

Public Interest Disclosures Act 2022 for NSWALC and LALCs. Here's what you need to know.

The good governance of the NSW Aboriginal Land Council (NSWALC), Local Aboriginal Land Councils (LALCs) and their resources relies on people speaking up when they witness, or otherwise become aware, of serious wrongdoing.

Under the *Public Interest Disclosures Act 2022* (PID Act), the following people are “public officials”:

- staff and councillors of NSWALC
- staff, voting members and board members of LALCs
- volunteers, contractors and subcontractors who provide services or exercise functions on behalf of NSWALC or LALCs.

What is a PID?

A PID is a report of serious wrongdoing made by a public official, about the conduct of another public official or an agency. This means that the conduct of staff, councillors, voting members and board members of NSWALC and LALCs can be the subject of a PID.

The PID Act contains protections for people who have made a PID.

NSWALC and LALCs have a duty to raise awareness on how to speak up when serious wrongdoing occurs. They also have a duty to make sure CEOs, disclosure officers (DOs) and managers undertake training on their duties under the PID Act.

What is serious wrongdoing?

There are 6 types of serious wrongdoing:

- corrupt conduct (e.g. accepting a bribe)
- serious maladministration (e.g. making unlawful decisions)

- a government information contravention (e.g. destroying, concealing or changing records to prevent them from being lawfully released)
- a privacy contravention (e.g. unlawfully accessing a person's personal information)
- a serious and substantial waste of public funding (e.g. not undertaking a competitive tendering process)
- a local government pecuniary interest contravention (e.g. a local government council member recommending a family member for a contract and not declaring the relationship).

How do you make a PID?

You can make a PID in writing to, or by speaking to, one of the following people:

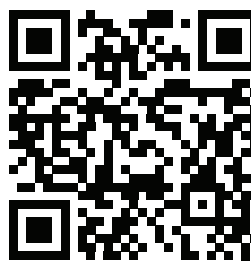
- a nominated DO within NSWALC or a LALC (a list of DOs should be attached to NSWALC or the LALC's PID Policy)
- a nominated DO in any other NSW agency, including the Office of the Registrar of the Aboriginal Land Rights Act. This means that you don't have to make your PID to someone within NSWALC or your LALC
- the head of any agency (in NSWALC and LALCs, this is the CEO)
- your manager (the person who supervises you or who you report to)
- an integrity agency (such as the NSW Ombudsman or ICAC).

Where do I find the PID Policy?

All agencies, including NSWALC and LALCs must have a PID Policy. If they have a website and/or an intranet site, the PID Policy must be available there. Some LALCs may have other online sites, such as a Facebook page and the PID Policy may be available there.

Otherwise, you can ask a DO for a copy of the PID Policy.

Where to get more information



Scan the QR code with your phone

You can seek further information from a nominated DO in NSWALC or your LALC, or you can contact the PID Unit in the NSW Ombudsman:

Email pidalc@ombo.nsw.gov.au

Phone 02 9286 1010

NSW Ombudsman

Level 24, 580 George Street, Sydney NSW 2000

Web www.ombo.nsw.gov.au

General inquiries 02 9286 1000

Toll free (outside Sydney metro) 1800 451 524

What protections are available to a person who makes a PID?

The protections for PID makers under the PID Act include:

- keeping the PID maker's identity confidential (although there are exceptions to this)
- protection from detrimental action (such as bullying, harassment or dismissal from their job because they made a PID)
- the right to seek compensation for injury, damage or loss suffered because of detrimental action
- the ability to seek a court order (known as an injunction) to prevent, stop or remedy conduct which may be a detrimental action offence.