

# Public Interest Disclosures Procedure

## 1 Applicability

This procedure is available on Sydney Metro’s publicly available website as well as on the internal Sydney Metro Portal (i.e, intranet). A copy of the procedure is provided to staff on their commencement at Sydney Metro.

### 1.1 Who does this document apply to?

This procedure applies to Sydney Metro permanent, temporary and casual staff, staff seconded from another organisation, and contingent workers including labour hire, professional services contractors and consultants performing work. This procedure is specific to Sydney Metro and does not apply to other Transport cluster agencies (see the Transport cluster procedure for other agencies):

Sydney Metro	YES
Department of Transport	NO
Transport for NSW	NO
NSW Trains	NO
State Transit Authority	NO
Sydney Trains	NO
Sydney Ferries	NO
The Point to Point Transport Commissioner	NO

In addition to staff<sup>1</sup>, this procedure also applies to the following individuals, who are considered public officials for the purpose of the [Public Interest Disclosures Act 2022](#) (PID Act):

- Private individuals, such as contractors, their subcontractors, or volunteers, who are engaged to deliver services on behalf of the agency or exercise the functions of that agency, if they themselves deliver those services or exercise those functions,
- Employees, partners and officers of contractors, subcontractors or other entities that provide services on behalf of the agency, or exercise functions of an agency, and are involved in the provision of that work.

<sup>1</sup> For the purposes of this procedure, ‘staff’ includes all permanent, temporary and casual staff, staff second from another organisation and contingent workers including labour hire, professional services contractors and consultants.

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## 2 Definitions

Definitions for terms used in this Procedure are set out in the following table:

Term	Definition
<b>Corrupt conduct</b>	Deliberate or intentional wrongdoing, not negligence or a mistake involving or affecting a NSW public official or public sector organisation. Refer to Sections <a href="#">7</a> , <a href="#">8</a> and <a href="#">9</a> of the <a href="#">ICAC Act</a> for the full definition.
<b>Deemed voluntary PID</b>	As defined in <a href="#">Section 29 of the PID Act</a>
<b>Disclosure Officer</b>	As defined in <a href="#">Section 18 of the PID Act</a>
<b>EAP</b>	Employee Assistance Program
<b>Government information contravention</b>	As defined in <a href="#">Schedule 2 of the PID Act</a>
<b>ICAC</b>	Independent Commission Against Corruption
<b>Identifying information</b>	Information tending to identify a person as the maker of a voluntary PID
<b>LECC</b>	Law Enforcement Corruption Commission
<b>Local government pecuniary interest contravention</b>	As defined in <a href="#">Schedule 2 of the PID Act</a>
<b>Manager of a public official</b>	As defined in <a href="#">Section 15 of the PID Act</a>
<b>Mandatory PID</b>	As defined in <a href="#">Section 23 of the PID Act</a>
<b>MP</b>	Member of Parliament
<b>PID</b>	Public Interest Disclosure
<b>PID Act</b>	<i>Public Interest Disclosures Act 2022</i>
<b>Privacy contravention</b>	As defined in <a href="#">Schedule 2 of the PID Act</a>
<b>Public official</b>	As defined in <a href="#">Section 14 of the PID Act</a>
<b>Respondent</b>	The person that a report of wrongdoing is about

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Term	Definition
<b>Serious and substantial waste of public money</b>	Any uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in losing or wasting public money or resources.
<b>Serious maladministration</b>	As defined in <a href="#">Schedule 2 of the PID Act</a>
<b>Voluntary PID</b>	As defined in <a href="#">Section 24 of the PID Act</a>
<b>WCIU</b>	Workplace Conduct Investigations Unit
<b>Witness PID</b>	As defined in <a href="#">Section 22 of the PID Act</a>

## 3 Purpose and Scope

At Sydney Metro, we take reports of wrongdoing seriously. We are committed to embedding a 'speak up' culture where our people are protected, supported and empowered to act courageously and report suspected wrongdoing. This procedure sets out the processes for making a Public Interest Disclosure (PID) at Sydney Metro, how Sydney Metro will deal with PIDs and comply with our obligations under the PID Act, as well as the protections available to you under the PID Act.

This procedure should be read together with the [Code of Conduct](#), the [Fraud and Corruption Control Policy](#), the [Fraud and Corruption Control Plan](#), the [Managing Conduct and Discipline Policy](#) and other related documents (10).

