

# Corporate Services and Governance

## Risk and Governance

### Public Interest Disclosure Policy

## 1 Purpose

This policy outlines Taronga's commitment to the objectives of the *Public Interest Disclosure Act 2022* ('PID Act'). All agencies in NSW are required to have a Public Interest Disclosure Policy under section 42 of the PID Act.

At Taronga we 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.

In line with Taronga's strategic priority of Organisational Strength, the integrity of our agency relies upon our staff, Board and Committee members, volunteers, contractors and subcontractors (referred to as 'Taronga's people' in this Policy) speaking up when they become aware of wrongdoing.

This policy sets out:

- How Taronga 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 is designed to complement related Taronga policies and procedures including Taronga's Code of Ethics and Conduct, Fraud and Corruption Control Policy and Managing Misconduct Policy. This Policy operates in conjunction with standard reporting channels between employees, supervisors and managers. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors and in addition, are provided with a mechanism to make Public Interest Disclosures in accordance with this Policy.

This Policy is available on Taronga's website as well as on Taronga's intranet. A copy of the Policy is sent to staff prior to commencement at Taronga. Physical copies of the Policy can be requested from Governance and Risk.

## 2 Scope

This Policy applies to, and for the benefit of, 'public officials' in NSW. Public officials associated with Taronga include:

- Taronga employees
- Volunteers engaged by Taronga (eg adult volunteers and Youth At The Zoo ('YATZ'))
- Taronga Board and Committee members
- Contractors and sub-contractors engaged by Taronga to deliver services on behalf of Taronga or exercise Taronga's functions (eg, catering services partner at Taronga Zoo, Sydney)
- An employee, partner or official of an entity that provides services, under contract, subcontract or other arrangement, on behalf of Taronga, or exercises functions of Taronga (eg. employees of

catering services partner at Taronga Zoo, Sydney)

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

## 3 How to make a report of serious wrongdoing

### 3.1 Reports, complaints and grievances

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

Some internal complaints or internal grievances may also be PIDs, as long as they have the features of a PID. If an internal complaint or grievance is a report of serious wrongdoing, we will consider whether it is a PID. If it is a PID, we will deal with it as set out in this Policy, but we will also make sure we follow other relevant policies, such as complaint procedures, Managing Misconduct Policy and Managing Workplace Grievances 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.

### 3.2 Background - types of PID in the PID Act

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

- 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 (eg a report from an auditor).
- 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 4 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](#)'.

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

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:

- A report is made by a public official (see Section 2)
- It is made to a person who can receive voluntary PIDs under the PID Act (see Section 3.6)

- The public official honestly and reasonably believes that the information they are providing shows (or tends to show) serious wrongdoing (see Section 3.5)
- The report was made orally or in writing
- The report is voluntary (meaning it is not a mandatory or witness 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 disclosure officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in Section 7 of this Policy.

### 3.4 Who can make a voluntary PID

Any public official can make a voluntary PID (see Section 2 above).

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

### 3.5 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). Serious wrongdoing under the PID Act is:

- **Corrupt conduct** - as defined in sections 7, 8 and 9 of the *Independent Commission Against Corruption Act 1988*). Corrupt conduct is broadly defined as conduct that includes dishonest or partial exercise of official functions by a public official. Conduct of a person who is not a public official, when it adversely affects the partial or honest exercise of official functions by a public official, also comes within the definition.

Corrupt conduct can take many forms and can include taking or offering bribes, public officials dishonestly using influence, blackmail, fraud, forgery, revenue evasion, tax evasion and/or embezzlement.

