nsw.gov.au</a> |

## Annexure B – List of integrity agencies

| Integrity agency                                 | What they investigate                                                                                                        | Contact information                                                                                                                                                                                                                                                                      |
|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NSW Ombudsman                                    | Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs) | <b>Telephone:</b> 1800 451 524 between 9am to 4pm<br>Monday to Friday<br><b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000<br><b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>                                                                    |
| Auditor-General                                  | Serious and substantial waste of public money by auditable agencies                                                          | <b>Telephone:</b> 02 9275 7100<br><b>Writing:</b> GPO Box 12, Sydney NSW 2001<br><b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>                                                                                                              |
| Independent Commission Against Corruption (ICAC) | Corrupt conduct                                                                                                              | <b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) <b>between</b> 9am and 3pm, Monday to Friday<br><b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364<br><b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a> |
| Inspector of the ICAC                            | Serious maladministration by the ICAC or the ICAC officers                                                                   | <b>Telephone:</b> 02 9228 3023<br><b>Writing:</b> PO Box 5341, Sydney NSW 2001<br><b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>                                                                                               |
| Law Enforcement Conduct Commission (LECC)        | Serious maladministration by the NSW Police Force or the NSW Crime Commission                                                | <b>Telephone:</b> 02 9321 6700 or 1800 657 079<br><b>Writing:</b> GPO Box 3880, Sydney NSW 2001<br><b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>                                                                                                |
| Inspector of the LECC                            | Serious maladministration by the LECC and LECC officers                                                                      | <b>Telephone:</b> 02 9228 3023<br><b>Writing:</b> GPO Box 5341, Sydney NSW 2001<br><b>Email:</b> <a href="mailto:oilcexecutive@oilc.nsw.gov.au">oilcexecutive@oilc.nsw.gov.au</a>                                                                                                        |
| Office of the Local Government                   | Local government pecuniary interest contraventions                                                                           | <b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>                                                                                                                                                                                                                 |

|                          |                                       |                                                                                                                                                                     |
|--------------------------|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Privacy Commissioner     | Privacy contraventions                | <b>Telephone:</b> 1800 472 679<br><b>Writing:</b> GPO Box 7011, Sydney NSW 2001<br><b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a> |
| Information Commissioner | Government information contraventions | <b>Telephone:</b> 1800 472 679<br><b>Writing:</b> GPO Box 7011, Sydney NSW 2001<br><b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a> |