

AUSTRALIAN MUSEUM

PUBLIC INTEREST
DISCLOSURE POLICY



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AUSTRALIAN MUSEUM
1 William Street Sydney
NSW 2010 Australia
T 61 2 9320 6000
australianmuseum.net.au



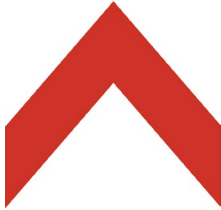
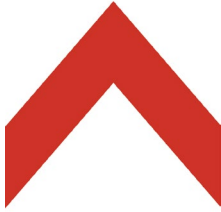
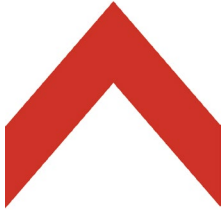


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1. POLICY OUTLINE

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).

The Australian Museum (AM) take reports of 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 the AM relies upon everyone speaking up when they become aware of wrongdoing.

This policy sets out:

- how the AM will support and protect you if you come forward with a report of serious wrongdoing
- how the AM 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:

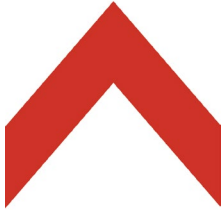
- protecting those who speak up from detrimental action
- ensuring that appropriate action is taken in response to reports of wrongdoing.

In NSW, that framework is the PID Act.

2. WHO THE POLICY APPLIES TO

This policy applies to, and for the benefit of, all public officials in NSW. A full list of who is a public official can be found in [section 14 of the PID Act](#). Persons who are public officials include:

- a person employed in or by the AM or otherwise in the service of the AM.
- a person employed by the AM interstate and overseas.



- a person having public official functions or acting in a public official capacity who may be investigated by an integrity agency a person providing services or exercising functions on behalf of the AM, including a contractor, subcontractor, or volunteer.
- an employee, partner or officer of the AM that provides services, under contract, subcontract, or other arrangement, on behalf of the AM or exercises functions of the AM and are involved in providing those services or exercising those functions.

Other public officials who work in and for the public sector, but do not work for the AM may use this policy if they want information on who they can report wrongdoing to within the AM. This policy does not apply to people who receive services from the AM (customers) or provide services to the AM (such as consultants and suppliers). These persons are encouraged to report misconduct or wrongdoing to the [Integrity agencies listed in Annexure B](#). Public complaints or feedback about the AM can be [submitted through the contact details on our website](#). Mobile device use is governed by the AM's [Code of Conduct](#) and the AM [Mobile Device Policy](#).

3. REPORTING WRONGDOING

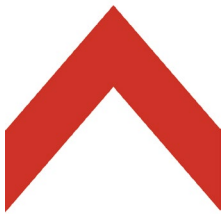
You should report all wrongdoing and misconduct you become aware of, regardless of whether you think it is serious wrongdoing. It is important for the AM to understand what is or may be occurring.

The AM is then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with the AM other policies. Even if your report is not a PID, it may fall within another one of the AM's policies for dealing with reports, allegations or complaints.

AM employees should refer to the [AM's Conflict Resolution Guidelines](#) and the [Prevention of Bullying and Harassment Policy](#) to report grievances, bullying or harassment. Misconduct can be reported to your manager or the [People and Culture team](#).

Some internal complaints or grievances may also be PIDs, as long as they have the features of a PID. If your complaint or grievance is a report of serious wrongdoing, the AM will consider whether it is a PID. If it is a PID, the AM will deal with it as set out in this policy as well as following other applicable policies.

It is important that the AM 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 the AM have certain decisions that we must make on how we will deal with the PID and how the AM will protect and support the person who has made the report.



3.1 What is serious wrongdoing?

Serious wrongdoing is defined in the PID Act as one or more of the following categories:

- **corrupt conduct** — such as a public official accepting a bribe, or the improper use of knowledge, power or position for personal gain or the advantage of others.
- **serious maladministration** — such as taking an action that is unlawful, or 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 privacy contravention** — such as unlawfully accessing a person's personal information on an agency's database.
- **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.

