

# Public Interest Disclosure Policy

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## 1 Purpose

At Landcom, we take reports of serious wrongdoing seriously. We are committed to building a strong 'speak up' culture where public officials are encouraged to report any conduct that they reasonably believe involves wrongdoing. This is because the integrity of Landcom relies on our staff, volunteers, contractors and subcontractors speaking up when they become aware of or suspect wrongdoing.

Part of creating a strong speak up culture is having in place a framework that facilitates public interest reporting of wrongdoing. This PID Policy creates that framework by setting out Landcom's commitment to:

- Protect those who speak up and make a report from detrimental action; and
- Take appropriate action to investigate or otherwise deal with those reports.

This PID Policy sets out:

- How Landcom will support you if you are a public official and come forward with a report of serious wrongdoing;
- How Landcom 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; and
- The protections which are available to reporters under the PID Act.

This PID Policy is an important part of Landcom's Integrity Framework policies, which include the:

- Staff Code of Conduct;
- Handling Conflict of Interest Policy;
- Fraud Control & Corruption Prevention Policy;
- Supplier Code of Conduct; and
- Other relevant People & Culture policies and procedures, including the Managing Concerns & Grievances Procedure.

## 2 Accessibility

This PID Policy is available on Landcom's publicly available website, [Landcom.com.au](http://Landcom.com.au). Staff can also access it on Landcom's intranet, the Hub.

A copy of this PID Policy is provided to all new Landcom Staff on their commencement. If requested, a hard copy of the PID Policy can be requested from the Legal team.

## 3 Defined Terms

Term	Definition
CEO	means Chief Executive Officer
Disclosure Coordinator	means the Head of Legal
Disclosure Officer	means a member of ExCo and other Disclosure Officers listed in Annexure A

Term	Definition
<b>EGM</b>	means Executive General Manager
<b>ExCo</b>	means Landcom's Executive Committee
<b>Head of Legal</b>	means the manager with the functional role of General Counsel who has responsibility for the Legal function within Landcom. The position title may change from time to time
<b>ICAC</b>	means the NSW Independent Commission Against Corruption
<b>Manager/s</b>	<p>In respect to Staff, this means the public official to whom another public official directly or indirectly reports, or a public official who directly or indirectly supervises the public official in the exercise of their functions (as defined by Section 15(e) of the PID Act)</p> <p>For non-Staff Public Officials, who provide services or exercise functions on behalf of Landcom, this means the public official associated with Landcom who is responsible for overseeing the provision of the services or managing the contract</p>
<b>PID</b>	means a public interest disclosure, as defined by the PID Act
<b>PID Act</b>	means the <i>Public Interest Disclosures Act 2022</i> (NSW)
<b>PID Policy</b>	means this Public Interest Disclosure Policy
<b>Staff</b>	includes the Board, the CEO, all permanent and temporary employees and contingent workers engaged by Landcom. This term is used for the purposes of this Policy
<b>Supplier</b>	has the same meaning as in the Code of Conduct for Suppliers

## 4 Who does this PID Policy apply to?

This PID Policy applies to, and is for the benefit of, all public officials in NSW. Under section 14 of the PID Act, the definition of public official is broad and, in respect to Landcom, includes:

- Staff;
- Contractors and subcontractors who provide services or exercise functions on behalf of Landcom; or
- An employee, partner or officer of a contractor or subcontractor that provides services, under contract, subcontract or other arrangement, on behalf of Landcom or exercises functions of Landcom, and who is involved in providing those services or exercising those functions.

The CEO, the Disclosure Coordinator, other nominated Disclosure Officers and Managers within Landcom have specific responsibilities under the PID Act. This PID Policy 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 Landcom may use this policy if they want information on who they can report wrongdoing to within Landcom.

## 5 Who does this PID Policy not apply to?

This PID Policy does not apply to people who are not public officials, such as:

- People who have received services from Landcom and want to make a complaint about those services (such as our purchasers or residents in our projects); and
- People, such as contractors, who provide goods or services to Landcom. For example, employees of a company that sold computer software to Landcom.

If you are not a public official, this PID Policy does not apply to your complaint (although there are some circumstances where a complaint can be deemed to be a voluntary PID, under the PID Act. Please see section 8.9 of this PID Policy for more information).

If you are not a public official, you can still make a complaint to Landcom via any of the following means:

Email: [info@landcom.nsw.gov.au](mailto:info@landcom.nsw.gov.au)  
Phone: (02) 9841 8626  
Post: PO Box 237, Parramatta NSW 2124

## **6 Compliance with the PID Act**

Landcom's Legal team will monitor compliance with this PID Policy and provide periodic reports to the NSW Ombudsman, Landcom's ExCo and Audit & Risk Management Committee on whether it is meeting its legislative purpose. The Legal team can also be contacted if you have any questions or wish to report an error or issue with this PID Policy.