## 4 Reporting serious wrongdoing

All public officials have a responsibility to report any reasonable suspicion of any unethical, dishonest and corrupt conduct. If you are a public official reporting serious wrongdoing in the public sector, the report will be a PID if it has certain features, as set out in the PID Act.

### 4.1 When is a report a public interest disclosure

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 (4.1.1).
- 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.

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- 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 procedure primarily relates to making a voluntary PID and how Sydney Metro will deal with voluntary PIDs. People who make mandatory PIDs or witness PIDs are still entitled to protection (6.2). For more information about mandatory and witness PIDs, refer to the Ombudsman’s guidelines [‘Dealing with mandatory PIDs’](#) and [‘Dealing with witness PIDs’](#).

## 4.1.1 Voluntary public interest disclosures

Voluntary PIDs are the kind of PIDs most people have in mind when they think about public interest reporting and ‘whistleblowing’. However, some internal complaints or grievances may also be PIDs, so long as they have the features of a PID.

A report is a voluntary PID if it has the following five features, which are set out in [Sections 24 - 27 of the PID Act](#):

- The report is made by a public official.
- The report is made to someone who can receive voluntary PIDs. At Sydney Metro, PIDs can be made:
  - Internally, to one of the designated channels listed in 4.2, or
  - Externally, to one of the designated recipients listed in 4.3.
- The public official honestly and reasonably believes the information they are providing shows, or tends to show, serious wrongdoing. You can seek further information from the Ombudsman’s guidelines [‘What is serious wrongdoing’](#). Under the PID Act, the following conduct is considered serious wrongdoing:
  - Corrupt conduct**, such as a public official accepting a bribe.
  - Serious maladministration**, such as 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 local government pecuniary interest contravention**, such as a senior council staff member recommending a family member for a council contract and not declaring the relationship.
  - A privacy contravention**, such as unlawfully accessing a person’s personal information on an agency database.

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- **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.

- The report was made orally or in writing.
- The report is voluntary (meaning it is not a mandatory or witness PID).

You should report all wrongdoing you become aware of regardless of whether you think it is serious wrongdoing. Sydney Metro is responsible for ensuring your report is handled in accordance with the PID Act, or if it is not a PID, in line with Sydney Metro’s other procedures (see the list of policy and procedure at [10](#)).

## 4.1.2 Deeming that a report is a voluntary PID

In certain circumstances, the PID Coordinator can 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 disclosers 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 PID Coordinator to request that they consider deeming your report a voluntary PID. A decision to deem a report to be a voluntary PID is at the discretion of the PID Coordinator. For more information about the deeming power, refer to the Ombudsman’s guideline [‘Deeming that a disclosure is a voluntary PID’](#).

## 4.2 Making an internal report

Public officials can make a report verbally or in writing. If a report is made verbally, the person receiving the report must take a comprehensive written record of the report. That person will ask you to verify the details recorded and provide you with a copy to keep. You should provide as much information as possible, such as:

- date, time and location of key events,
- names of person(s) involved, their role, title and how they are involved,
- your relationship with the person(s),
- your explanation of the matter you are reporting,
- how you became aware of the matter you are reporting, and
- possible witnesses.

In some circumstances, you may wish to make a report anonymously.<sup>2</sup> If you choose to remain anonymous, you will still be protected by the PID Act and Sydney Metro will deal with the report, however, it may be difficult for Sydney Metro to ensure you are

<sup>2</sup> As defined in Schedule 2 of the PID Act, “anonymous, in relation to a disclosure, means that, taking into account the circumstances of the disclosure and the material accompanying the disclosure, there is no reasonably practicable means of communicating with the maker of the disclosure about the disclosure, whether or not the maker’s name is known.”

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provided with updates about the status of your report and any necessary support or protection (6 – 7).

## 4.2.1 How to make a report at Sydney Metro

You can make a report to the [Speak Up reporting platform](#)<sup>3</sup> by:

- Completing the Speak Up online [Internal Reporting form](#)
- Emailing [transportspeakup@coreintegrity.com.au](mailto:transportspeakup@coreintegrity.com.au)
- Calling the Speak Up Hotline on 1800 814 813
- Sending a letter to: Sydney Metro Speak Up PO Box 730, Milsons Point NSW 1565

You can make a report to your manager, who must refer the report to a disclosure officer (such as Speak Up platform or an individual listed in [the List of Disclosure Officers](#)), for the report to be received by Sydney Metro.

