

Public Interest Disclosures Reporting Policy

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1. Purpose

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

At Port Authority of New South Wales (“Port Authority”) 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 organisation relies upon our staff, volunteers, contractors and subcontractors speaking up when they become aware of wrongdoing.

This policy sets out:

- how Port Authority 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
- 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
- imposing duties on organisations 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 Port Authority’s Code of Conduct, Fraud & Corruption Control Policy, Appropriate Workplace Behaviour Policy, Grievance Policy and the grievance procedures outlined in Port Authority’s Enterprise Agreements and the Work Health and Safety Policy.

2. Accessibility of this policy

This policy is available on Port Authority’s publicly available website as well as on Dockside, Port Authority’s intranet.

The policy is also identified to all staff on their commencement with Port Authority.

3. Who does this policy apply to?

This policy applies to, and for the benefit of, all public officials in NSW. You are a public official if you are:

- a person employed by Port Authority or otherwise in the service of Port Authority or an agency
- a person providing services or exercising functions on behalf of Port Authority, including a contractor, subcontractor, consultant or volunteer
- an employee, partner or officer of an entity that provides services, under contract, subcontract or other arrangement, on behalf of Port Authority or exercises functions of Port Authority, and are involved in providing those services or exercising those functions

The CEO, other nominated disclosure officers and managers within Port Authority 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 Port Authority may use this policy if they want information on who they can report wrongdoing to within Port Authority.

4. Who does this policy not apply to?

This policy does not apply to:

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

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 below for more information).

However, you can still make a complaint to Port Authority. This can be done by following Port Authority's community complaints procedure as set out on Port Authority's website.

OracleCMS manages Port Authority's complaints and enquires line on a 24/7 basis. Community enquiries and complaints can be made on the complaints line on (02) 9296 4962.

5. Review

This policy will be reviewed by Port Authority every two years.

6. What is contained in this policy?

This policy will provide you with information on the following:

- ways you can make a voluntary PID to Port Authority under the PID Act
- the names and contact details for the nominated disclosure officers in Port Authority
- the roles and responsibilities of people who hold particular roles under the PID Act and who are employees of Port Authority
- 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
- Port Authority procedures for dealing with disclosures
- Port Authority procedures for managing the risk of detrimental action and reporting detrimental action
- Port Authority record-keeping and reporting requirements
- how Port Authority 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 Port Authority
- contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: 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.

7. How to make a report of serious wrongdoing

(a) 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 other Port Authority policies and procedures as appropriate including our Code of Conduct, Fraud & Corruption Control Policy, Appropriate Workplace Behaviour Policy, Grievance Policy and the grievance procedures outlined in Port Authority's Enterprise Agreements and the Work Health and Safety Policy.

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.

(b) When will a report be a PID?

There are three types of PIDs in the PID Act. These are:

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 Port Authority.
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.

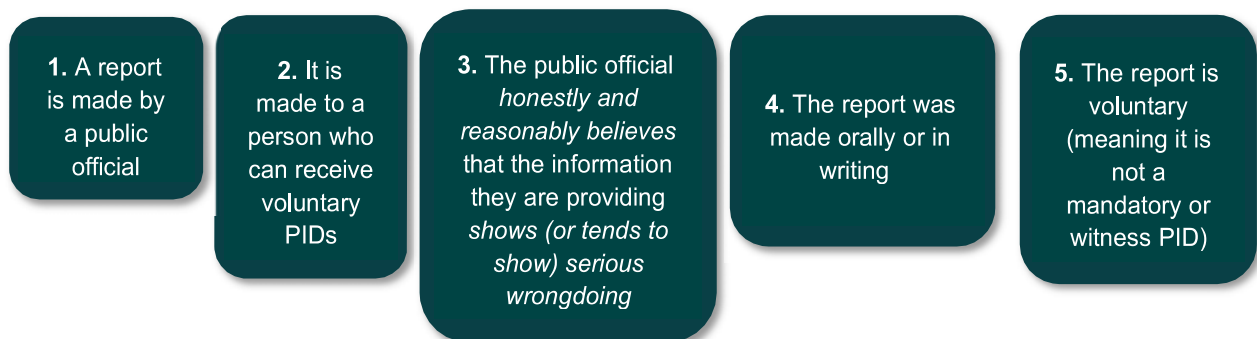
This policy mostly relates to making a voluntary PID and how we will deal with voluntary PIDs. People who make a mandatory PID or a witness PID are still entitled to protection. More information about protections is available in section 2 of this policy.