The PID Policy will be reviewed in accordance with the Document Control Table.

## **7 What is in this PID Policy?**

This PID Policy will provide you with information on:

- The ways you can make a voluntary PID to Landcom under the PID Act;
- The names and contact details for the nominated Disclosure Officers in Landcom;
- The roles and responsibilities of Landcom staff who hold particular roles under the PID Act;
- What information you will receive once you have made a voluntary PID;
- The protections available to public officials who make a report of serious wrongdoing under the PID Act and what we will do to protect you;
- Landcom's procedures for dealing with voluntary PIDs;
- Landcom's procedures for managing the risk of detrimental action and reporting detrimental action;
- Landcom's record-keeping and reporting requirements; and
- How Landcom will ensure it complies with the PID Act and this PID Policy.

If you require further information about this PID Policy, how to make a PID or how they will be handled and the PID Act, you can:

- Confidentially contact a nominated Disclosure Officer within Landcom (refer Annexure A) or a member of the Legal team;

- Contact the PID Advice Team within the NSW Ombudsman by phone: (02) 9286 1000 or email: [pidadvice@ombo.nsw.gov.au](mailto:pidadvice@ombo.nsw.gov.au), or
- Access the NSW Ombudsman's PID guidelines which are available on its website, <https://www.ombo.nsw.gov.au/>.

If you require legal advice with respect to the PID Act or your obligations under the PID Act, you may wish to seek independent legal advice.

## 8 How to make a report of serious wrongdoing

### 8.1 Reports, complaints and grievances

You are encouraged to speak up and report any suspected wrongdoing, inappropriate behaviour or any activities or incidents you see within Landcom that you believe are wrong. But when a public official reports suspected or possible wrongdoing in the public sector, their report will only be a PID if it meets the criteria for being a PID as set out in the PID Act.

Other reports of wrongdoing or suspected wrongdoing that do not meet the criteria for being a PID should still be reported so they can be dealt with in line with relevant policies. This might include:

- Bullying, harassment or unlawful discrimination; or
- Practices that endanger the health or safety of staff or the public.

Even if these reports are not dealt with as a PID, Landcom recognises such reports may raise important issues. We will respond to all reports of suspected wrongdoing, inappropriate behaviour or concerning activities or incidents and make every attempt to protect and support the person making the report from reprisal.

Some internal complaints or grievances can also be PIDs, as long as they meet the criteria for being a PID in the PID Act. In these cases, Landcom will review the internal complaint or grievance and consider whether it meets the criteria. If it is a PID, Landcom will deal with it in accordance with the PID Act and this PID Policy, while also making sure we also follow any relevant People & Culture policies.

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

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. We are also required to make decisions on how we will deal with the PID and protect and support the person who has made the report.

#### 8.2.1 Types of PIDs

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

1. **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 report what they know, observe or suspect.

2. **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. This includes the legal obligation on Managers to communicate any voluntary PIDs they received to the Disclosure Coordinator or a Disclosure Officer. When Managers communicate the voluntary PID, they are themselves making a mandatory PID.

Examples of other mandatory PIDs which could apply to Landcom include:

- An auditor who comes across serious mishandling of government money while conducting an audit or review;
  - An investigator who conducts an internal investigation and comes across serious wrongdoing and communicates it as part of their findings; or
  - A public official who is a manager who comes across a serious privacy breach by a staff member and communicates it internally to a Disclosure Officer, as required under this PID Policy.
3. **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.

While Landcom's PID Policy mostly relates to public officials making voluntary PIDs and how Landcom will deal with receiving a voluntary PID, public officials who make a mandatory PID or a witness PID are also entitled to the protections available under the PID Act. More information about the protections is available in section 9.2 of this PID Policy.

Even though most of the specific obligations in the PID Act for dealing with voluntary PIDs do not apply to mandatory or witness PIDs, Landcom will, as a matter of best practice, consider whether those obligations are relevant in the context of a mandatory or witness PID and whether we should deal with the mandatory or witness PID in the same way we would a voluntary PID.

When dealing with mandatory and witness PIDs and the available protections, Landcom will also consider the NSW Ombudsman's guidelines '[Dealing with mandatory PIDs](#)' and '[Dealing with witness PIDs](#)'.