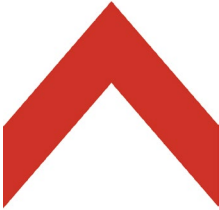
When you make a report of wrongdoing, you do not need to state to the Disclosure Officer what category of serious wrongdoing you are reporting or that you are reporting serious wrongdoing.

3.2 When will a report of wrongdoing be a PID?

When a public official reports suspected or possible serious wrongdoing in the public sector, their report will be a PID if it has certain features which are set out in the PID Act.

There are three types of PIDs in the PID Act:

- **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.
- **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.
- **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 the AM 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](#).

3.2.1 Voluntary PIDs

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

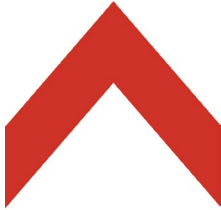
They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing, where they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing. Any public official (refer to [section 2](#) of this policy) can make a voluntary PID. 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 the AM may receive PIDs from public officials outside our AM. 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.

A report is a voluntary PID if it has all of 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 (see [section 2](#) of this policy)
2. It is made to a person who can receive voluntary PIDs (see [section 3.3](#) of this policy)
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
5. The report is voluntary (meaning it is not a mandatory or witness PID).

You will not be expected to prove that what you reported 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 the AM 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 the AM have made an error by not identifying that you have made a voluntary PID, you should raise this with the Disclosure Coordinator, a 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 4.7](#) of this policy.

3.2.2 Deeming that a report is a voluntary PID

The Director & CEO or the Disclosure Coordinator, 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 Director & CEO or the Disclosure Coordinator to request that they consider deeming your report to be a voluntary PID.

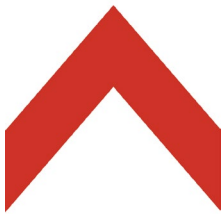
A decision to deem a report to be a voluntary PID is at the discretion of the Director & CEO or the Disclosure Coordinator. For more information about the deeming power, see the [Ombudsman’s guidelines](#).

3.3 How do I make a voluntary PID?

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. The person receiving your oral disclosure must make a written record of the disclosure.
- **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 AM to investigate the matter(s) you have disclosed if we cannot contact you for further information.

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



3.3.1 Making a report to a public official who works for the AM

You can make a report inside the AM to:

- the Director & CEO
- the Disclosure Coordinator – refer to [Annexure A](#) for contact details
- a disclosure officer for the AM – refer to [Annexure A](#) for contact details
- 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.

3.3.2 Making a report to a recipient outside of the AM

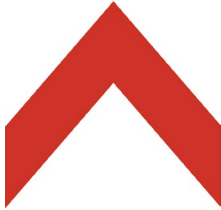
You can also make your report to a public official in another agency (meaning an agency you do not work for) or an integrity agency. These include:

- 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 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 the AM, it is possible that your disclosure will be referred to the AM so that appropriate action can be taken.

3.3.3 Making a report to a Member of Parliament (MP) 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 the AM:
 - notification that the AM 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 the AM'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 because 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 AM'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.

3.4 What should I include in my report?

You should provide as much information as possible so the AM can deal with the report effectively. The type of information you should include is:

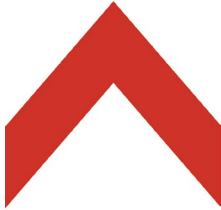
- date, time and location of key events
- names of person(s) involved in the suspected wrongdoing, their role, title and how they are involved
- your relationship with the person(s) involved, such as whether you work closely with them
- your explanation of the matter you are reporting
- how you became aware of the matter you are reporting
- possible witnesses
- other information you have that supports your report.