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

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and 'whistleblowing'.

They 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:



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 make seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 7 of this policy.

(c) Who can make a voluntary PID?

Any public official can make a voluntary PID — see 'Who this policy applies to'. You are a public official if:

- a. you are employed by Port Authority
- b. you are a contractor, subcontractor or volunteer who provides services, or exercises functions, on behalf of Port Authority, or
- c. you work for an entity (such as a non-government organisation) who is contracted by Port Authority to provide services or exercise functions on behalf of Port Authority — if you are involved in undertaking that contracted work.

A public official can make a PID about serious wrongdoing relating to *any* agency, not just Port Authority. This means that we may receive PIDs from public officials outside our organisation. 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 NSW Ombudsman. Annexure B of this policy has a list of integrity agencies.

(d) What is serious wrongdoing?

Reports must be of one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out here). Relevant definitions of Serious wrongdoing in the PID Act are:

a) **Corrupt conduct**

Corrupt conduct involves deliberate or intentional wrongdoing involving (or affecting) a public official or agency in NSW. Corrupt conduct includes:

- conduct of any person that adversely affects, or could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials, or any agency
- any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of their official functions
- any conduct of a public official or former public official that constitutes or involves a breach of public trust
- any conduct of a public official or former public official that involves the misuse of information or material that they acquired during their official functions, whether for their benefit or for the benefit of any other person

Some practical examples include:

- a public official selling confidential information gained while working in an official capacity
- a public official failing to report criminal conduct in exchange for a financial advantage.

b) **Serious maladministration**

Serious maladministration is conduct relating to a matter of administration that is:

- unlawful

- unreasonable, unjust, oppressive or improperly discriminatory, or
- based wholly or partly on improper motives.

Some practical examples include:

- an agency contravenes legal procurement processes when engaging contractors
- senior staff fail to deal with multiple reports of toxic materials in government-owned properties over a period of time
- an agency implements policies and procedures which are contrary to its governing legislation and result in misuse of powers
- agency procedures are unfairly discriminatory

c) A government information contravention

A government information contravention is a failure, other than a trivial failure, by an agency or public official to exercise functions in accordance with the:

- *Government Information (Information Commissioner) Act 2009*
- *Government Information (Public Access) Act 2009 (GIPA Act)*, or
- *State Records Act 1998 (SR Act)*.

Some practical examples include:

- destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application
- having a policy of charging a fee for open access information, which should be free of charge, either purposely or due to a lack of understanding of the rules around open access
- intentionally overlooking documents that should clearly be included in response to an access application
- knowingly making decisions or directing another person to make decisions that are contrary to the GIPA Act

d) A privacy contravention

A privacy contravention is a failure, other than a trivial failure, by an agency or public official to exercise functions in accordance with the *Privacy and Personal Information Protection Act 1998* or the *Health Records and Information Privacy Act 2002*.

Some practical examples include:

Personal information

- a public official unlawfully accessing a person's personal information, for their personal use or for another non-work-related matter, on a database that is used by an agency to retain customer information
- an agency having poor data management processes in place which leads to the disclosure of the personal information about a person, or group of persons, to another agency or entity without a lawful reason — an agency's poor email practices resulting in repeated failures by staff of the agency to ensure emails containing personal information go to the correct recipient.

Health information

- Unlawfully accessing someone's health information on an agency database and then disclosing this to a third party
- agencies which legitimately retain health information, failing to properly ensure that access to those records is restricted to the appropriate part of the business
- agencies that retain health information for one purpose disclosing it internally to another section of the agency for it to be used for another purpose.

(e) A serious and substantial waste of public money

A serious and substantial waste of public money is not defined in the PID Act. It includes any uneconomical, inefficient or ineffective use of resources, whether authorised or unauthorised, and which results in a loss of public funds or resources.