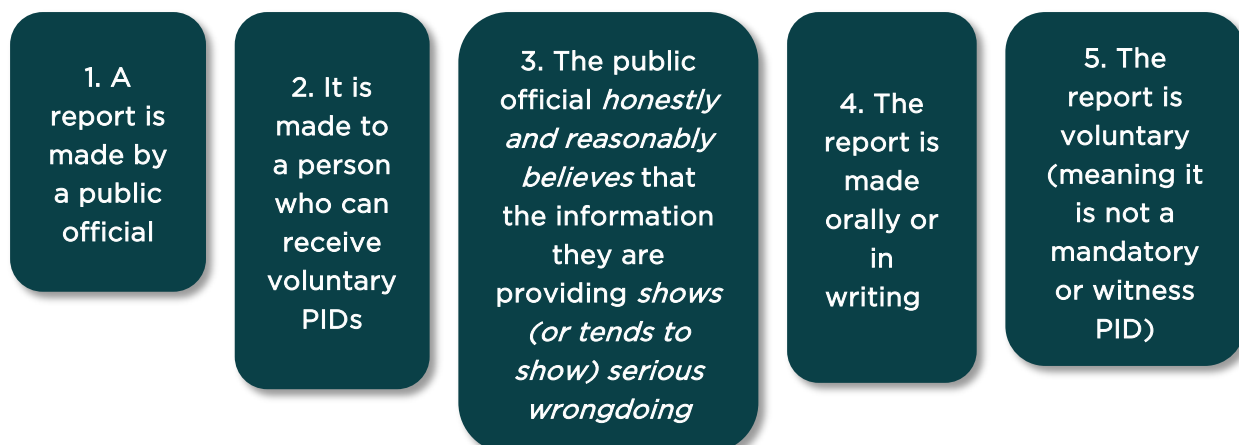
### 8.3 Voluntary PIDs

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

They involve a public official making a report because they have information that they believe shows (or tends to show) serious wrongdoing. This report is made even though they are not under a legal obligation to make that report and where it is not an ordinary part of their role to report such wrongdoing.

A report is a voluntary PID if it has all of the following five features, as set out in sections 24 to 27 of the [PID Act](#):





When you make a report, you are not expected to prove that what you reported actually happened or is serious wrongdoing. But 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 less likely to meet this test.

If Landcom makes an error and does not recognise that you have made a voluntary PID, you are still entitled to the protections under the PID Act.

If you believe Landcom has made an error by not acknowledging or realising that you made a voluntary PID, you should raise this with the Disclosures Coordinator, a nominated Disclosure Officer or your contact officer for the report. If you are still not satisfied with this outcome, you can seek an internal review from Landcom or seek to conciliate the matter. You may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found in section 11.1 of this PID Policy.

### 8.3.1 Who can make a voluntary PID?

Any public official can make a voluntary PID — please see ‘Section 4 - Who this policy applies to’.

A public official can make a PID about serious wrongdoing relating to *any* NSW agency, not just the agency they are working for. This means that we may receive PIDs from public officials outside Landcom. It also means that you can make a PID to any agency, including an integrity agency like the ICAC and the NSW Ombudsman. Please see Annexure B of this PID Policy for a list of NSW integrity agencies and their contact details.

## 8.4 What is serious wrongdoing?

Reports must be about one or more of the following categories of *serious wrongdoing* to be a voluntary PID (in addition to having the other features set out in this PID Policy).

Serious wrongdoing is defined in the PID Act as:

- ***corrupt conduct*** — this could include:

- The improper use of knowledge, power or position for personal gain or the advantage of others;
- Acting dishonestly or unfairly, or breaching public trust;
- A public official being influenced by a member of public to use their position in a way that is dishonest, biased or breaches public trust for example by accepting gifts, benefits or hospitality; or
- Conduct caused by an undeclared conflict of interest.
- ***serious maladministration*** – this could include:
  - Making a decision and/or taking action that is unlawful;
  - Making unreasonable decisions not based on the merits;
  - Entering contractual arrangements which are to the detriment of the public or seriously and knowingly unfair, unjust or inequitable; or
  - Excessively delaying decisions, providing misleading advice, or the loss of documents.
- ***a government information contravention*** – such as:
  - Destroying, concealing or altering records to prevent them from being released under a Government Information Public Access application;
  - Knowingly making decisions that are contrary to the legislation; or
  - Directing another person to make a decision that is contrary to the legislation.
- ***a local government pecuniary interest contravention*** – such as a council staff member recommending a family member for a council procurement contract and not declaring the relationship;
- ***a privacy contravention*** – such as unlawfully accessing or disclosing a person's personal information on an agency's database;
- ***a serious and substantial waste of public money*** – such as:
  - Not following a competitive tendering process for a large-scale contract;
  - Having inadequate or no processes in place for systems involving large amounts of public funds, including but not limited to pricing, procurement and allocation of resources; or
  - Knowingly and repeatedly using incompetent or inefficient contractors.