You can also make a report direct to a disclosure officer listed in [the List of Disclosure Officers](#).

For information on raising and addressing specific types of work-related issues, refer to the relevant Sydney Metro policies and procedures (10).

## 4.3 Making a report external to Sydney Metro

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

an integrity agency – a list of integrity agencies is set out in

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<sup>3</sup> The Speak Up reporting platform is managed by Core Integrity Pty Ltd. Core Integrity Pty Ltd exercises the function of receiving voluntary public interest disclosures on behalf of the Transport agencies covered by this Procedure.

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- Appendix A,
- the head of another agency – this means the head of any public sector agency,
- a disclosure officer for another agency – ways to contact disclosure officers for other agencies are in an agency’s PID policy which can be found on their public website, or
- a Minister or a member of a Minister’s staff, however the report must be made in writing, or

If you choose to make a report external to Sydney Metro, it is possible that your report will be referred back to Sydney Metro so that appropriate action can be taken.

## 4.3.1 Making a report to an integrity agency

The PID Act lists several integrity agencies in NSW that public officials can report wrongdoing to and the type of wrongdoing each agency can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an integrity agency, for example if a report is about the Sydney Metro Secretary. If you wish to make a report to an integrity agency, you should contact the relevant integrity agency for advice about how to make a disclosure to them. Integrity agencies that can receive PIDs and their contact details are set out in

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## Appendix A.

You should be aware that the integrity agency may discuss reports with Sydney Metro and in some cases may refer the report back to Sydney Metro to investigate. We will make every effort to assist and cooperate with the integrity agency to deal with the matter appropriately and ensure there is a satisfactory outcome.

If the integrity agency informs Sydney Metro of the identity of the staff member who made the report to them, we will provide appropriate support and assistance to the discloser.

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

Disclosures to MPs or journalists are different to other reports. To have the protections of the PID Act, you can only disclose a report of wrongdoing as a voluntary PID to a MP or journalist under the following circumstances:

- You must have already made substantially the same disclosure (described here as a ‘previous disclosure’) to someone who can receive disclosures.
- Your previous disclosure must be substantially true.
- Your previous disclosure was not made anonymously.
- You did not waive your right (in writing) to receive information about your report, such as the outcome of any action taken in response to your report.
- You did not receive the following from Sydney Metro:
  - Notification that Sydney Metro 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<sup>4</sup>:
    - Notice of Sydney Metro 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 resulting from the previous disclosure or investigation.

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

<sup>4</sup> In line with [Section 28\(2\) of the PID Act](#), ‘investigation period’ means either after six months from the previous disclosure being made or after 12 months if you applied for an internal review of Transport’s decision within six months of making the disclosure.

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## 4.3.3 Sanctions for making false or misleading statements

It is important all staff are aware that it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing. Sydney Metro will not support staff who wilfully make false or misleading reports. Such conduct may also be a breach of the Transport Code of Conduct resulting in disciplinary action.

## 5 Dealing with a Voluntary PID

When Sydney Metro receives a report which is a voluntary PID, or looks like it may be a voluntary PID, the person who made the report will be kept informed. However, as per [Section 59\(5\) of the PID Act](#), the information set out in 4.1 – 4.3 does not apply to anonymous disclosures or where you have waived, in writing, the right to receive this information.

### 5.1 Keeping the reporter informed

When you make a report to a Disclosure Officer, you will receive:

- an acknowledgement that your report has been received, and
- a copy of, access to, or clear information on how to access this procedure.

If your report is made to the Speak Up hotline you are acknowledged via a response from the Speak Up platform.

If your report is assessed to have the features of a voluntary PID, and we have reasonably practical means to contact you, we will inform you as soon as practicable in writing to advise:

- whether your report has been determined to be a voluntary PID, and
- in accordance with [Section 59 of the PID Act](#), provide information about:
  - how the agency is dealing with or proposes to deal with your report,
  - whether your report will be referred to another agency – providing you the details of the referral,
  - if we decide to investigate or take any other action, and
  - the reason for these decisions.