- **Serious maladministration** - defined in the PID Act as conduct, other than conduct of a trivial nature, of an agency or a public official relating to a matter of administration that is:
  - Unlawful
  - unreasonable
  - unjust, oppressive or improperly discriminatory, or

- based wholly or partly on improper motives
- **Government information contravention** — 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)
- **Privacy contravention** — 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*
- **Serious and substantial waste of public money** - includes any uneconomical, inefficient or ineffective use of resources, whether authorised or unauthorised, and which results in a loss of public funds or resources
- **Local government pecuniary interest contravention** – contravention of a local Council regarding pecuniary interest declarations obligations

For further information, see [What is Serious Wrongdoing, NSW Ombudsman July 2023](#)

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

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

#### 3.6.1 Making a report to a public official who works for Taronga

You can make a report inside Taronga to:

- Taronga's Chief Executive
- Chair of the Performance, Audit, Risk and Safety Committee (member of Taronga Board)
- A disclosure officer for Taronga as specified in this Policy:
  - Executive Director, Taronga Zoo, Sydney
  - Divisional Director, Taronga Western Plains Zoo, Dubbo
  - Divisional Directors
  - Directors (members of the Executive Team)
  - Manager, People Operations, People, Culture and Safety Division

Taronga's disclosure officers are listed in Annexure A.

- 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. For people providing services or exercising functions on behalf of Taronga, your manager will be the role supervising or overseeing the engagement, for example the contract manager, or the volunteer coordinator.

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.

### 3.6.2 Making a report to a recipient outside of Taronga

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

- the head of another agency — this means the head of any public service agency
- an integrity agency — a list of integrity agencies is located at Annexure B of this policy
- a disclosure officer for another agency — ways to contact disclosure officers for other agencies is located in an agency's PID policy which can be found on their public website
- 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 Taronga, it is possible that your disclosure will be referred back to us so that appropriate action can be taken.

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

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

- You must have first made substantially the same disclosure (described here as a 'previous disclosure') to someone who can receive disclosures, and
- The previous disclosure must be substantially true, and
- The previous disclosure was not anonymous, and
- You did not give a written waiver of your right to receive information relating to your previous disclosure, and
- Either:
  - You have been notified that the previous disclosure will not be investigated or referred to another agency, or
  - You have not received the following information at the end of the investigation period:
    - notice of Taronga decision to investigate the serious wrongdoing
    - a description of the results of an investigation into the serious wrongdoing
    - details of proposed or recommended corrective action as a result of the previous disclosure or investigation

Investigation period means:

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

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

### 3.7 What form should a voluntary PID take?

You can make a voluntary PID:

- Via the Internal Report Form available on Taronga's website and intranet
- in writing — this could be an email, letter or form 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

#### 3.7.1 Anonymous disclosures

You can make a PID anonymously via the Internal Report Form above (either by submitting electronically, or downloading and completing the physical form and sending to person who can receive PIDs). 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 as far as possible. It may be difficult, however, for Taronga to investigate the matter(s) you have disclosed if we cannot contact you for further information. If the report is anonymous, Taronga also cannot contact you to provide information about the outcome of the report, including any investigation or corrective action taken.

### 3.8 What should I include in my report?

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

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

### 3.9 What if I am not sure if my report is a PID?

We encourage you to report all wrongdoing or incidents you become aware of regardless of whether you think it is serious wrongdoing. It is important for Taronga to understand what is or may be occurring. The Internal Report Form is a multi-purpose form for all internal reports.

We are then responsible for making sure your report is handled appropriately under the PID Act, or if it is not a PID, in line with our other procedures. Even if your report is not a PID, it may fall within another one of the agency's policies for dealing with reports, allegations or complaints and the report will be addressed under those procedures.

### 3.10 Deeming that a report is a voluntary PID

The Divisional Director, Corporate Services and Governance 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 Divisional Director, Corporate Services and Governance to request that they consider deeming your report to be a voluntary PID.

The Divisional Director, Corporate Services and Governance will make a decision having regard to the public interest, the risk to the reporter if the report is not deemed a PID and the objects of the PID Act including:

- To facilitate the disclosure by public officials of serious wrongdoing in or affecting the public sector
- To promote a 'speak up' culture where public interest disclosures are encouraged
- To protect public officials, witnesses and other persons from detriment or liability that might arise because of public interest disclosures

For more information about the deeming power, see '[Deeming that a disclosure is a voluntary PID](#)', NSW Ombudsman July 2023.

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

If you have questions or concerns you can contact any of the disclosure officers confidentially, in writing, verbally or by email (See Annexure A).