In Landcom, some examples of serious wrongdoing could include:

- the improper use of confidential information to assist a contractor to win a competitive tender for a Landcom contract;
- using your position to award a contract to a contractor with whom you have a relationship or a financial interest; or
- approving payments to a contractor when they are not entitled to payment or have not adequately performed the services under the relevant contract.

For more information about the categories of serious wrongdoing, please see the NSW Ombudsman's Guideline [‘What is serious wrongdoing’](#).

When you make your report, you do not need to state which category of serious wrongdoing you are reporting or even that you are reporting serious wrongdoing. You just need to report what you know or suspect shows (or tends to show) serious wrongdoing.

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

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

### 8.5.1 Making a report to a public official who works for Landcom

You can make a report to the following people who work for Landcom to:

- Landcom's CEO;
- Landcom's Board;
- Landcom's nominated Disclosure Coordinator or Disclosure Officers, as listed in Annexure A;
- Your Manager/s who is responsible for ensuring your report is communicated to Landcom's Disclosure Coordinator or a Disclosure Officer on your behalf or may accompany you while you make the report to either.

Landcom's Speak Up Integrity Hotline, managed by Core Integrity is also able to receive reports of serious wrongdoings which may meet the criteria for being a voluntary PID. Core Integrity will refer any relevant reports to a Landcom Disclosure Officer who will review the report to determine whether the report meets the criteria to be a voluntary PID in the PID Act. Reports made via the Speak Up Integrity Hotline can be made anonymously.

### 8.5.2 Making a report to a recipient outside of Landcom

You can also make a 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* — contact details of the disclosure officers for other agencies are found in that agency's PID policy published on their public website; or
- A *Minister or a member of a Minister's staff* but the report *must be made in writing*.

If you choose to make a report outside of Landcom, it is possible that your report will be referred to us so that appropriate action can be taken.

### 8.5.3 Making a report to a Member of Parliament (MP) or journalist

Reports to MPs or journalists are different to other reports. You can only make 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 report (described here as a 'previous disclosure') to someone who can receive disclosures;
- The previous disclosure must be substantially true;
- You did not make the previous disclosure anonymously;
- You did not give a written waiver of your right to receive information relating to your previous disclosure; and
- You did not receive the following from Landcom:
  - Notification that Landcom will not investigate the previous disclosure and that they will not refer the previous disclosure to another agency, or
  - the following information at the end of the investigation period:
    - > notice of Landcom's decision to investigate the previous disclosure;

- > a description of the results of the investigation into the previous disclosure; and
- > details of proposed or recommended corrective action as a result of the previous disclosure or investigation.

**Investigation period** means:

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

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

## 8.6 What form should a voluntary PID take?

You can make a voluntary PID:

- ***In writing*** — this could be an email or letter to a person who can receive voluntary PIDs;
- ***Orally*** — by having a private discussion with a person who can receive voluntary PIDs. This can be face-to-face, via telephone or virtually; or
- ***Anonymously*** — you can write an email or letter or call a person who can receive PIDs to make a report without providing your name or anything that might identify you as the maker of the report. Even if you choose to remain anonymous, you will still be protected under the PID Act, but it may be more difficult for us to protect you if we do not know who you are. It will also be more difficult to fully investigate the matter(s) you have disclosed if we cannot contact you if we need further information.

You can make an anonymous report which could be a voluntary PID via Landcom's Speak Up Integrity Hotline which allows for anonymous two-way communication between Landcom and reporters. This allows us to provide updates as to the progress or outcome of any investigation or ask for more information to assist our investigation. More information about the ways to make a report to Landcom's Speak Up Hotline is available on [Speaking Up | Landcom](#).

## 8.7 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:

- The date, time and location of key events;
- The 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; and
- Other information you have that supports your report.

## 8.8 What if I'm not sure if my report is a PID

You should speak up and report all wrongdoing you suspect or become aware of regardless of whether you think it involves serious wrongdoing. It is important for Landcom to be made aware of and understand what is or might be occurring.

Landcom is responsible for reviewing your report and deciding whether it has all the features to be a voluntary PID. Landcom is also 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 relevant policies and procedures. Even if your report is not a PID, it may fall within another one of Landcom's policies or procedures for dealing with reports, allegations or complaints.

## 8.9 Deeming that a report is a voluntary PID

Either the CEO or their delegate, the Head of Legal 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 the reporter is provided with the protections under the PID Act.

If you make a report that does not have all the features to be a voluntary PID, you can refer your matter to the CEO or the Head of Legal and request that they consider deeming your report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the CEO or their delegate. For more information about the deeming power, please see the NSW Ombudsman's Guideline, [Deeming that a disclosure is a voluntary PID](#).