#### 5.1.1 Report determined not to be a voluntary PID

If the report is determined not to be a voluntary PID, we will let you know that the PID Act does not apply to your report and how Sydney Metro plans to deal with the concerns raised in the report, such as through the Transport [Managing Conduct and Discipline Policy](#) or [Grievance Management Policy](#) (10).

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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 to you,
- request an internal review with the PID Coordinator (5.4.1), or
- raise the issue with the NSW Ombudsman.

## 5.2 PID investigation updates

If Sydney Metro investigates the serious wrongdoing reported in your PID, you will be updated on the investigation’s progress at least once every three months. These updates may include:

- information about the investigation’s progress and reasons for any delay, and
- advice of any decision not to proceed with the matter.

In the event Sydney Metro decides to cease investigating the matter without completing the investigation or referring the disclosure to another agency, we will inform the NSW Ombudsman of the reasons explaining the decision.

## 5.3 PID investigation outcomes

If an investigation is completed, you will be provided the following information once the investigation is complete in line with the Transport [Managing Conduct and Discipline Handling Policy](#):

- a description of the investigation’s results – that is, we will tell you if we found that serious wrongdoing took place, and
- information about any corrective action taken, proposed or recommended – 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 Sydney Metro, what we have put in place to address that serious wrongdoing.

A 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), and
- Payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

However, there may be details about both the investigation findings and the corrective action taken that cannot be shared with you. Sydney Metro will balance the right of a discloser to know the outcome of their report, with the other legal obligations we have.

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## 5.4 Review and dispute resolution

### 5.4.1 Internal review

You can apply for an internal review of the following decisions made by Sydney Metro:

- that Sydney Metro is not required to deal with the report as a voluntary PID,
- to stop dealing with the report because Sydney Metro decided it was not a voluntary PID,
- to not investigate the serious wrongdoing and not refer the report to another agency, or
- to cease investigating the serious wrongdoing without either completing the investigation or referring the report to another agency for investigation.

Sydney Metro will ensure internal reviews are conducted in compliance with the PID Act.

To make an application for an internal review:

1. you must apply in writing to the PID Coordinator within 28 days of being informed of Sydney Metro’s decision, and
2. the application must state the reasons why you believe Sydney Metro’s decision should not have been made, and
3. the application must be dealt with by a person (the ‘reviewer’) who was not substantially involved in making the decision or dealing with the disclosure.

At Sydney Metro, the reviewer is the PID Coordinator. Where the PID Coordinator is unable to act as the reviewer, this responsibility will be carried out by the Alternative PID Coordinator.

The reviewer must notify the applicant of the outcome of their review in writing.

### 5.4.2 Voluntary dispute resolution

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

## 6 Protections

### 6.1 Protections for people who make voluntary PIDs

When you make a voluntary PID you receive special protections under the PID Act. Sydney Metro is committed to taking all reasonable steps to protect staff from

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detriment after making a PID. We are also committed to maintaining your confidentiality as much as possible while the PID is being dealt with.

Sydney Metro will not tolerate any type of detrimental action being taken because you have made a report, might make a report or are believed to have made a report.

Under the PID Act, 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 (7.2).
  - Once Sydney Metro becomes aware that a voluntary PID has been made by a person employed or otherwise associated with Sydney Metro that concerns serious wrongdoing relating to Sydney Metro, 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 (7.2.2).
  - 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 \$22,000 (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).
- **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 (7.1.1).
- **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.

You can make a report of detrimental action to the Speak Up platform or directly to the PID Coordinator at Sydney Metro (see [7.2.3](#) for further details).

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

Makers of mandatory and witness PIDs are afforded the following protections under the PID Act:

- **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.
- **Right to compensation:** A person can initiate proceedings and seek compensation for injury, damage or loss suffered because of detrimental action being taken against them.
- **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.
- **Immunity from civil and criminal liability:** a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a disclosure. This means that legal action cannot be taken against a person for:
  - breaching a duty of secrecy or confidentiality, or
  - breaching another restriction on disclosure.

## 7 Support for staff who make a report

Sydney Metro provides all staff who have reported wrongdoing, including PID reporters, access to Sydney Metro’s professional support services, including counselling services provided via the [Employee Assistance Program](#) (EAP). Access to support may also be available for other staff involved in the internal reporting process where appropriate. Staff who make a report and other staff involved in the process can discuss their support options with the PID Coordinator.