4. HOW THE AM WILL DEAL WITH REPORTS AND VOLUNTARY PIDS

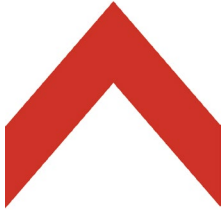
4.1 Acknowledging your report and keeping you informed

When a disclosure officer in the AM 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 from the Disclosure Coordinator:

- You will receive an acknowledgment that the report has been received. This acknowledgement will:



- state that the report will be assessed to identify whether it is a PID.
 - state that the PID Act applies to how the AM 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.
- If the report is assessed a voluntary PID, we will, as soon as possible:
 - discuss with you:
 - to establish whether you are at risk of detrimental action, and to 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.
 - inform you how we intend to deal with the report. This may include:
 - that the AM are investigating the serious wrongdoing.
 - that the AM 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 the AM decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you about the reasons for this decision. We will also notify the NSW Ombudsman of this decision.
- If the AM decide to investigate the serious wrongdoing, we will provide you with updates on the investigation at least every three months. During this time, if you would like more frequent updates, you should contact the contact person who was nominated when you made the report.
 - The AM 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(s) as a result of the investigation – 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 AM, 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 because 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 the AM have.
- If you have made an anonymous report, in many cases the AM may not be able to provide this information to you.



4.2 Assessing your report to determine if it is a voluntary PID

Once a report that may be a voluntary PID is received, it will be referred by the recipient to the Disclosure Coordinator for assessment. The Disclosure Coordinator will look at the information contained in the report to see if it has the features of a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of disclosure, and to make sure that the right steps are followed.

The Disclosure Coordinator or the Director & CEO will review the proposed assessment and then determine whether the report is voluntary PID. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

4.2.1 Where the report is not, or ceases to be, a voluntary PID

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. Even if your report is not a voluntary PID, it will still need to be dealt with or through an alternate process.

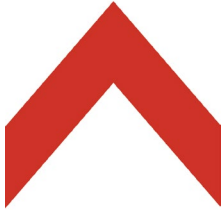
We may also stop dealing with a voluntary PID because it is not actually a voluntary PID (meaning it does not have all the features of a PID). If we cease dealing with a voluntary PID, we will tell you about the reasons for this decision.

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, or request an internal review or that the matter be conciliated – refer to [section 4.7](#).

4.2.2 Where the report is a voluntary PID

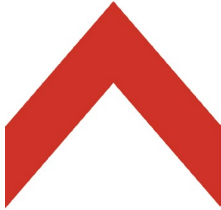
If the report is assessed as a voluntary PID:

- The Disclosure Co-ordinator will review and determine the appropriate nature and scope of any investigation to be conducted under the oversight of the Associate Director, People & Culture or the Director & CEO, including any decision to appoint an external investigator.
- In most cases the AM will investigate 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 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 ICAC Act.

- Before referring a matter, we will discuss the referral with the other agency, and we will provide you with details of the referral.
- There may be circumstances where we believe an investigation is not warranted — for example, if the conduct has previously been investigated. 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.



4.3 Protecting the confidentiality of the marker 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.

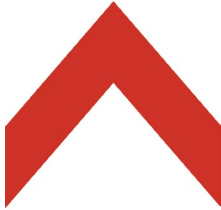
Under the PID Act, information tending to identify a person as the maker of a voluntary PID (known as identifying information) is not to be disclosed by a public official or an agency.

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

The AM 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 the AM will do all that we can to not unnecessarily disclose information from which the maker of the report can be identified. The AM will:

- Limit the number of people who are aware of the maker's identity or information that could identify them.
- 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.
- Ensure that only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker.



- Provide information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other staff.

If confidentiality cannot be maintained or is unlikely to be maintained, we will:

- Advise the person whose identity may become known.
- Update the risk assessment and risk management plan.
- Implement strategies to minimise the risk of detrimental action.
- Provide supports 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.