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

Please contact the Head of Legal or another member of the Landcom Legal team if you have any questions or concerns. They can be contacted by phone, email or over Microsoft Teams, with any communications treated as confidentially as possible. Alternatively, please arrange a time to discuss your concerns confidentially.

# 9 Protections

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

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

Landcom is committed to taking all reasonable steps to protect you from detrimental action 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:

- *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 has been made by a person employed or associated with Landcom that concerns serious wrongdoing relating to Landcom, 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).

**Please note** that a person who makes a PID can still be subject to reasonable management action (such as ordinary performance reviews and performance management). Provided such action is not taken because of the PID, it is not detrimental action under the PID Act.

- ***Immunity from civil and criminal liability***

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. In Landcom, this may include confidential or commercial in confidence information provided by tenderers in response to a competitive tender. To make a PID, public officials may sometimes need to breach or disregard such confidentiality obligations. If that happens, a public official cannot be disciplined, sued or criminally charged for breaching that confidentiality.

- ***Confidentiality***

Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

- ***Protection from liability for own past conduct***

The Attorney General can give the maker of a PID an undertaking that a report 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.

## 9.2 Protections for people who make PIDs

Protections for makers of PIDs are detailed in the table below.

Protection	Mandatory PID	Witness PID	Voluntary PID
<b>Detrimental action</b> — 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.	✓	✓	✓
<b>Right to compensation</b> — A person can initiate proceedings and seek compensation for injury, damage or loss suffered as a result of detrimental action being taken against them.	✓	✓	✓
<b>Ability to seek injunction</b> — 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.	✓	✓	✓
<b>Immunity from civil and criminal liability</b> — a person will not incur civil or criminal liability if the person breaches a duty of confidentiality while making a report. This means that legal action cannot be taken against a person for: <ul style="list-style-type: none"> <li>breaching a duty of secrecy or confidentiality, or</li> <li>breaching another restriction on disclosure.</li> </ul>	✓	✓	✓
<b>Confidentiality</b> - Under section 64(1) of the PID Act, public officials and agencies must not disclose information that identifies or tends to identify a person as the maker of a voluntary PID, unless the report is permitted by the PID Act Important note: While the confidentiality obligation only applies to voluntary PIDs, it is best practice to attempt to maintain confidentiality over a maker's identity wherever possible, including when dealing with a mandatory or witness PID.			✓

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

If you are experiencing adverse treatment, please let us know by contacting:

- The CEO;
- Landcom's Disclosure Coordinator – the Head of Legal;
- The EGM Operations & Culture or another member of the People & Culture team; or
- Landcom's Speak Up Hotline - [Speaking Up | Landcom](#) if you wish to report anonymously.

### 9.4 General Support

Landcom will make sure that Staff who have reported wrongdoing, regardless of whether their report is treated as a PID or not, are provided with access to any professional support they may need as a result of the reporting process – such as stress management or counselling services. Where relevant, Landcom will allocate to the maker of a report a person who will be their key contact person and who will take steps to protect their interests, particularly if they are at risk of detrimental action.

Access to support may also be available for other Staff involved in the internal reporting process where appropriate. Reporters and other Staff involved in the process can discuss their support options with the Disclosures Coordinator.

This support includes access to Landcom's [Employee Assistance Program](#) who can provide access to information, confidential support, resources and tools to help you improve your wellbeing and proactively manage an event like this, which may impact your wellbeing, either at work or in your personal life.

## 10 How we will deal with voluntary PIDs

### 10.1 How Landcom will acknowledge a report and keep the person who made it informed

When a Disclosure Officer in Landcom receives a report from you which is a voluntary PID, or looks like it may be a voluntary PID, they need to inform the Disclosure Coordinator as soon as possible.

In consultation with the CEO, the Disclosure Coordinator will assess the report to determine whether the report should be treated as a PID and how the report will be dealt with.

The Disclosure Coordinator will coordinate Landcom's response to the report and ensure that you receive the following information:

- 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 Landcom deals with the report;



- Provide clear information on how you can access this PID Policy: and
  - Provide you with details of a contact person and available supports.
- 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 report of serious wrongdoing;
  - That we are referring 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; or
  - That, if we decide to not investigate the report and to not refer it to another agency for it to be investigated, we must tell you the reasons for this decision. We also must notify the NSW Ombudsman of this decision.
- 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 Disclosure Coordinator or your nominated contact person.
- 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 implemented 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 in the investigation and the corrective action taken that cannot be revealed to you. We will always balance your right 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 but will use any avenue available to provide details of the investigation and any corrective information if possible.

## **10.2 How Landcom will deal with voluntary PIDs**

Once a report that may be a voluntary PID is received, the Disclosure Coordinator will review the information contained in the report to see if it has the features to be a voluntary PID. This assessment is undertaken to identify whether the report is a voluntary PID or another type of report, 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.

