

Procedure

Public Interest Disclosures Procedure

PROC-85

1. Purpose

This procedure is designed to help NSW Health Pathology Staff identify and manage potential public interest disclosures consistent with the requirements of the Public Interest Disclosures Act 2022 (NSW) (the PID Act) and the NSW Health Public Interest Disclosures Policy PD2023_026.

It is intended to ensure that reports of serious wrongdoing relating to corruption, maladministration, serious and substantial waste, government information contravention and privacy contravention are treated appropriately and that Staff that make reports will be protected from reprisal.

2. Background

NSW Health Pathology takes 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.

This procedure sets out NSWHP internal procedure in relation to public interest disclosures (PIDs) and includes:

- how we will deal with the report of serious wrongdoing
- who to contact if you want to make a report of serious wrongdoing
- how to make a report of serious wrongdoing

This procedure should be read in conjunction with NSW Health Public Interest Disclosures Policy Directive PD2023_026, NSW Health Code of Conduct, NSW Health Managing Misconduct, Serious Performance and Child Related Concerns Policy Directive PD2025_021 and policies and procedures listed in section 8 below.

NSW Health Pathology adopts the NSW Health PD2023_026 as a local policy and all references in this procedure link to that document. For further background, legislative requirements and definitions, refer to the NSW Health policy (PD2023_026).

3. Scope

This procedure applies to all Staff (including contractors, subcontractors and volunteers providing services or exercising functions on behalf of NSW Health Pathology).

This procedure does not apply to:

- a) people who have received services from NSW Health Pathology and want to make a complaint about those services.
- b) people and organisations providing services directly to NSW Health Pathology under contract (as opposed to contractors providing services on behalf of NSW Health Pathology, or who are exercising functions of NSW Health Pathology. Most NSW Health Pathology contractors will not be considered public officials for the purposes of the PID Act).

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This means that if you are not a 'public official' defined in the PID Act, this procedure does not apply to your complaint or report of wrongdoing.

This procedure is not intended to be used for Staff grievances. If a Staff member makes a report under this procedure which is substantially a grievance, and not serious wrongdoing, the matter will be dealt with in accordance with [NSW Health Resolving Workplace Grievances Policy Directive PD2016_046](#).

4. Definitions

Disclosure Officer means, in NSW Health Pathology:

- the Chief Executive of NSW Health Pathology
- the most senior ongoing NSW Health Pathology employee who ordinarily works at a permanently maintained NSW Health Pathology worksite where more than one employee works.
- additional nominated disclosure officers for NSW Health Pathology appointed by the Chief Executive, including at the time of publication of this policy, Associate Directors of HR, Director Legal & Corporate Governance, Senior Legal Counsel, Legal Counsel and Enterprise Risk Manager.

A list of current Disclosures Officers can be found here: [Disclosures Officers](#)

People Manager a people manager includes any person who directly or indirectly supervises a public official.

Principal Officer means the Chief Executive of NSW Health Pathology.

Public Interest Disclosure means a report of Serious Wrongdoing within the NSW Health Service (whether or not the wrongdoing occurred), and there is an:

- allegation of the Serious Wrongdoing; or
- indication of Serious Wrongdoing.

Serious Wrongdoing means serious wrongdoing defined by section 13 of the PID Act as one or more of the following:

- corrupt conduct
- a government information contravention
- serious maladministration
- a privacy contravention
- serious and substantial waste of public money.

Detailed definitions of these categories are provided in Section 8.1 of [PD2023_026](#).

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Staff means any person working in a casual, temporary or permanent capacity in NSW Health Pathology, including consultants, contractors, board members, volunteers, students and any person performing a public official function whose conduct could be investigated by an investigating authority.

Other definitions are as provided in PD2023 026.

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5.1. When to make a PID report?

Consistent with the CORE values of NSW Health (Collaboration, Openness, Respect and Empowerment) and RITE values of NSW Health Pathology (Respect, Integrity, Teamwork and Excellence), all Staff who become aware of Serious Wrongdoing should report it.

All Staff should have confidence that reports of Serious Wrongdoing which are made in accordance with the PID Act, PD2023 026 and this procedure will be treated appropriately, including protection from detrimental action.