4.4 Risk assessments and mitigating the risk of detrimental action

The AM will not tolerate any detrimental action being taken by any person against a person who has made a PID, investigators, witnesses, or a 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, a person whose conduct is the subject of a PID, investigators and witnesses.

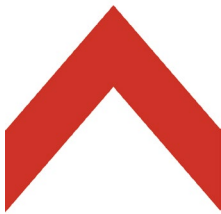
We will take steps to assess and minimise the risk of detrimental action by:

- completing a risk assessment and establishing a risk management plan that will be maintained and reassessed throughout the entirety of the matter.
- providing information to the maker of a PID about:
 - how the AM will communicate with them to identify and manage risks of detrimental action.
 - what supports are available or will be provided.
- implementing strategies to mitigate risks of detrimental action.

The Disclosure Co-ordinator will prepare the risk assessment and risk management plan for approval by the Director & CEO.

If you believe detrimental action is occurring, refer to [section 5.5](#) of this policy for information about how to report it and how the AM will deal with allegations of a detrimental action offence.

4.5 General supports for persons who report wrongdoing



The AM will ensure that persons who report wrongdoing are provided with information on how to access support services. Employees of the AM have access to the AM's [Employee Assistance Program](#) (EAP). Our EAP provider Converge International can be contacted at any time on 1300 687 327.

Persons who report wrongdoing will be allocated a key contact person, who will generally be a member of the Executive Leadership Team who will act as Disclosure Officers under this policy. The key contact person will work with the person to keep them updated about their report, manage the risks of detrimental action, and to respond to any concerns around confidentiality or how their report is being dealt with.

The [NSW Ombudsman](#) can provide advice about the PID Act and reporting generally.

4.6 Where an Investigation finds that serious wrongdoing has occurred

The findings of an investigation into serious wrongdoing will be provided by the Disclosure Co-ordinator to the Director & CEO as the delegate with authority to determine:

- what steps will be taken to address any recommendations in the findings,
- who will be responsible for ensuring any corrective action takes place, and
- how the maker of a voluntary PID will be notified of the corrective action.

If, after an investigation, it is found that serious wrongdoing or other misconduct has occurred, the AM must take the most appropriate action to address that wrongdoing or misconduct. This is also known as corrective action.

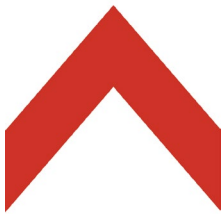
Corrective action can include:

- 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)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

4.7 Review and Dispute Resolution

4.7.1 Internal Review

People who are making or have made a voluntary PID can seek an internal review of the following decisions made by the AM:



- that the AM is not required to deal with the report as a voluntary PID.
- to stop dealing with the report because the AM decided it was not a voluntary PID.
- to not investigate the alleged 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

The AM 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 to the Disclosures Coordinator (refer to [Annexure A](#) for contact details) within 28 days of being informed of the AM's decision. The application should state the reasons why you consider that the AM's decision should not have been made. You may also submit any other relevant material with your application.

The internal review will be dealt with by a person (the reviewer) who was not substantially involved in making the decision or dealing with the report. Internal reviews will be completed within 20 working days of the reviewer receiving all information supplied by the applicant.

The reviewer will notify the applicant of their decision, and the AM will give effect to that decision.

4.7.2 Voluntary dispute resolution (conciliation)

If a dispute arises between the AM 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 the AM and the maker of the report are willing to resolve the dispute.

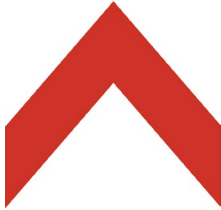
5. PROTECTIONS

5.1 Protections for the maker of a voluntary PID

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

The AM are committed to taking all reasonable steps to protect you from detriment because of having made a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

The AM 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 AM that concerns serious wrongdoing relating to the AM, 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

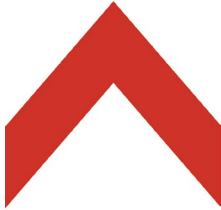
Some public officials are often subject to a duty of confidentiality that prevents them disclosing certain information that they obtain or become aware of at work. Sometimes, to make a PID, public officials will need to breach or disregard such confidentiality duties. If that happens, a public official 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.