### **10.2.1 If a report is not a voluntary PID**

Even if the report is not a voluntary PID, it will still need to be dealt with in a manner consistent with the relevant Landcom policy or through an alternative process.

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 satisfied with this assessment or otherwise disagree with it, you can raise it with:

- The Disclosure Coordinator or a Disclosure Officer;
- Request an internal review, in accordance with this PID Policy; or
- Request that the matter be conciliated. Landcom can, but does not have to, request the NSW Ombudsman to conciliate the matter.

### **10.2.2 Cease dealing with report as a voluntary PID**

A purported PID is a report made to a recipient of voluntary PIDs set out in the PID Act, which is not a witness or mandatory PID and where the maker has stated it is a voluntary PID. Landcom may stop dealing with it as a voluntary PID because it does not have all the features of a PID and is not actually a voluntary PID.

In such an instance, Landcom will notify the reporter that we have ceased to deal with their matter as a voluntary PID and provide reasons for this decision.

### **10.2.3 Where the report is a voluntary PID**

If the report is a voluntary PID:

- In most cases Landcom will conduct an investigation to:
  - Make findings about whether the serious wrongdoing disclosed in the report occurred;
  - Identify who was involved;
  - Identify who was responsible; and
  - Whether the people involved, or the agency, engaged, in serious wrongdoing.
- The Disclosure Coordinator will review the voluntary PID to determine whether to appoint an external investigator. The Disclosure Coordinator will continue to be the main point of contact in most circumstances but will inform the maker if this changes;
- 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. For example, reports concerning possible corrupt conduct may need 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 to the other agency with the maker of the voluntary PID. We will also provide 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 of this decision.

## **10.3 How Landcom 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.

But there are certain circumstances where the PID Act allows 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 Landcom reasonably considers it necessary to disclose the information to protect a person from detrimental action;
- Where it is necessary for the information to 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; or
- If it is otherwise in the public interest to disclose the identifying information.

Landcom 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:

- Limiting the number of people who are aware of the maker's identity or information that could identify them;
- If we must disclose information that may identify the maker of the PID, we will still not disclose their actual identity of the maker of the PID, unless we have their consent to do so;
- We will ensure that people who know the identity of the maker of a PID are reminded that they have a legal obligation to keep the identity confidential;
- We will ensure that, whenever possible, only authorised persons have access to emails, files or other documentation that contain information about the identity of the maker;
- We will undertake an assessment to determine if anyone is aware of the maker's identity and if those persons have a motive to cause detrimental action to be taken against the maker or impede the progress of the investigation; and
- Providing information to the maker of the PID about the importance of maintaining confidentiality and advising them how best to protect their identity, for example, by telling them not to discuss their report with other Staff.

If confidentiality cannot be maintained or is unlikely to be maintained, we will consider whether any of the following actions could be implemented:

- Advising the person that their identity may become known;
- Updating the agency's risk assessment of detrimental action and risk management plan;
- Implementing strategies to minimise the risk of detrimental action;
- Providing additional supports to the person who has made the PID or whose identity has become known; and/or
- Reminding people who become aware of the identifying information of the consequences of failing to maintain confidentiality and that engaging in detrimental action is a criminal offence and may also be a disciplinary matter.

#### **10.4 How Landcom will assess and minimise the risk of detrimental action**

Landcom will not tolerate any detrimental action being taken against a person who has made a PID or investigators, witnesses or the person the report is about.

**Detrimental action** against a person is any 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). It 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; or
- 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.

Landcom 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.

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

- Undertaking a risk assessment and/or developing a risk management plan (including reassessing the risk throughout the entirety of the matter);

- The Disclosure Coordinator (or their nominee) will be responsible for communicating with the maker to identify risks and undertaking a risk assessment;
- The Disclosure Coordinator (or their nominee) is responsible for approving the risk assessment and the risk management plan; and
- Landcom will discuss protection options with the maker which may include but is not limited to remote working or approved leave for the duration of the investigation.

### **10.5 How Landcom will deal with allegations of a detrimental action offence**

If Landcom becomes aware of an allegation that a detrimental action offence has occurred or may occur, we 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 or the Law Enforcement Conduct Commission (whichever is applicable); and
- Notify the NSW Ombudsman about the allegation of a detrimental action offence being committed.

The Disclosure Coordinator will coordinate these actions and keep the person against whom the detrimental action has been taken informed, including what additional support will be offered.

### **10.6 What Landcom 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, Landcom 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/or 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); and/or
- Payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

The CEO, in consultation with the Disclosure Coordinator and the EGM Operations & Culture, will determine what corrective action is required and how the corrective action will be implemented.