### 7.1 Maintaining confidentiality of the discloser

Sydney Metro understands that people who report wrongdoing may want their identity and the fact 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 (‘identifying information’) is not to be disclosed by a public official or an agency except under certain circumstances.

#### 7.1.1 Circumstances allowing for disclosure of identifying information

Sydney Metro will not disclose any identifying information unless it is necessary and authorised under the PID Act and has been discussed with you first.

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There are certain circumstances under [Section 64\(2\) the PID Act](#) that allow for the disclosure of identifying information. These include:

- where you have consented in writing to the disclosure,
- where it is generally known that you have made a disclosure because you identified yourself,
- in consultation with you, where it is considered reasonably necessary to disclose the information to protect you 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 for identifying information about you to be disclosed.

## 7.1.2 Maintaining confidentiality

Sydney Metro will take steps to keep any identifying information of the discloser 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 we practically can to not unnecessarily disclose identifying information. We will do this by:

- ensuring any staff involved in the investigation or handling of a report, including witnesses, are aware of their obligations to maintain confidentiality and to not discuss information about the process or allegations to any person except for those people responsible for handling the report.
- ensuring that only authorised persons have access to emails, files or other documentation that contain identifying information about the discloser.
- undertaking an assessment to determine if anyone is aware of the discloser’s identity and if those persons have a motive to cause detrimental action to be taken against the discloser or impede the progress of the investigation.
- ensuring that if Sydney Metro must disclose information that may identify the PID maker, that the actual identity of the PID maker is not disclosed unless Sydney Metro has their consent to do so.

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If confidentiality cannot be maintained or is unlikely to be maintained, Sydney Metro will consult with you and will consider this when we develop a plan to support and protect you from potential detrimental action.

## 7.2 Preventing detrimental action

### 7.2.1 What constitutes 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:	Detrimental action does not include:
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 Unwarranted disciplinary proceedings or disciplinary action Any other type of disadvantage	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

The PID Act protects staff from detrimental action being taken against them because they have made, are suspected to have made, or intend to make a disclosure. It does not protect staff from disciplinary or management action where Sydney Metro has reasonable grounds to take such action.

### 7.2.2 Managing the risk of detrimental action

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it to reduce the risk of detrimental action being taken against you. Sydney Metro will not tolerate any detrimental action being taken against someone who has made a PID, investigators, witnesses or the person the PID is about. Sydney Metro minimise the risk of detrimental action by:

- undertaking a thorough risk assessment to identify the risk of detrimental action resulting from making a PID, as well as indirect but related risks of workplace conflict or other difficulties.

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- developing strategies to manage identified risks and determine the appropriate level of protection and ongoing support required.
- where appropriate, implementing additional measures in line with the Transport [Managing Conduct and Discipline Policy](#).

These actions are to protect people who may be impacted by the matter. They are not a punishment and affected staff will be consulted before a strategy is implemented.

## 7.2.3 Responding to allegations of detrimental action

If you believe that detrimental action has been, or is being taken, against you or someone else for reporting wrongdoing, you should immediately inform the PID Coordinator. All managers must notify the PID Coordinator if they suspect that detrimental action against a staff member is occurring, or has occurred, or if any such allegations are made to them.

If Sydney Metro becomes aware of, or suspects, that detrimental action is being, or has been, taken against a person because of a disclosure, Sydney Metro will:

- assess the report of detrimental action to determine what action should be taken to resolve the issue, which may include investigative activity,
- if the allegation warrants investigation, ensure this is conducted by an experienced senior member of the Sydney Metro Fraud and Corruption Investigation & Prevention Unit (FCPI) or the Transport Workplace Conduct and Investigations Unit (WCIU),
- if it is established that detrimental action is occurring against someone who has made a report, take all steps possible to stop the activity and protect the person who made the report,
- take appropriate action against anyone found to have taken or threatened any detrimental action for making a disclosure,
- in line with [Section 34 of the PID Act](#), refer any evidence of a detrimental action offence to the Commissioner of Police and either:
  - the ICAC, or
  - if the evidence relates to a member of the NSW Police Force or the New South Wales Crime Commission – the Law Enforcement Conduct Commission (LECC),
- notify the Ombudsman about the allegation of a detrimental action offence being committed.