Some practical examples include:

- a. an agency not following a competitive tendering process when contracting with entities to undertake government work
- b. misappropriation or misuse of public property
- c. the purchase of unnecessary or inappropriate goods and services
- d. incurring costs which might otherwise have been avoided
- e. programs not achieving their objectives and therefore the costs being clearly ineffective and inefficient
- f. failure to maintain public property in a way that results in far greater expense being incurred in the future.

When you make your report, you do not need to state to us what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

(f) Who can I make a voluntary PID to?

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

Making a report to a public official who works for Port Authority

You can make a report inside Port Authority to:

- the CEO
- a disclosure officer for Port Authority — a list of disclosure officers for Port Authority and their contact details can be found at Annexure A of this policy
- 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.

Making a report to a recipient outside of Port Authority

You can also make your report to a public official in another agency (meaning an agency other than Port Authority) 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
- a *Minister or a member of a Minister's staff* but the report *must be made in writing*.

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

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.
- You did not receive the following from Port Authority:
 - notification that Port Authority will not investigate the serious wrongdoing and will also not refer the previous disclosure to another agency, or
 - the following information at the end of the investigation period:
 - notice of Port Authority 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 Port Authority'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.

(e) What form should a voluntary PID take?

You can make a voluntary PID:

- *in writing*—through completion of a form on the *Speak Up* platform on Port Authority's intranet or by 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.
- *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 us to investigate the matter(s) you have disclosed if we cannot contact you for further information.

Whistleblower Hotline

Voluntary PIDs can also be made by contacting Port Authority's whistleblower hotline service provided by KPMG, called *FairCall*. You may identify yourself or make the report anonymously. A report will be prepared by *FairCall* and then forwarded to the CEO and the Disclosures Coordinator for further action.

The *FairCall* service can be contacted in the following ways:

Telephone 1800 019 331

Web <https://www.kpmgfaircall.kpmg.com.au/portauthoritynsw>

Post The FairCall Manager, KPMG Forensic, PO Box H67, Australia Square NSW 1213

(f) 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.

(g) 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 Port Authority's policies for dealing with reports, allegations or complaints.

(h) Deeming that a report is a voluntary PID

The CEO 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 CEO or the Disclosures Coordinator to request that they consider deeming your report to be a voluntary PID. The matter can be referred by following the procedures set out in section 1(f) above.

A decision to deem a report to be a voluntary PID is at the discretion of the CEO, or if the subject of the report is the CEO, at the discretion of the Disclosures Coordinator. For more information about the deeming power, see the Ombudsman's guideline 'Deeming that a disclosure is a voluntary PID'.

(i) Who can I talk to if I have questions or concerns?

More information around public interest disclosures is available on Port Authority's website and intranet. Staff can also seek advice and guidance from the Disclosures Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

8. Protections

(a) 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.

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 Port Authority that concerns serious wrongdoing relating to Port Authority 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. This undertaking can only be given on application by an integrity agency to the Attorney General.

(b) 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 Port Authority.
- *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
Detrimental action — 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.	P	P
Right to compensation — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	P	P
Ability to seek injunction — 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.	P	P

<p>Immunity from civil and criminal liability — 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:</p> <ul style="list-style-type: none"> • breaching a duty of secrecy or confidentiality, or • breaching another restriction on disclosure. 	P	P
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(c) Reporting detrimental action

If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately to a disclosure officer through the contact details set out in Annexure A to this policy. You can report any experience of adverse treatment or detrimental action directly to Port Authority, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

9. General support

Port Authority will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a PID, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services.

Access to support may also be available for other staff involved in the internal reporting process where appropriate. Reporters and other staff involved in the process can discuss their support options with the Disclosures Coordinator.

Port Authority will allocate a key contact person to staff who have reported wrong doing to take steps to protect their interests, for example, if the reporter is at risk of detrimental action.

Port Authority provides access to an Employee Assistance Program for all employees.

10. Roles and responsibilities of Port Authority employees

Certain people within Port Authority have responsibilities under the PID Act.

(a) CEO

The CEO 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 Port Authority complies with this policy and the PID Act
- ensuring that the Port Authority 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 NSW Ombudsman.