5.2 Protections for the maker of a mandatory or witness PID

The maker of a mandatory or witness PID is protected in the following ways:

- Protection from detrimental action other than reasonable management action, including the right to compensation and the ability to apply for an injunction to prevent the commission or possible commission of a detrimental action offence.
- Immunity from civil and criminal liability for breaching a duty of secrecy or confidentiality.
- Protection from liability for own past conduct if given by the Attorney General on application by an integrity agency.

A more detailed definition of these three protections is included in [section 5.1](#).

The maker of a mandatory or witness PID is not entitled to the confidentiality protections that apply to the maker of a voluntary PID. However, where possible and provided it does not hinder an investigation, the AM will maintain the confidentiality of a maker's identity whether it is a mandatory or witness PID, or some other type of complaint.

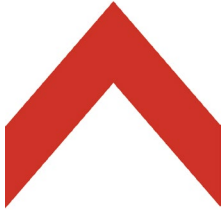
5.3 Protections for investigators of serious wrongdoing

Investigators of serious wrongdoing also have protection from detrimental action other than reasonable management action, including the right to compensation and the ability to apply for an injunction to prevent the commission or possible commission of a detrimental action offence.

5.4 What is detrimental action?

Detrimental action is defined in [section 32](#) the PID Act as an act or omission that causes, comprises, involves, or encourages detriment to a person or a threat of detriment to a person (whether expressed 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.

5.5 Reporting detrimental action

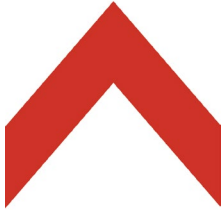
If you experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately.

You can report any experience of adverse treatment or detrimental action directly to the AM through any contact person listed in [Annexure A](#) of this policy. You can also report detrimental action to an integrity agency listed in [Annexure B](#) of this policy.

5.6 How we will deal with allegations of a detrimental action offence

If the AM receives an allegation that a detrimental action offence has occurred or may occur, the AM will:

- acknowledge the report of alleged detrimental action.
- inform the person who the alleged action has been taken against about how they will be updated and what supports will be offered.
- determine whether detrimental action is occurring, and if so, take all steps possible to stop the action and protect the person(s).
- consider whether disciplinary action should be taken 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.



6. ROLES AND RESPONSIBILITIES OF AM EMPLOYEES

6.1 Director & CEO

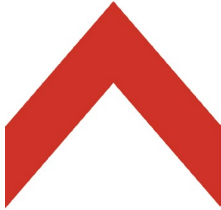
The Director & CEO is responsible for:

- fostering a workplace culture where reporting wrongdoing is encouraged.
- receiving disclosures from public officials.
- ensuring there is a system in place for assessing disclosures.
- ensuring the AM complies with this policy and the PID Act.
- ensuring that the AM 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, and
 - complying with yearly reporting obligations to the NSW Ombudsman.

6.2 Disclosure Coordinator

The AM's Disclosure Coordinator is the HR Service Manager. The Disclosure Coordinator is responsible for:

- receiving reports of wrongdoing from public officials.
- acknowledging reports of wrongdoing made under this policy.
- assessing whether a report is a PID, including deeming a report as a voluntary PID.
- providing updates to the maker of a voluntary PID about how their report is being dealt with.
- taking steps to assess and minimise the risk of detrimental action, other than reasonable management action, being taken against a person as a result of a report of wrongdoing.
- ensuring that allegations of a detrimental action offence are dealt with appropriately.
- ensuring that applications for internal review are dealt with appropriately.
- implementing this policy and maintaining the AM's systems to comply with this policy and the PID Act.