If you allege detrimental action, you will be kept informed of the progress and outcome of any action taken in response to the allegation.

If you have reported wrongdoing and are experiencing detrimental action which you believe is not being dealt with effectively, contact the NSW Ombudsman (

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A person who is found to have committed a detrimental action offence may also be required to pay the victim damages for any loss suffered because of the detrimental action. Taking detrimental action is also misconduct which may result in disciplinary action.

## 8 Support for staff who are the subject of a report

Sydney Metro is committed to treating the person who is the subject of a report (the ‘respondent’) fairly and reasonably. Information regarding the investigation process and support for respondents is set out in the Transport [Managing Conduct and Discipline Policy](#).

## 9 Roles and responsibilities

### 9.1 The role of Sydney Metro

Sydney Metro is responsible for:

- dealing with all reports of wrongdoing fairly and reasonably and respects the rights of any persons who are the subject of a report, and
- in dealing with a report, collecting statistical data regarding voluntary, mandatory and witness PIDs and providing that data to the PID Coordinator upon request.
- keeping full and accurate records with respect to all information received in connection with the PID Act to ensure that Sydney Metro complies with its obligations under the [State Records Act 1998](#), including:
  - ensuring all PID information is be stored using Integrated Records Management in accordance with the [Transport Records Management Policy](#)
  - ensuring access to the files where PID information is stored is restricted
- providing training to all staff with roles outlined in 9.3 – 9.5 on their responsibilities in line with [Section 48\(2\) of the PID Act](#).

### 9.2 All staff

All Sydney Metro staff are responsible for:

- reporting all known or suspected wrongdoing and support those who have made reports of wrongdoing,
- if requested, assisting those dealing with a report, including supplying information and cooperating with any investigations,

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- maintaining confidentiality regarding reports of wrongdoing or actions taken in response to a report,
- treating those dealing with or investigating reports of wrongdoing with courtesy and respect,
- respecting the rights of persons who are the subject of reports, and
- acting in a manner consistent with the [Transport Code of Conduct](#).

Staff must not:

- victimise, harass or take detrimental action against any person who has made a report, may in the future make, or is suspected of having made a PID,
- victimise, harass or take detrimental action against any person who is the subject of a report, or
- provide false or misleading reports of wrongdoing, nor provide false or misleading information in any investigation of such reports (*note: it is a criminal offence under the PID Act to wilfully make a false or misleading statement when reporting wrongdoing*).

## 9.3 Roles of key positions

Role	Responsibility
<b>Transport Secretary</b>	The Secretary and Agency Chief Executives are responsible for: <ul style="list-style-type: none"> <li>• ensuring there is compliance with the procedure and the PID Act</li> <li>• fostering a ‘speak up’ culture where reporting is encouraged,</li> <li>• receiving disclosures from public officials,</li> <li>• ensuring there is a system in place for assessing disclosures,</li> <li>• ensuring that there are appropriate systems in place for:               <ul style="list-style-type: none"> <li>– overseeing internal compliance with the PID Act</li> <li>– supporting staff who make a report and protecting them from detrimental action,</li> <li>– implementing corrective action if allegations of serious wrongdoing are substantiated,</li> <li>– complying with reporting obligations regarding allegations or findings of detrimental action.</li> </ul> </li> <li>• making decisions following an investigation, including disciplinary and/or remedial actions, or appointing an appropriate decision-maker,</li> </ul>
<b>Transport Agency Chief Executives</b>	