(b) Disclosure coordinator

The Disclosure Coordinator is Port Authority’s General Counsel who has a central role in Port Authority’s internal reporting system. The Disclosures Coordinator can receive and assess reports, and is the primary point of contact in Port Authority for the reporter. The Disclosures Coordinator is responsible for:

- assessing reports to determine whether or not a report should be treated as a public interest disclosure and to decide how each report will be dealt with, in consultation with the CEO
- coordinate Port Authority's response to a report when they are passed on to them from disclosure officers
- acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any person the subject of a report
- ensure Port Authority complies with the PID Act.

(c) 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)
- ensuring that any oral reports that have been received are recorded in writing
- carry out a preliminary assessment and forward reports to the Disclosures Coordinator or the CEO for full assessment.

(d) Managers

The responsibilities of managers include:

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

(e) 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 Port Authority
- 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.

Contact details for CEO, the disclosures coordinator and disclosure officers are set out in Annexure A to this policy.

The Chair of the Board may receive and assess reports and PIDs in the event that the CEO and/or Disclosure Coordinator are not able to deal with the report.

11. How we will deal with voluntary PIDs

(a) How Port Authority will acknowledge that we have received a report and keep the person who made it informed

When a disclosure officer in Port Authority 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:

Acknowledgement

- You will receive an acknowledgment that the report has been received. This acknowledgment will:
 - state that the report will be assessed to identify whether it is a PID
 - state that the PID Act applies to how Port Authority deals with the report
 - provide clear information on how you can access this PID policy
 - provide you with details of a contact person and available supports
 - provide you with the timeframe within which you will receive further updates
- 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 and information about the action that will be taken in response to your report
 - the likely timeframes for any investigation or other action
 - 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 NSW Ombudsman of this decision.
- We will provide this information to you within fifteen working days from the date you make your report.

Progress updates

- If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:
 - information to show that adequate and appropriate action was taken or proposed to be taken, including any correction action as a result of the investigation, in response to your disclosure and any problem that was identified; and
 - advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.
- 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.
- If you have made an anonymous report, in many cases we may not be able to provide this information to you.

(b) How Port Authority will deal with voluntary PIDs

Once a report that may be a voluntary PID is received Port Authority will look at the information contained in the report to see if it has the features of a voluntary PID. Reports made to managers will be referred to a disclosure officer. Disclosure officers will conduct a preliminary assessment of all reports received and refer all reports to the disclosures coordinator for final assessment.

The final assessment is undertaken by the disclosure coordinator or together with a member of the legal team to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the

right steps are followed. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

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 policies including Port Authority's Grievance Policy, Disciplinary Policy, Code of Conduct and Appropriate Workplace Behaviour Policy or through an alternate process.

If the report is not a voluntary PID, we 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. Cease dealing with report as voluntary PID

Port Authority 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).

Port Authority will notify the reporter that it has ceased dealing with the report as a voluntary PID and provide reasons for doing so within 3 months of this outcome.

Where the report is a voluntary PID

If the report is a voluntary PID

- 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 Port Authority engaged, in serious wrongdoing. There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated.
- There may also be circumstances where we decide that the report should be referred to another agency, such as an integrity agency. For example, reports concerning possible corrupt conduct may be required to be reported to the ICAC in accordance with section 11 of the *Independent Commission Against Corruption Act 1988*.
- 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.
- If we decide not to investigate a report and to not refer the matter to another agency, we must let you know the reasons for this and notify the NSW Ombudsman.

(c) How Port Authority 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 Port Authority.

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 Port Authority 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 do this by:

- limiting the number of people who are aware of the maker's identity or information that could identify them
- if we must disclose information that may identify the maker of the PID, we will still not disclose the actual identity of the maker of the PID, unless we have their consent to do so
- we will ensure that any person who does know the identity of the maker of a PID is reminded that they have a legal obligation to keep their identity confidential
- we will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker
- we will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the Disclosures Coordinator and the CEO. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

If confidentiality cannot be maintained or is unlikely to be maintained Port Authority will:

- advise the person whose identity may become known
- update our risk assessment and risk management plan
- implement strategies to minimise the risk of detrimental action
- provide additional support to the person who has made the PID
- remind 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.