## **11 Review and dispute resolution**

### **11.1 Internal Review**

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

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

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

If you would like to make an application for an internal review, you must apply in writing to the EGM, Operations & Culture within 28 days of being informed of Landcom's decision. The application should state the reasons why you consider Landcom's decision should not have been made. You may also submit any other relevant material with your application.

The EGM, Operations & Culture will conduct the internal review within 28 days from the date of receipt of the application.

## **11.2 Voluntary dispute resolution**

If a dispute arises between Landcom and a person who has made a report which is, or may be, a voluntary PID, we may ask the NSW Ombudsman to conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where Landcom and the maker of the report are willing to resolve the dispute.

## **12 Other agency obligations**

### **12.1 Record-keeping requirements**

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

All information must be stored in Landcom's electronic document management system with security/access levels applied to all communications regarding reports made in accordance with the PID Act.

### **12.2 Reporting of voluntary PIDs and Landcom's annual return to the Ombudsman**

Each year Landcom provides an annual return to the NSW Ombudsman which includes:

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

The Legal & Compliance team is responsible for collecting, securely storing and submitting the information needed for the annual return to the NSW Ombudsman.

## **13 Roles and Responsibilities of Landcom Staff**

Certain people within Landcom have specific responsibilities under the PID Act.

### 13.1 The CEO

The CEO is responsible for:

- Fostering a workplace culture where speaking up and reporting is encouraged;
- Receiving reports from public officials;
- Ensuring there is a system in place for receiving and assessing reports;
- Ensuring Landcom complies with this PID Policy and the PID Act;
- Ensuring that Landcom has appropriate systems for:
  - overseeing internal compliance with the PID Act;
  - supporting public officials who make voluntary PIDs, including by minimising the risk of detrimental action;
  - implementing corrective action if serious wrongdoing is found to have occurred;
  - complying with reporting obligations regarding allegations or findings of detrimental action; and
  - complying with yearly reporting obligations to the NSW Ombudsman.

### 13.2 Disclosure Coordinator

The Disclosure Coordinator receives and assesses reports and is the primary point of contact in Landcom for reporters. The Disclosure Coordinator is responsible for:

- In consultation with the CEO, assessing reports to determine whether or not a report should be treated as a PID and how each report will be dealt with;
- Coordinating Landcom's response to a report, including determining whether an external investigation is required and engaging external investigators, if required;
- Acknowledging reports and providing updates and feedback to the reporter;
- Assessing whether it is possible and appropriate to keep the maker of the PID's identity confidential;
- Assessing the risk of detrimental action and/or workplace conflict and developing strategies to manage any risk identified;
- Where required, providing or coordinating support to Staff involved in the reporting or investigation process, including protecting the interests of any public official who is the subject of a report; and
- Ensuring that Landcom complies with yearly reporting obligations to the NSW Ombudsman.

### 13.3 Disclosure Officers

Disclosure Officers are responsible for:

- Receiving reports from public officials;
- Receiving reports when they are passed on to them by Managers;
- Ensuring reports are dealt with appropriately, including by referring the matter to the Disclosure Coordinator; and
- Ensuring that any oral reports are recorded in writing as soon as possible after the oral report has been made.

### **13.4 Managers**

Managers are responsible for:

- Receiving reports from persons that report to them or that they supervise; and
- Passing on reports they receive to the Disclosure Coordinator or a Disclosure Officer.

### **13.5 All Staff**

All Staff must:

- Report suspected serious wrongdoing or other misconduct;
- Use their best endeavours to assist in an investigation of serious wrongdoing if asked to do so by a person dealing with a voluntary PID on behalf of Landcom; and
- Treat any person dealing with or investigating reports of serious wrongdoing with respect.

All Staff must not take detrimental action against any person who has made, may in the future make, or is suspected of having made, a PID.

## **14 How Landcom will ensure compliance with the PID Act and this PID Policy**

### **14.1.1 Oversight**

The Disclosure Coordinator is responsible for monitoring the effectiveness of this PID Policy and compliance with the PID Act. The Disclosure Coordinator will:

- Review each PID received to determine whether it should be reported to the CEO and/or the Board;
- Report on the number, status and outcome of PIDs to the Audit & Risk Management Committee, including any trends or systemic issues of concern arising through reports under this PID Policy; and
- Recommend and implement changes to improve the effectiveness of this PID Policy, where necessary.

### **14.1.2 Breaches**

You will breach this PID Policy if you:

- Fail to appropriately deal with a PID or an internal report in accordance with this PID Policy, or the PID Act;
- Wilfully make false or misleading reports; or
- Take reprisal action against a person you know, or suspect has made a PID or internal report, whether that person has in fact made a PID or not.