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Role	Responsibility
	<ul style="list-style-type: none"> <li>dealing with disclosures made under the <a href="#">Transport Code of Conduct</a> and in accordance with relevant policies and procedures.</li> </ul>
<b>PID Coordinator:</b> <i>Director Legal – Regulatory</i>	<p>The PID Coordinator is responsible for:</p> <ul style="list-style-type: none"> <li>receiving disclosures from public officials,</li> <li>exercising the ‘deeming power’ at the delegation of the Sydney Metro Chief Executive under <a href="#">Section 29 of the PID Act</a>,</li> <li>ensuring Sydney Metro complies with this procedure and overseeing internal compliance with the PID Act, including reviewing and conducting assurance activities, for example as they relate to:               <ul style="list-style-type: none"> <li>ensuring updates are provided to the makers of voluntary PIDs by the party who is dealing with the report,</li> <li>assessing the risk of detrimental action and workplace conflict related to, or, likely to arise out of a report, and developing strategies to manage any risk identified, and</li> <li>ensuring records related to PIDs are being appropriately managed and stored,</li> </ul> </li> <li>complying with yearly reporting obligations to the NSW Ombudsman and preparing the annual return to the NSW Ombudsman in accordance with the PID Act,               <ul style="list-style-type: none"> <li>information about voluntary PIDs received by Sydney Metro during each return period (yearly with the start date being 1 July),</li> <li>action taken by Sydney Metro to deal with voluntary PIDs during the return period, and</li> <li>how Sydney Metro promoted a culture in the workplace where PIDs are encouraged.</li> </ul> </li> <li>coordinating responses to written requests for information from the NSW Ombudsman,</li> <li>receiving reports of detrimental action allegations and coordinating the referral of evidence of a detrimental action offence to the Commissioner of Police and either the ICAC or, if the evidence relates to a member of the NSW Police Force or the NSW Crime Commission – the LECC,</li> </ul>

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Role	Responsibility
	<ul style="list-style-type: none"> <li>• informing the NSW Ombudsman of the following decisions:               <ul style="list-style-type: none"> <li>– where Sydney Metro has decided not to investigate a disclosure and not to refer it to another agency to investigate,</li> <li>– where Sydney Metro has decided to cease investigating a matter without completing the investigation or referring the disclosure to another agency,</li> </ul> </li> <li>• where required, providing or coordinating support for staff involved in the reporting or investigation process, including protecting the interests of any person who is the subject of a report,</li> <li>• where required, recommending and/or overseeing corrective action in response to reports, or substantiated findings of serious wrongdoing, in partnership with other divisions.</li> </ul> <p>To fulfill their responsibilities, the PID Coordinator may direct staff within their function to complete certain tasks on their behalf. It is expected that all divisions, suppliers and their staff will work cooperatively with the PID Coordinator when requested or directed.</p>
<b>Alternative PID Coordinator:</b>  <i>Director Legal in the Corporate Legal Team</i>	<p>The Alternative PID Coordinator is responsible for:</p> <ul style="list-style-type: none"> <li>• dealing with disclosures where the PID Coordinator has a conflict of interest in relation to the disclosure.</li> <li>• assessing applications for internal reviews of decisions where the PID Coordinator has a conflict of interest in relation to the decision or the disclosure.</li> </ul>

## 9.4 Disclosure Officers

Disclosures Officers are key points of contact within the internal reporting system. Information about how to contact Sydney Metro Disclosure Officers is listed in [the Disclosure Officer list in MBoK](#).

Disclosure Officers are responsible for:

- receiving reports from public officials,
- receiving reports when they are passed on to them by managers,
- ensuring that any verbal reports they have received are documented in writing,
- ensuring staff can make reports privately, discreetly and, when requested, away from the workplace,

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- discussing with disclosers whether they have any concerns about detrimental action or workplace conflict, and
- ensuring reports are dealt with appropriately, including by completing the assessment form and submitting it to the designated channel listed on the form.

## 9.5 Managers and supervisors

Managers and supervisors are responsible for:

- understanding and communicating the internal reporting processes and the protections available to staff who report wrongdoing to those they manage,
- encouraging staff to report known or suspected wrongdoing and supporting staff when they do,
- receiving reports from staff that they manage or supervise,
- where the manager or supervisor is not a Disclosure Officer – passing on reports they receive which could be PIDs to the Speak Up hotline or a Disclosure Officer for the agency with which either the manager or the public official who made the disclosure is associated (4.2.1),
- in consultation with the PID Coordinator, implementing strategies to minimise the risk of detrimental action against a discloser or workplace conflict after a report has been made, and
- immediately notifying the PID Coordinator if they believe a staff member is being, or may be, subjected to detrimental action.