(d) How Port Authority will assess and minimise the risk of detrimental action

Port Authority 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.

Port Authority 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.

Port Authority will take steps to assess and minimise the risk of detrimental action by undertaking a thorough risk assessment to identify the risk to you of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, Port Authority may:

- relocate the reporter or the staff member who is the subject of the allegation within the current workplace;
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified; or
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

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
- 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.

(e) How Port Authority will deal with allegations of a detrimental action offence

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your manager, a Disclosure Officer, the Disclosures Coordinator or the CEO immediately.

All managers or Disclosure Officers must notify the Disclosures Coordinator or the CEO if they suspect that reprisal against a reporter is occurring or has occurred, or if any such allegations are made to them.

If Port Authority becomes aware of an allegation that a detrimental action offence has occurred or may occur, we will:

- if the detrimental action allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that the detrimental action is occurring against someone who has made a report, take all steps possible to stop the action and protect the reporter
- take appropriate disciplinary action against anyone that has taken detrimental action
- refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC or the Law Enforcement Conduct Commission (whichever is applicable)
- notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

If you allege that detrimental action has been taken against you, you will be kept informed of the progress and outcome of any investigation or other action taken in response to the allegation.

If you have reported wrongdoing and are experiencing detrimental action which you believe is not being dealt with effectively, contact the Ombudsman or ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included at the end of this policy.

(f) What Port Authority 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, Port Authority will take the most appropriate action to address that wrongdoing or misconduct. This is also known as 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 staff where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution or reprimand)

(g) What Port Authority will do if an investigation finds that the reporter provided intentionally false or misleading information?

If, in the course of investigations, it is found that the reporter provided information which was intentionally false or misleading or the reporter did not honestly believe in the allegations made, Port Authority may consider any appropriate and lawful actions that may be taken against the reporter in accordance with Port Authority's policies and procedures.

12. Review and dispute resolution

(a) Internal review

People who make voluntary PIDs can seek internal review of the following decisions made by Port Authority:

- that Port Authority is not required to deal with the report as a voluntary PID
- to stop dealing with the report because Port Authority 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.

Port Authority 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 Port Authority decision. The application should state the reasons why you consider Port Authority's decision should not have been made. You may also submit any other relevant material with your application.

An application for an internal review should be made to the Disclosure Coordinator or the CEO who will take carriage of the review application. Port Authority will acknowledge receipt of the internal review application within 14 days of receipt and provide a timeframe within which you will receive further updates.

(b) Voluntary dispute resolution

If a dispute arises between Port Authority and a person who has made a report which is, or may be, a voluntary PID, we may request the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Port Authority and the maker of the report are willing to resolve the dispute.

13. Other Port Authority obligations

(a) Record-keeping requirements

Port Authority must keep full and accurate records with respect to all information received in connection with the PID Act and ensure that reasonable measures are in place to protect such records from unauthorised access

This ensures that Port Authority complies with its obligations under the *State Records Act 1998*.

We will ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker or any information provided in connection with the PID Act.

(b) Reporting of voluntary PIDs and Port Authority annual return to the Ombudsman

Each year Port Authority provides an annual return to the NSW Ombudsman which includes:

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

(c) How Port Authority will ensure compliance with the PID Act and this policy

Port Authority will monitor the effectiveness with the PID Act and this policy through:

- Periodic internal audits with a suggested period of review every three years
- Periodic reporting to the Audit and Risk Committee

Annexure A — Names and contact details of disclosure officers for Port Authority

Under the PID Act, the following people are automatically considered to be disclosures officers:

- **The head of Port Authority:**
John McKenna
Chief Executive Officer
Email: jmckenna@portauthoritynsw.com.au
- **The most senior ongoing employee who ordinarily works at a permanently maintained worksite:**
As set out in the table below based on Port Authority's worksites.
- **The member of an unelected governing body within an agency.**

The disclosure officers for each Port Authority worksite are set out below.