## 4 Protections

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

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

Taronga is 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:

#### 4.1.1 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 Taronga that concerns serious wrongdoing relating to Taronga 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.

#### 4.1.2 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.

#### 4.1.3 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 (see Section 6.4).

#### 4.1.4 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.

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

People who make mandatory and witness PIDs have the following protections:

#### 4.2.1 Protection against 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.

#### 4.2.2 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.

#### 4.2.3 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.

#### 4.2.4 Immunity from civil or 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:

- breaching a duty of secrecy or confidentiality, or
- breaching another restriction on disclosure.

## 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 Taronga, or to an integrity agency. A list of integrity agencies is located at Annexure B of this policy.

You can report detrimental action to a disclosure officer in writing, (including email), telephone or in person. You can also use the Internal Report Form to report detrimental action.

## 6 How Taronga will deal with voluntary PIDs

### 6.1 General support

Taronga provides support for people who make PIDs including:

- Providing information about the reporting process and making arrangements with the reporter as to how information will be provided, by whom (ie a contact person for the report) and how communication about the report can occur on an ongoing basis
- Providing access to the resources of the [NSW Ombudsman](#)
- Providing support to the reporter including through access to Taronga's Employee Assistance Program

### 6.2 How Taronga will acknowledge that we have received a report and keep the person who made it informed

When a disclosure officer in Taronga 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:

#### 6.2.1 Acknowledgement

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 Taronga 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.

### 6.2.2 Information as to how we intend to deal with report

If the report is a voluntary PID, we will inform you as soon as possible how we intend to deal with the report. This may include:

- that we are investigating the serious wrongdoing
- that we will refer the report to a different agency (if appropriate) to deal with the voluntary PID. If we do this, we will provide you with details of this referral
- If we decide to not investigate the report and to not refer it to another agency for it to be investigated, we will tell you the reasons for this decision. We will also notify the NSW Ombudsman of this decision.

### 6.2.3 Information about investigation

If we 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.

If we investigate the serious wrongdoing, we will provide you with the following information once the investigation is complete:

- A description of the results of the investigation — that is, we will tell you whether we found that serious wrongdoing took place.
- Information about any corrective action as a result of the investigation/s — this means we will tell you what action we took in relation to the person who engaged in the serious wrongdoing or if the serious wrongdoing was by our agency, what we have put in place to address that serious wrongdoing.

Corrective action could include taking disciplinary action against someone or changing the practices, policies and procedures that we have in place which led to the serious wrongdoing.

There may be some details about both the findings made as a result of the investigation and the corrective action taken that cannot be revealed to you. We will always balance the right of a person who makes a report to know the outcome of that report, with other legal obligations we have.

If you have made an anonymous report, in many cases we may not be able to provide this information to you.

## 6.3 How Taronga will deal with voluntary PIDs

Once a report that may be a voluntary PID is received Taronga 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. If it is a voluntary PID, we will ensure that we comply with the requirements in the PID Act.

The report may be referred to an appropriate staff member for investigation, or in some cases, Taronga may outsource the investigation to a third party, or integrity agency.

### 6.3.1 Report not 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.

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. Taronga may request the NSW Ombudsman to conciliate the matter.

Even if the report is not a voluntary PID, it will still be dealt with in a manner consistent with Taronga's relevant internal complaints or grievance handling processes or through an alternate process.

### 6.3.2 Cease dealing with report as voluntary PID

Taronga 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 (see Section 3.5)).

If the maker of a report has stated the report is a PID, Taronga will notify the maker of the report that it has ceased dealing with the report as a voluntary PID, and provide reasons for Taronga's decision.

### 6.3.3 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 the agency engaged, in serious wrongdoing. Taronga may investigate the matter internally or engage external investigation services to conduct the investigation. You will be notified of a contact person relating to the investigation. Taronga follows the investigation processes set out in [Factfinder: A guide to conducting internal investigations NSW ICAC April 2022](#).

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 (see Annexure B). 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.

Taronga will provide you with information about the outcome of the investigation and details of any corrective action that has been taken, or is planned to be taken in response to the report.