## 10 Related/supporting documents

Internal:

1. [Bullying, Harassment and Discrimination Management Procedure](#)
2. [Code of Conduct](#)
3. [Conduct and Discipline Handling Procedure](#)
4. [Drug and Alcohol Policy](#)
5. [Drug and Alcohol Testing Procedure for Sydney Metro Workers](#)
6. [Fraud and Corruption Control Policy](#)
7. [Fraud and Corruption Control Plan](#)
8. [Sydney Metro General Delegations Schedule](#)
9. [Grievance Management Policy](#)
10. [Grievance Management Procedure](#)

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- 11. [Managing Conduct and Discipline Policy](#)
- 12. [Prevention and Management of Bullying and Harassment](#)
- 13. [Safety and Wellbeing Policy](#)
- 14. [Transport Statement of Business Ethics](#)

Ombudsman’s Guideline:

- 15. [Public interest disclosures 2022](#)
- 16. [Handling public interest disclosures \(whistleblowing\)](#)

Legislation:

- 17. [Independent Commission Against Corruption Act 1988](#)
- 18. [Public Interest Disclosures Act 2022](#)
- 19. [State Records Act 1998](#)

## 11 Document control

### 11.1 Superseded documents

This Procedure replaces the following document:

- [Sydney Metro Public Interest Disclosure and Internal Reporting Procedure](#)

### 11.2 Document history

Date & Procedure No	Document owner	Approved by	Amendment notes
DD Month YYYY SM-23-00865720	Director Fraud and Corruption PreventionLegal – Regulatory	General Counsel	Created for PID Act 2022 coming into effect

### 11.3 Feedback and help

For further information and advice about this Procedure, contact [sydneymetro.report.misconduct@transport.nsw.gov.au](mailto:sydneymetro.report.misconduct@transport.nsw.gov.au).

Do you have any feedback to help improve the quality of this document, e.g. readability, accessibility, broken links, etc?

Please email the Sydney Metro Corporate Legal Team.

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### 12 Contact details for integrity agencies

For disclosures about corrupt conduct:

**Independent Commission Against Corruption (ICAC)**

Telephone: 02 8281 5999 or toll free on 1800 463 909 (callers outside Sydney) between 9am and 3pm, Monday to Friday

Writing: GPO Box 500, Sydney NSW 2001 or faxing 02 9264 5364

Email: [icac@icac.nsw.gov.au](mailto:icac@icac.nsw.gov.au)

For disclosures about serious maladministration by the ICAC or ICAC officers

**The Inspector of the Independent Commission Against Corruption**

Telephone: 02 9228 3023

Writing: PO Box 5341, Sydney NSW 2001

Email: [oiicac\\_executive@oiicac.nsw.gov.au](mailto:oiicac_executive@oiicac.nsw.gov.au)

For disclosures about serious maladministration by most agencies and public officials:

**The NSW Ombudsman**

Telephone: 1800 451 524 between 9am to 3pm Monday to Friday

Writing: Level 24, 580 George Street, Sydney NSW 2000

Email: [info@ombo.nsw.gov.au](mailto:info@ombo.nsw.gov.au)

For disclosures about serious and substantial waste of public money by auditable agencies:

**The Auditor-General**

Telephone: 02 9275 7100

Writing: GPO Box 12, Sydney NSW 2001

Email: [governance@audit.nsw.gov.au](mailto:governance@audit.nsw.gov.au)

For disclosures about local government pecuniary interest contraventions:

**Office of Local Government**

Email: [olg@olg.nsw.gov.au](mailto:olg@olg.nsw.gov.au)

For disclosures about government information or privacy contraventions:

**Information and Privacy Commission NSW**

Telephone: 1800 472 679

Writing: GPO Box 7011, Sydney NSW 2001

Email: [ipcinfo@ipc.nsw.gov.au](mailto:ipcinfo@ipc.nsw.gov.au)

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For disclosures about serious maladministration by the NSW Police Force or NSW Crime Commission:

**Law Enforcement Conduct Commission**

Telephone: 02 9321 6700 or 1800 657 079

Writing: GPO Box 3880, Sydney NSW 2001

Email: [contactus@lecc.nsw.gov.au](mailto:contactus@lecc.nsw.gov.au)

For disclosures about serious maladministration by the LECC and LECC officers:

**The Inspector of the Law Enforcement Conduct Commission**

Telephone: 02 9228 3023

Writing: GPO Box 5341, Sydney NSW 2001

Email: [olecc\\_executive@olecc.nsw.gov.au](mailto:olecc_executive@olecc.nsw.gov.au)

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