6.3 Associate Director, People & Culture

The Associate Director is responsible for:

- ensuring the AM's systems comply with this policy and the PID Act are operating effectively.
- ensuring the appropriate nature, scope and performance of an investigation into serious wrongdoing.
- ensuring adequate resources are available for the AM to implement this policy.

6.4 Disclosure Officers

Disclosure officers are responsible for:

- receiving reports of wrongdoing 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 Disclosure Coordinator or the Director & CEO.
- ensuring that any oral reports that have been received are recorded in writing.
- maintaining confidentiality and supporting the person who has made a report.
- completing mandatory training in relation to their responsibilities under the PID Act.

6.5 Managers

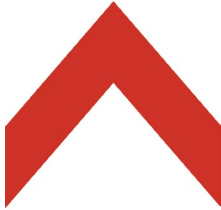
The responsibilities of managers include:

- receiving reports of wrongdoing from persons that report to them or that they supervise.
- passing on reports they receive to a disclosure officer – refer to [Annexure A](#) for contact details.
- completing mandatory training in relation to their responsibilities under the PID Act.

6.6 All Employees and other AM workers deemed public officials

All employees and other AM workers deemed public officials must:

- report suspected serious wrongdoing or other misconduct.
- report suspected detrimental action being taken as a result of a report of wrongdoing.
- 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 AM.
- 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. You also 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.

7. OTHER AM OBLIGATIONS

7.1 Record-keeping Requirements

The AM will keep full and accurate records with respect to all information received in connection with the PID Act. This ensures that the AM complies with its obligations under the *State Records Act 1998*.

All records relating to reports of wrongdoing are maintained confidentially in restricted access locations by the People & Culture Team, in compliance with the AM's [Records Management Policy](#).

7.2 Reporting of Voluntary PIDs to the Ombudsman

Each year the AM will provide an annual return to the NSW Ombudsman which includes:

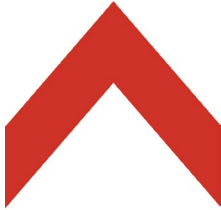
- information about voluntary PIDs received by the AM during each return period (yearly with the start date being 1 July).
- action taken by the AM to deal with voluntary PIDs during the return period.
- how the AM promotes a culture in the workplace where PIDs are encouraged.

7.3 How the AM will ensure compliance with the PID Act and this policy

The Associate Director, People & Culture has oversight of this policy and whether it is operating effectively, including whether the AM 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 Disclosure Coordinator will provide advice, at least annually, on the performance of this policy to the Director & CEO and the AM's Audit & Risk Committee. This advice will include any non-compliance and the actions taken or recommended to improve the performance of this policy.



8. ADVICE, QUESTIONS AND CONCERNS

If you have questions or concerns about making a report of wrongdoing, or to understand how this policy applies, you can seek confidential advice from People & Culture by email at HR@australian.museum.

If you require further information about this policy, how public interest disclosures will be handled and the PID Act you can:

- confidentially contact the disclosure coordinator or a disclosure officer within the AM – refer to [Annexure A](#) for contact details
- 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.

9. RELATED POLICIES

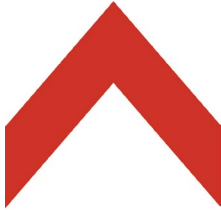
This policy should be read in conjunction with the following relevant policies and procedures.

- [Code of Ethics and Conduct \(AM\)](#) Code of Ethics and Conduct (AM)
- [Fraud and Corruption Prevention Policy and Procedure \(AM\)](#)
- [Conflict Resolution Guidelines](#)
- [Prevention of Bullying and Harassment Policy \(AM\)](#)
- [Privacy Management Plan](#)
- [Proactive release of government information under the Government Information \(Public Access\) Act 2009](#)

10. DOCUMENT CONTROL

This policy is available on the AM's [website](#) as well as on our [intranet](#). A hard copy of the policy can be requested from P&C.