Taronga will provide this information as soon as possible, and within 3 months of receipt of the report.

## 6.4 How Taronga will protect the confidentiality of the maker of a voluntary PID

We understand that people who make voluntary PIDs may want their identity and the fact that they have made a report to be confidential.

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

There are certain circumstances under the PID Act that allow for the disclosure of identifying information. These include:

- where the person consents in writing to the disclosure

- where it is generally known that the person is the maker of the voluntary PID because of their voluntary self-identification as the maker
- when the public official or Taronga 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:

- Providing training to people in Taronga who receive PIDs regarding the legal obligation to protect the identity of the reporter
- Providing training and awareness to Taronga's public officials regarding the confidentiality requirements in the PID Act and this paragraph
- Restricting the number of people who are aware of the reporter's identity
- Ensuring people who are aware of the identity of the reporter in relation to a specific report are aware of their legal obligation to keep the identify of the reporter confidential
- Ensuring the reporter is aware of the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss the report with other staff
- Ensuring record keeping systems have restricted access controls for documentation related to PIDs

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

- Advise the person whose identity may become known and assess risks and possible mitigations with the person
- Implement strategies to minimise the risk of detrimental action
- Provide additional 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.

## 6.5 How Taronga will assess and minimise the risk of detrimental action

Taronga 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.

Taronga will assess and take steps to mitigate detrimental action from being taken against the maker of a voluntary PID, the person whose conduct is the subject of a PID, investigators and witnesses.

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

- Assessing the risk of detrimental action with the maker of the PID, and deciding on, and implementing risk mitigation strategies
- Keeping risk mitigation strategies under review during the progress of the report / investigation and updating as necessary

### 6.5.1 What is detrimental action?

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.

### 6.5.2 How Taronga will deal with allegations of detrimental action

Reports of detrimental action should be made to the internal Taronga contact for the report / investigation. Reports of detrimental action can also be made to the Divisional Director, People, Culture and Safety or the Divisional Director, Corporate Services and Governance.

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

- Take all steps possible to stop the action and protect the person(s)
- Take appropriate disciplinary action against anyone that has taken detrimental action
- Refer any evidence of a detrimental action offence to the Commissioner of Police and the ICAC
- Notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

### 6.6 What Taronga 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, Taronga 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 disciplinary 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.

The appropriate corrective action will be determined by Taronga's Executive, based on any findings or recommendations of the investigation.

## 7 Review and dispute resolution

### 7.1 Internal review

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

- That Taronga is not required to deal with the report as a voluntary PID
- To stop dealing with the report because Taronga 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.

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

Applications for internal review should be sent to the Divisional Director, Corporate Services and Governance and will be referred to an appropriate senior person in the organisation, who has not previously had involvement in decision – making in the matter.

Taronga will endeavour to complete the internal review as soon as possible and within 2 months of receiving a complete application for internal review.

## 7.2 Voluntary dispute resolution

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

# 8 Other obligations under the PID Act

## 8.1 Record keeping requirements

Taronga must keep full and accurate records with respect to all information received in connection with the PID Act. Records are kept in secure Taronga systems, and managed in line with Taronga's obligations under the *State Records Act 1998* and the *Privacy and Personal Information Protection Act 1998*. See Taronga's Records Management Policy and Privacy Management Plan for more information.

## 8.2 Reporting voluntary PIDs to NSW Ombudsman

Each year Taronga's Governance and Risk unit provides an annual return to the NSW Ombudsman which includes:

- Information about voluntary PIDs received by Taronga during each return period (yearly with the start date being 1 July)
- Action taken by Taronga to deal with voluntary PIDs during the return period
- How Taronga promoted a culture in the workplace where PIDs are encouraged.