Breaches of this PID Policy will be taken seriously and may result in serious consequences for the individual, including disciplinary action or criminal prosecution.



## Annexure A Names and contact details of nominated Disclosure Officers for Landcom

	Name	Contact Details
CEO	Alexander Wendler	During Office hours, by phone on 9841 8600 or by email: <ul style="list-style-type: none"> <li><a href="mailto:awendler@landcom.nsw.gov.au">awendler@landcom.nsw.gov.au</a></li> </ul>
Disclosure Coordinator	Clayton Severino, Head of Legal	During Office hours, by phone on 9841 8600 or by email: <ul style="list-style-type: none"> <li><a href="mailto:cseverino@landcom.nsw.gov.au">cseverino@landcom.nsw.gov.au</a></li> </ul>
Disclosure Officers	<p><a href="#">ExCo Members</a></p> <ul style="list-style-type: none"> <li>Sally Anne Friedlander, EGM Operations &amp; Culture</li> <li>Raema Melverton, EGM Customer &amp; Corporate Affairs</li> <li>Matthew Knight, EGM Finance &amp; Investment</li> <li>Tasha Burrell, EGM Development</li> <li>Andrew Cooper, EGM Built Form</li> </ul> <p><a href="#">Board of Directors (as listed on Landcom's website)</a></p> <p><a href="#">Landcom's Speak Up Integrity Hotline</a></p>	<p>During Office hours, by phone on 9841 8600 or by email:</p> <ul style="list-style-type: none"> <li><a href="mailto:sfriedlander@landcom.nsw.gov.au">sfriedlander@landcom.nsw.gov.au</a></li> <li><a href="mailto:rmelverton@landcom.nsw.gov.au">rmelverton@landcom.nsw.gov.au</a></li> <li><a href="mailto:mknight@landcom.nsw.gov.au">mknight@landcom.nsw.gov.au</a></li> <li><a href="mailto:tburrell@landcom.nsw.gov.au">tburrell@landcom.nsw.gov.au</a></li> <li><a href="mailto:acooper@landcom.nsw.gov.au">acooper@landcom.nsw.gov.au</a></li> </ul> <p>Please contact the Speak Up Integrity Hotline and ask that your report be directed to a Landcom Board member.</p> <p>Make a report to the Speak Up Integrity Hotline via any one of the following channels:</p> <ul style="list-style-type: none"> <li><a href="#">Online</a></li> <li>1800 324 775</li> <li><a href="mailto:speakup@coreintegrity.com.au">speakup@coreintegrity.com.au</a></li> <li>PO Box: PO Box 730, Milsons Point NSW 1565</li> </ul>

## Annexure B – List of integrity agencies

Integrity agency	What they investigate	Contact information
The NSW Ombudsman	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>
The Auditor-General	<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>
Independent Commission Against Corruption	<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>
The Inspector of the Independent Commission Against Corruption	<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>
The Law Enforcement Conduct Commission	<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>
The Inspector of the Law Enforcement Conduct Commission	<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>
Office of the Local Government	<b>Local government pecuniary interest contraventions</b>	<b>Email:</b> <a href="mailto:olg@olg.nsw.gov.au">olg@olg.nsw.gov.au</a>
The Privacy Commissioner	<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>
The Information Commissioner	<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>

## Document Control Table

Document information	
Document approver	Chief Executive Officer
Document owner name	Head of Legal
Document delegate name/s	Carina Carter, Solicitor & Right to Information Officer
Document version number	3.2
Document version date	3 July 2025
Document review cycle	Every three years
Next document review date	September 2026
Document location	External use   Landcom.com.au
Document level	2 = CEO approved document

Linked artefacts	
Linked documents	Code of Conduct Fraud Control Framework Fraud Control & Corruption Prevention Policy Handling Conflicts of Interests Managing Concerns & Grievance Procedure Discrimination, Harassment and Bullying Free Workplace Policy
Linked legislation	Public Interest Disclosures Act 2022 Independent Commission Against Corruption 1988 Landcom Corporation Act 2001 Local Government Act 1993 Ombudsman's Act 1974
Linked risks	Reputational Regulatory Financial

Revision history			
Version	Approval date	Author	Description
3.1 & 3.2	03/07/2025	Carina Carter	Minor changes to reflect organisational changes
3.0	27/09/2023	Carina Carter	New PID Policy to incorporate the new PID Act 2022
2.1	05/04/2023	Carina Carter	Minor changes to incorporate references to the Speak Up Integrity Hotline and other minor changes
2.0	14/10/2020	Carina Carter	Substantial review following amalgamation of policy and procedure and to reflect organisational changes
1.2	August 2018	Carina Carter	Amendments following a review and to reflect organisational changes