The AM may amend this policy from time to time as appropriate.

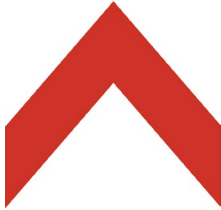


Annexure A – PID Contacts

Owner	Name	Contact Details
Disclosure Coordinator	Nohad Ghibely	<ul style="list-style-type: none"> • Nohad.Ghibely@australian.museum • 0403 162 439
Disclosure Officer	Russell Briggs Chief Experience Officer	<ul style="list-style-type: none"> • Russell.Briggs@australian.museum • 0481 038 004
Disclosure Officer	Maggie Chien Associate Director People & Culture	<ul style="list-style-type: none"> • Maggie.Chien@australian.museum • 0425 881 203
Disclosure Officer	Amanda Farrar PSM Director, Strategy & Chief of Staff	<ul style="list-style-type: none"> • Amanda.Farrar@australian.museum • 0428 208 618
Disclosure Officer	Professor Kris Helgen Chief Scientist & Director, AMRI	<ul style="list-style-type: none"> • Kris.Helgen@australian.museum • 0426 762 300
Disclosure Officer	Laura McBride Director, First Nations	<ul style="list-style-type: none"> • Laura.Mcbride@australian.museum • 0402 373 855
Disclosure Officer	Brett Ogier Chief Financial Officer	<ul style="list-style-type: none"> • Brett.Ogier@australian.museum • 0407 593 484
Disclosure Officer	Jacinta Spurrett Director, Marketing, Communications, Partnerships & Commercial	<ul style="list-style-type: none"> • Jacinta.Spurrett@australian.museum • 0408 122 496
Disclosure Officer	Erik Maranik Director, Corporate Services	<ul style="list-style-type: none"> • Erik.Maranik@australian.museum • 0483 342 482
Disclosure Officer	Fiona Beatty General Counsel	<ul style="list-style-type: none"> • Fiona.Beatty@Australian.Museum • 0435 794 458

Annexure B – Integrity Agencies

Agency	Contact Details
The NSW Ombudsman	<ul style="list-style-type: none"> ▪ 1800 451 524 between 9am to 3pm Monday to Friday ▪ Level 24, 580 George Street, Sydney NSW 2000 ▪ info@ombo.nsw.gov.au



The Auditor-General	<ul style="list-style-type: none">• 02 9275 7100• GPO Box 12, Sydney NSW 2001• governance@audit.nsw.gov.au
Independent Commission Against Corruption	<ul style="list-style-type: none">• 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday• GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364• icac@icac.nsw.gov.au
The Inspector of the Independent Commission Against Corruption	<ul style="list-style-type: none">• 02 9228 3023• PO Box 5341, Sydney NSW 2001• oiicac_executive@oiicac.nsw.gov.au
The Law Enforcement Conduct Commission	<ul style="list-style-type: none">• 02 9321 6700 or 1800 657 079• GPO Box 3880, Sydney NSW 2001• contactus@lecc.nsw.gov.au
The Inspector of the Law Enforcement Conduct Commission	<ul style="list-style-type: none">• 02 9228 3023• GPO Box 5341, Sydney NSW 2001• olecc_executive@olecc.nsw.gov.au
Office of the Local Government	<ul style="list-style-type: none">• olg@olg.nsw.gov.au
The Privacy Commissioner	<ul style="list-style-type: none">• 1800 472 679• GPO Box 7011, Sydney NSW 2001• ipcinfo@ipc.nsw.gov.au
The Information Commissioner	<ul style="list-style-type: none">• 1800 472 679• GPO Box 7011, Sydney NSW 2001• ipcinfo@ipc.nsw.gov.au
The Department of Creative Industries, Tourism, Hospitality and Sport	<ul style="list-style-type: none">• communications@enterprise.nsw.gov.au