## 8.3 Ensuring contracted service providers are aware of PID Policy

Where Taronga contracts with a person or body to provide services on behalf of Taronga, the contract must require:

- The engaged party to ensure all people involved in providing services under the contract are aware of Taronga's Public Interest Disclosures Policy and how to make a PID
- The engaged party to notify Taronga if a voluntary public interest disclosure has been made
- The engaged party to notify Taronga of serious wrongdoing committed or alleged to have been committed by a person providing services under the contract

- The engaged party to use best endeavours to assist in any investigation of serious wrongdoing
- The engaged party to acknowledge Taronga's obligation to take corrective action if necessary, and other consequences, including right to terminate the contract

#### 8.4 How Taronga ensures compliance with the PID Act and this Policy

Taronga's Chief Executive oversees Taronga's compliance with the PID Act, supported in commitment by Taronga's Board.

Taronga monitors compliance with this Policy through regular managerial processes, and formal reviews / audits of our fraud and corruption prevention control framework. Reviews of the framework, and actions for continuous improvement and enhanced compliance are reported to Taronga's Performance, Audit, Risk and Safety Committee on an annual basis in line with TPP 20-08 Internal Audit and Risk Management in the NSW General Government Sector.

## 9 Responsibility and Accountability

### 9.1 Taronga Board / Performance, Audit, Risk and Safety Committee

Taronga's Board is responsible for:

- Overseeing Taronga's fraud and corruption prevention framework
- Receiving reports from public officials (Chair of the PARS Committee)

### 9.2 Chief Executive

The Chief Executive is responsible for:

- Fostering and promoting a 'Speak Up' culture at Taronga, where reporting is encouraged
- Receiving reports from public officials
- Ensuring Taronga complies with the PID Act and this Policy, including by ensuring there are systems in place for receiving, assessing and responding to PIDs, protecting reporters' identity and protecting reporters from detrimental action
- Implementing corrective action if serious wrongdoing is found to have occurred
- Reporting actual or suspected corrupt conduct to ICAC in line with s 11 of the ICAC Act 1988

### 9.3 Disclosure Officers

Disclosure officers are responsible for:

- Receiving reports from public officials
- Receiving reports passed on by managers
- Ensuring reports are dealt with appropriately, including by referring the report to appropriate internal person, unit or external body

## Corporate Services and Governance

### Governance and Risk

#### Public Interest Disclosure Policy

- Ensuring oral reports are recorded in writing
- Explaining to the reporter what will happen in relation to the report, including providing a contact person for the report, any necessary supports and explaining how information will be provided to the reporter
- Liaising with the reporter and relevant Taronga staff to assess immediate risk of detrimental action and mitigation strategies

#### 9.4 Divisional Director, Corporate Services and Governance

Divisional Director, Corporate Services and Governance is responsible for:

- Overseeing reporting of PIDs to NSW Ombudsman
- Overseeing development, implementation, monitoring and review of Fraud and Corruption Prevention Framework, including this Public Interest Disclosure Policy (taking into account any guidelines published by the NSW Ombudsman)
- Implementing training and awareness for Taronga's disclosure officers regarding their obligations under the PID Act and this Policy
- Deeming a report to be a PID (when it doesn't otherwise meet the criteria (see Section 3.10))
- Receiving, referring and managing applications for internal review of Taronga's decisions under the PID Act
- Overseeing the investigation of reports
- Providing information to the reporter following an investigation, including in relation to the outcome of the investigation and any corrective actions taken

#### 9.5 Divisional Director, People, Culture and Safety

Divisional Director, People, Culture and Safety is responsible for:

- Assessing and determining strategies to minimise risk of detrimental action as a result of making a report, in line with Taronga's WHS framework
- Managing reports of detrimental action
- Developing and implementing training and awareness modules for Taronga's people on the PID Act and this Policy for induction and regular refresher training

#### 9.6 Managers (including supervisors in certain circumstances, see Section 3.6.1)

Managers are responsible for:

- Receiving reports from persons that report to them or that they supervise
- Passing on reports they receive to a disclosure officer

## 9.7 All Taronga’s people (including employees, volunteers and public officials)

Taronga’s people are responsible for:

- Reporting suspected serious wrongdoing or other misconduct
- Assisting in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Taronga
- Protecting and maintaining the confidentiality of the identity of any person they know, or suspect has made a disclosure

Taronga’s people must not:

- Victimise, intimidate or harass anyone who has made a report
- Make false or misleading reports of wrongdoing

## 10 Policy Contact and Review

The Manager, Governance and Risk is the contact for this Policy.