5.2. What is a PID?

When someone 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, namely that it:

- a) is made by a Staff member to a manager or Disclosures Officer;
- b) is about one of the categories of Serious Wrongdoing outlined in the PID Act (and defined in para 4 above);
- c) discloses information that the reporter honestly and on reasonable grounds believes or shows Serious Wrongdoing; and
- d) does not question the merits of government policy or has not been made to avoid dismissal/disciplinary action.

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5.3. Types of PID

There are 3 types of PID:

- a) **Voluntary PIDs** – A report of Serious Wrongdoing as outlined above is a voluntary PID, where it is made voluntarily i.e. it is not a Mandatory or Witness PID.
- b) **Mandatory PID** has the meaning given in the PID Act and **arises** where a report is made by a public official where such report is an ordinary requirement of their role or function or under a legal duty to make such a report. Refer to section 3.4 of [PD2023_026](#) for information regarding Mandatory PIDs.
- c) **Witness PID** has the meaning given in the PID Act and **occurs** where a person (whether or not a public official) discloses information during an investigation into Serious Wrongdoing as a result of a request by the investigator. Refer to section 3.5 of [PD2023_026](#) for information regarding witness PIDs.

Refer to [PD2023_026](#) for more information and detailed definitions of the categories of Serious Wrongdoing and types of PIDs.

5.4. What should be reported?

Staff are encouraged to report any suspected wrongdoing they encounter within NSW Health Pathology. Examples of Serious Wrongdoing in the pathology context include things like:

- Theft of consumables or equipment
- Roster/timesheet fraud
- Dishonest failure to declare conflicts of interest in recruitment or procurement processes
- Accepting gifts from equipment or consumable suppliers in return for favourable treatment
- Using work time or resources for secondary employment opportunities
- Unlawfully disclosing health information for a non-work purpose
- Using confidential NSW Health Pathology information for personal gain or benefit

Further guidance about the six categories of Serious Wrongdoing in the PID Act are available on the [NSW Ombudsman website](#).

A report may disclose more than one type of Serious Wrongdoing. Makers of PIDs do not need to state the category of Serious Wrongdoing they are reporting (or even that they are reporting Serious Wrongdoing).

Corrupt conduct is one of six categories of Serious Wrongdoing and must be serious enough to involve a potential criminal or disciplinary offence, or be grounds for potential dismissal.

Even if the conduct is not considered “corrupt,” if it falls within the other categories in the definition such as serious maladministration, a serious and substantial waste of public money or a privacy contravention it could still be Serious Wrongdoing.

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5.5. Who can I make a report to?

For a report to be a voluntary PID, it must be made to certain public officials as set out below, or otherwise in [PD2023_026](#).

You can make a report within NSW Health Pathology to:

- NSW Health Pathology Chief Executive;
- a Disclosure Officer for NSW Health Pathology — a list of disclosure officers for NSW Health Pathology and their contact details can be found at [Disclosures Officers](#) and include members of the NSW Health Pathology Corporate Governance team who can be contacted at nswpath-corporategovernance@health.nsw.gov.au; or
- your manager — this is the person who directly, or indirectly, supervises you. It can also be the person who you directly, or indirectly, report to. You may have more than one manager. Your manager will make sure that the report is communicated to a Disclosure Officer on your behalf or may accompany you while you make the report to a Disclosure Officer.

Voluntary PID reports can also be made to public officials in other agencies, including the Ministry of Health or integrity agencies such as ICAC or NSW Ombudsman. PIDs may be made to members of parliament (MPs) or journalists only in certain limited circumstances – see the NSW Health PID policy [PD2023_026](#) for more information.

5.6. How to make a report

Staff can make a voluntary PID:

- *in writing* — this could be an email or letter to a person who can receive voluntary PIDs.
- *verbally* — 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 NSW Health Pathology to investigate the matter(s) you have disclosed if we cannot contact you for further information.

5.7. What should I include in my report?

Staff 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

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- possible witnesses
- other information you have that supports your report.

5.8. What if I am not sure if my report is a PID?

Staff are encouraged to report any wrongdoing you become aware of regardless of whether you think it is Serious Wrongdoing. It is important for NSW Health Pathology to understand what is or may be occurring. In most cases, the wrongdoing should initially be reported to a manager or supervisor.

If your report is a PID, we are 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 NSW Health's or NSW Health Pathology's policies for dealing with reports, allegations or complaints.

5.9. Who can I talk to if I have questions or concerns?

Staff can contact the Corporate Governance team via nswpath-corporategovernance@health.nsw.gov.au or NSWPATH-legal@health.nsw.gov.au for further information.