Contact number: +61 2 9296 4999 (8.30am - 5.00pm Monday to Friday)

Worksite	Disclosure Officer name	Disclosure officer contact
Bond One	John McKenna Chief Executive Officer	Email: jmckenna@portauthoritynsw.com.au
Moore's Wharf	John Finch Chief Operating Officer	Email: JFinch@portauthoritynsw.com.au
Port Botany	Myron Fernandes Harbour Master -	Email: MFernandes@portauthoritynsw.com.au
Newcastle Port	Vikas Bangia Harbour Master – Newcastle and Yamba	Email: VBangia@portauthoritynsw.com.au
Port of Yamba	Michael Read Marine Pilot Regional	Email: MRead@portauthoritynsw.com.au
Port Kembla	Peter Ernst Head of Regional Ports	Email: pernst@portauthoritynsw.com.au

Worksite	Disclosure Officer name	Disclosure officer contact
Port of Eden	Paul Webster Harbour Master - Eden	Email: pwebster@portauthoritynsw.com.au
White Bay/Glebe Island Overseas Passenger Terminal	Doug Hanshaw Senior Manager – Cruise & Security	Email: DHanshaw@portauthoritynsw.com.au
All sites	Peter Ernst Head of Regional Ports Leisa Grills Senior Manager - Financial Services Regina Abood Company Secretary	Email: pernst@portauthoritynsw.com.au Email: LGrills@portauthoritynsw.com.au Email: raboood@portauthoritynsw.com.au
Disclosure Coordinator	Amy Beaumont	Email: abeaumont@portauthoritynsw.com.au

Annexure B — List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	Most kinds of serious maladministration by most agencies and public officials (but not NSW Police, judicial officers or MPs)	Telephone: 1800 451 524 between 9am to 3pm Monday to Friday Writing: Level 24, 580 George Street, Sydney NSW2000 Email: info@ombo.nsw.gov.au
The Auditor-General	Serious and substantial waste of public money by auditable agencies	Telephone: 02 9275 7100 Writing: GPO Box 12, Sydney NSW 2001 Email: governance@audit.nsw.gov.au
Independent Commission Against Corruption	Corrupt conduct	Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 Email: icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	Serious maladministration by the ICAC or the ICAC officers	Telephone: 02 9228 3023 Writing: PO Box 5341, Sydney NSW 2001 Email: oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	Serious maladministration by the NSW Police Force or the NSW Crime Commission	Telephone: 02 9321 6700 or 1800 657 079 Writing: GPO Box 3880, Sydney NSW 2001 Email: contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	Serious maladministration by the LECC and LECC officers	Telephone: 02 9228 3023 Writing: GPO Box5341, Sydney NSW2001 Email: oilc executive@oilc.nsw.gov.au
Office of the Local Government	Local government pecuniary interest contraventions	Email: olg@olg.nsw.gov.au
The Privacy Commissioner	Privacy contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au

The Information Commissioner	Government information contraventions	Telephone: 1800 472 679 Writing: GPO Box 7011, Sydney NSW 2001 Email: ipcinfo@ipc.nsw.gov.au
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Document History

Version	Approver's Role	Changes made	Date
1.0	Board		15 September 2015
2.0	Audit & Risk Committee	Substantive update	28 June 2022
2.1	Company Secretary	Updates to policy	15 September 2022
2.2	Amy Beaumont, General Counsel	Change to FCCO from Company Secretary to General Counsel	20 December 2022
3.0	Board	Substantive update for change for new PID legislation	Effective from 1 October 2023
3.1	Amy Beaumont, General Counsel	Change to appoint Harbour Master Sydney as disclosure officer for the duration of Head of Regional Ports' leave	Effective from 9 February 2024
3.2	Amy Beaumont, General Counsel	Review to ensure continuing compliance with law. No updates from previous version.	Effective from 5 August 2024
4	Board	<p>Review to ensure continuing compliance with law.</p> <p>Change to:</p> <ul style="list-style-type: none"> appoint new CEO as the head of Port Authority and disclosure officer for Bond One and the resumption of duties for the Head of Regional Ports upon return from leave; include the <i>Speak Up</i> platform as an avenue to make voluntary disclosures. 	Effective from 26 August 2025