The Policy will be reviewed every 2 years, or as required to update contact details or changes to law or organisational context.

## 11 Version Control

Version Control	Date Effective	Drafted by	Approved By	Amendment
2.0	March 05	HR	CEO	
3.0	April 2012	HR	CEO	
4.0	Feb 2016	HR	CEO	
5.0	November 2021	Governance	CE	
6.0	20 September 2023	Governance	CE	Amended to comply with PID Act 2022

## 12 Approval

Cameron Kerr

Chief Executive

## 13 Annexures

Annexure A List of Disclosure Officers

Annexure B List of Integrity Agencies

## **Appendix 1 – List of Taronga’s Disclosure Officers**

Chief Executive

Executive Director, Taronga Zoo

Divisional Director, Taronga Western Plains Zoo, Dubbo

Divisional Director, Corporate Services & Governance

Divisional Director, People Culture & Safety

Divisional Director, Welfare, Conservation & Science

Divisional Director, Marketing, Communications & Fundraising

Director, Guest Experience and Commercial Operations

Director of Education

Director Capital Programs

Director of Asset Management

Director of Information Technology

Manager, People Operations, People, Culture and Safety Division

### **From the Taronga Board:**

Chair, Performance, Audit, Risk and Safety Committee

Appendix 2 – List of Integrity Agencies

Integrity agency	What they investigate	Contact information
<b>The NSW Ombudsman</b>	Most kinds of <b>serious maladministration</b> by most agencies and public officials (but not NSW Police, judicial officers or MPs)	<b>Telephone:</b> 1800 451 524 between 9am to 3pm Monday to Friday <b>Writing:</b> Level 24, 580 George Street, Sydney NSW 2000 <b>Email:</b> <a href="mailto:info@ombo.nsw.gov.au">info@ombo.nsw.gov.au</a>
<b>The Auditor-General</b>	<b>Serious and substantial waste of public money</b> by auditable agencies	<b>Telephone:</b> 02 9275 7100 <b>Writing:</b> GPO Box 12, Sydney NSW 2001 <b>Email:</b> <a href="mailto:governance@audit.nsw.gov.au">governance@audit.nsw.gov.au</a>
<b>Independent Commission Against Corruption</b>	<b>Corrupt conduct</b>	<b>Telephone:</b> 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday <b>Writing:</b> GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364 <b>Email:</b> <a href="mailto:icac@icac.nsw.gov.au">icac@icac.nsw.gov.au</a>
<b>The Inspector of the Independent Commission Against Corruption</b>	<b>Serious maladministration</b> by the ICAC or the ICAC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> PO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:oiicac_executive@oiicac.nsw.gov.au">oiicac_executive@oiicac.nsw.gov.au</a>
<b>The Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the NSW Police Force or the NSW Crime Commission	<b>Telephone:</b> 02 9321 6700 or 1800 657 079 <b>Writing:</b> GPO Box 3880, Sydney NSW 2001 <b>Email:</b> <a href="mailto:contactus@lecc.nsw.gov.au">contactus@lecc.nsw.gov.au</a>
<b>The Inspector of the Law Enforcement Conduct Commission</b>	<b>Serious maladministration</b> by the LECC and LECC officers	<b>Telephone:</b> 02 9228 3023 <b>Writing:</b> GPO Box 5341, Sydney NSW 2001 <b>Email:</b> <a href="mailto:olecc_executive@olecc.nsw.gov.au">olecc_executive@olecc.nsw.gov.au</a>
<b>Office of the Local Government</b>	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
<b>The Privacy Commissioner</b>	<b>Privacy contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>
<b>The Information Commissioner</b>	<b>Government information contraventions</b>	<b>Telephone:</b> 1800 472 679 <b>Writing:</b> GPO Box 7011, Sydney NSW 2001 <b>Email:</b> <a href="mailto:ipcinfo@ipc.nsw.gov.au">ipcinfo@ipc.nsw.gov.au</a>