You can also:

- Contact your local NSW Health Pathology People & Culture manager;
- contact another nominated Disclosure Officer within NSW Health Pathology;
- 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 guidance](#).

If you require legal advice with respect to your own personal circumstances under the PID Act, you should seek independent legal advice.

6. Assessment and Management of PIDs

Mandatory and Witness PIDs will be managed in accordance with [PD2023_026](#). Where the report is a mandatory PID, consideration should additionally be given to guidance from the NSW Ombudsman on '[Dealing with Mandatory PIDs](#)'.

6.1 What to do if you receive a potential PID report?

6.1.1 People managers

As set out in [PD2023_026](#), all People Managers must:

- Receive and communicate to a Disclosure Officer voluntary reports of Serious Wrongdoing they receive from Staff who report to them or who they supervise (even if the reporter does not specifically refer to Serious Wrongdoing)
- Ensure Staff are protected from detrimental action including by maintaining confidentiality and offering support;
- Manage risk of reprisal; and

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- Notify the Disclosure Officer if they consider a Staff member is being subjected to, or is at risk of, reprisal.

6.1.2 Disclosure Officers

- a) As set out in PD2023_026, Disclosure Officers are responsible for:
 - receiving reports of Serious Wrongdoing from Staff, or as passed on by a People Manager;
 - ensuring reports are dealt with appropriately;
 - notifying the NSW Health Pathology Corporate Governance team; and
 - ensuring any verbal report is recorded in writing.
- b) Following receipt of a voluntary PID report, the Disclosure Officer must provide an acknowledgment to the reporter that:
 - Their report has been received
 - Their report will be assessed to determine whether it is a PID
 - States that the PID Act applies to how their report is handled
 - Includes a link to this procedure
 - Includes details of a contact person and available support.
- c) In addition, a Disclosure Officer in receipt of a report must, in consultation with the Corporate Governance team and HR (as necessary or appropriate in the circumstances):
 - Conduct a risk assessment (including potential risks for the People Manager) as per the NSW Health Public Interest Disclosures Risk Assessment Form.
 - Take steps to mitigate the risk of detrimental action to the person who made the voluntary PID report.
 - Maintain the confidentiality of the reporter.
 - Provide feedback to the reporter on the progress and outcome of any investigation at no less than 3 monthly intervals.

6.2 Assessment of whether the report constitutes a PID

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The relevant Disclosure Officer, in consultation with the Corporate Governance team, will assess whether the report contains knowledge or suspicion of Serious Wrongdoing using the guidance provided in [PD2023 026](#).

If the conduct falls within the definition of Serious Wrongdoing (see para 4 above), it meets the test under the PID Act and no further assessment as to seriousness is required.

If the report is assessed as being a voluntary PID, the Disclosures Officer will consider whether it can be managed locally, in consultation with local HR and the Corporate Governance team.

6.3 Protections for reporters who make a PID

Once the report has been assessed as being a PID (whether voluntary, mandatory or witness), the reporter (Staff member) receives special protections under the PID Act including

- Protection against detrimental action
- Confidentiality

More detail about protections for makers of voluntary PIDs is set out in the NSW Health [PD2023 026](#). These protections continue even if the Staff member leaves NSWHP employment.

NSW Health Pathology is committed to:

- taking all reasonable steps to protect Staff from detrimental action as a result of making a PID.
- Maintaining confidentiality as much as possible while the PID is being dealt with.

NSW Health Pathology will not tolerate detrimental action against Staff who have made a report, are considering making a report or are believed to have made a report.

Staff may choose to keep their identity anonymous and/or keep confidential the fact they made a voluntary disclosure. Identifying information about the reporter must be kept confidential unless it is necessary or authorised under the PID Act. The Ombudsman provides further [guidance about maintaining confidentiality when dealing with a voluntary PID](#).

6.4 Reporting detrimental action

If you are a PID reporter and experience adverse treatment or detrimental action, such as bullying or harassment, you should report this immediately to your manager, HR manager, the Corporate Governance team or otherwise to an integrity agency. Please refer to the list of integrity agencies annexed to [PD2023 026](#).

6.5 Nominated contact/support person for the reporter

Following receipt of a PID, the Disclosure Officer will nominate a person to be the key point of contact for the reporter in relation to the PID and who will take steps to protect their interests, for example, if they are at risk of detrimental action.

Staff making reports may also seek support from their local HR and/or the Employee Assistance Program.

6.6 Investigating a PID

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Once a report is assessed as being a voluntary PID, any required investigation of the allegations will ordinarily be carried out by HR in accordance with PD2025 021 Managing Misconduct, Serious Performance and Child Related Concerns and related procedures.

Other arrangements (such as appointment of an external investigator) may be made in consultation with the Director of Legal and Corporate Governance.

6.7 Interviews

During an investigation, other Staff members may be asked to attend an interview or otherwise provide information to the investigator. Staff who become aware of the existence of a PID must not disclose this fact or any related information to other NSWHP Staff. Doing so may result in disciplinary action for breach of confidentiality under PD2025 021 Managing Misconduct, Serious Performance and Child Related Concerns.

Information provided as part of an investigation becomes a witness PID - refer to section 3.5 of PD2023 026 for information regarding witness PIDs.

7. Roles and Responsibilities

a) Roles and responsibilities are as set out in PD2023 026 and this procedure.

The NSW Health Pathology Chief Audit Executive (the Director of Legal and Corporate Governance) will report on public interest disclosures as required by PD2023 026.

8. Legal and Procedure Framework

The relevant legislation and policies are detailed in PD2023 026 and include the below.

Related Legislation

- Government Information (Public Access) Act 2009 (NSW) (GIPA Act)
- Health Records and Information Privacy Act 2002 (NSW) (HRIP Act)
- Independent Commission Against Corruption Act 1988 (NSW) (ICAC Act)
- Privacy and Personal Information Protection Act 1998 (NSW) (PPIP Act)
- Public Interest Disclosures Act 2022 (NSW) (PID Act)

Policies and Procedures

- NSW Health PD2023 026 Public Interest Disclosures
- NSW Health IB2020 023 Lobbying Government Officials and the Lobbyists Code of Conduct
- NSW Health PD2020 047 Incident Management
- NSW Health PD2015 049 Code of Conduct
- NSW Health PD2016 029 Corrupt Conduct - Reporting to the Independent Commission
- NSW Health PD2025 021 Managing Misconduct, Serious Performance and Child Related Concerns

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- [NSW Health PD2022_023 Enterprise-Wide Risk Management](#)
- [NSW Health PD2016_046 Resolving Workplace Grievances](#)
- [NSW Health PD2025_022 Prevention and Management of Unacceptable Workplace Behaviours](#)

Additional Material

The NSW Ombudsman has published a range of resources in relation to PIDs, available on its website here:
<https://www.ombo.nsw.gov.au/guidance-for-agencies/pid-act-2022>.

NSW Health Disclosures Officers: <https://www.health.nsw.gov.au/workforce/culture/Pages/disclosure-officers.aspx>

9. Review

This procedure will be reviewed by 17/09/2029.

10. Risk

Risk Statement	If Staff do not have a clear understanding of their rights and responsibilities in relation to public interest disclosures, serious wrongdoing may go unrecognised and unreported or staff may not be protected from reprisal connected to reporting such wrongdoing, which could result in significant reputational, financial and legal damage for NSW Health Pathology.
Risk Category Choose at least one category	Assets & Infrastructure ☐ ; Clinical Care & Patient Safety ☐ ; Compliance ☒ ; Cyber Security ☐ ; Governance ☒ ; Information, Technology & Data ☐ ; Leadership & Management ☒ ; People & Culture ☒ ; Resilience ☐ ; Technological ☐

11. Further Information

For further information, please contact:

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12. Version History

The approval and amendment history for this document must be listed in the following table.

Version No	Effective Date	Approved By	Approval Date	Procedure Author	Risk Rating	Sections Modified
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1.0	19/12/2019	SLT	05/11/2019	Tammy Boone	Medium	New procedure
2.0	21/12/2021	Director, Corporate Governance	21/12/2021	Director, Corporate Governance	Medium	Minor amendments
3.	31/03/2023	Director, Legal and Corporate Governance	31/03/2023	Senior Legal Counsel	Medium	Major amendments in line with new PID Act, including disclosures officers at each site and additional obligations of people managers and disclosures officers and increased protection for staff reporting PIDs
4	17/09/2026	Director, Legal & Corporate Governance	17/09/2026	Director, Legal & Corporate Governance	Medium	Amendments to new template, restructure and update of policy and references

**For Corporate Governance reference only – to be deleted when new Procedure Document created **

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