Sydney Opera House Policy

Title:	Public Interest Disclosures Policy
Policy Number:	2024/6
Effective Date:	25/07/2024
Authorisation:	Chief Executive Officer
Authorisation Date:	25/07/2024
Superseded Policy:	Public Interest Disclosures Policy - SOH133
Accountable Director:	Chief Executive Officer
Responsible Officer:	Executive Director, Safety & Risk and General Counsel

1. CORE PROPOSITION

1.1 The Sydney Opera House (SOH) is committed to promoting a culture of integrity and ethical behaviour. This includes by encouraging and supporting employees and other types of Public officials to come forward with information about suspected Serious wrongdoing or other misconduct.

1.2 The *Public Interest Disclosures Act 2022* (NSW) (PID Act) provides formal protections (commonly referred to as "whistleblower protections") to Public officials who make Disclosures in accordance with the requirements of the PID Act. You are a Public official if you meet the definition at 2.1 of this policy.

1.3 In line with the PID Act, this Policy sets out SOH's system and process for managing Disclosures, including how SOH will support Public officials who make Disclosures, and the protections available to them, including against detrimental action such as reprisals. The Policy sets out the types of activity or behaviour that give rise to a Disclosure, how to make a Disclosure, how Disclosures will be dealt with, and the relevant roles and responsibilities of Public officials.

2. DEFINITIONS

2.1. **Public official –** as defined in section 14 of the PID Act, means one or more of the following:

- A person employed in or by an agency (such as SOH) or otherwise in the service of an agency.
- A person having public official functions or acting in a public official capacity whose conduct or activities an integrity agency is authorised by another Act or law to investigate.
- An individual in the service of the Crown.
- A statutory officer.
- A person providing services or exercising functions on behalf of an agency, including a contractor, subcontractor or volunteer.
- If an entity, under a contract, subcontract or other arrangement, is to provide services on behalf of an agency or exercise functions of an agency in whole or in part – an employee, partner or officer of the entity who is to be involved in providing the services in whole or in part, or who is to exercise the functions.
- A judicial officer.
- Aa member of Parliament, including a Minister.
- A person employed under the Members of Parliament Staff Act 2013.

2.2. **Reportable disclosure (Disclosure) –** a report regarding Serious wrongdoing in accordance with the PID Act. Disclosures can be made by a Public official if they honestly and reasonably believe the information they have shows (or tends to show) Serious wrongdoing by another Public official.

2.3. **Serious wrongdoing –** one or more of the following may be the subject of a Disclosure under the PID Act (this is not an exhaustive list):

	Description and examples
Corrupt conduct A definition of corrupt conduct can be found in the *Independent Commission Against Corruption Act 1988 No 35* (NSW)	Corrupt conduct involves deliberate or intentional wrongdoing involving (or affecting) a Public official or agency (such as SOH) in NSW. Corrupt conduct includes: • Misusing information, knowledge, power or position for personal gain or to benefit others. • Acting dishonestly or unfairly or breaching public trust. • Forgery, theft or taking or offering bribes. • Conduct that could impair public confidence, such as fraud, dishonestly obtaining or assisting in a private advantage or benefit from the use of public funds or public assets. • Conduct by any person that adversely affects (or could adversely affect) the honest or impartial exercise of official functions. A conspiracy, or attempt to commit or engage in this type of conduct, may also be captured. For conduct to be considered corrupt, it has to be serious enough to involve a disciplinary or criminal offence, or be grounds for dismissal.
Serious maladministration	Serious maladministration is conduct that is not trivial and relates to a matter of administration. It is conduct that is unlawful, unreasonable, unjust, oppressive, improperly discriminatory, based wholly or partly on improper motives or on irrelevant grounds, or is otherwise wrong. This could include systemically failing to comply with applicable policies and procedures such as: • Recruitment processes. • Procurement policies and procedures. • Environmental protection requirements. • Caretaker conventions.
Serious and substantial waste of public money	Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources, resulting in the loss or waste of public funds or resources. This could include: • Failure to follow competitive tendering processes. • Theft, misuse or misappropriation of public property or public funds. • Failing to safeguard against theft, misuse or misappropriation of public property or public funds. • Purchasing unnecessary, inadequate or inappropriate goods or services. • Failing to maintain public property. • Incurring costs that should have been avoided.
Government information contravention	A government information contravention is a non-trivial failure to properly fulfil functions under the: • *Government Information (Public Access) Act 2009* (GIPA Act). • *State Records Act 1998*. This could include destroying, concealing or altering records to prevent them from being released.
Privacy contravention	Means a non-trivial failure to exercise functions in accordance with NSW privacy law. This could include unlawfully accessing personal information, for example, on an Opera House database. NSW privacy law means: • *Privacy and Personal Information Protection Act 1998.* • *Health Records and Information Privacy Act 2002*.

3. SCOPE

3.1. While SOH encourages Public officials to report all wrongdoing and misconduct in the workplace, this Policy applies only to Disclosures under the PID Act.

3.2. This Policy does not apply to:

- Complaints made about the services provided by or on behalf of SOH, including by patrons, venue hirers or other customers – these should be dealt with under SOH's *Customer Feedback Policy*.
- Grievances relating to employment – these may be dealt with under SOH policies and procedures, such as the *Respectful Workplace Behaviour Policy* and *Resolving Workplace Grievances Policy* and *Procedure*.
- Complaints about contractual arrangements by contractors who provide goods or services to SOH – in the first instance, these should be referred to the SOH representative identified on the relevant contract.
- Complaints about government decisions concerning amounts, purposes or priorities of public expenditure.

3.3. It is a criminal offence (with a penalty of up to two years imprisonment) to wilfully make a false statement or otherwise mislead or attempt to mislead a Public official or agency, when making or purporting to make a Disclosure or in providing related information. In these circumstances, this Policy and the whistleblower protections will not apply.

4. CATEGORIES OF DISCLOSURE

4.1. There are three types of Disclosure:

- **Voluntary Disclosure**: where the Public official chooses to make a Disclosure and is not under a legal obligation to do so. The person making a Disclosure (discloser) must honestly, and on reasonable grounds, believe that the Disclosure shows or tends to show Serious wrongdoing.
- **Mandatory Disclosure**: where the Public official has a legal obligation to make the Disclosure or it is an ordinary aspect of their role or function to do so.
- **Witness Disclosure**: where a Public official makes a Disclosure during an investigation of Serious wrongdoing, following a request or requirement of the investigator.

4.2 This Policy deals primarily with voluntary Disclosures. More information about Mandatory and Witness Disclosures is provided in guidelines issued by the NSW Ombudsman.

5. MAKING A PUBLIC INTEREST DISCLOSURE

5.1 Disclosures can be made by any Public official, either in writing or verbally. Public officials who work for an agency other than SOH can make Disclosures to authorised disclosure officers within SOH, and are encouraged to do so where relevant.

Public officials that can receive a voluntary Disclosure at SOH

5.2 The following Public officials within SOH are authorised disclosure officers who can receive, forward and/or deal with voluntary Disclosures.

- **Nominated Disclosure Officers**:
    - Executive Director, Safety & Risk and General Counsel
    - Executive Director, People & Government
    - Head of Risk & Program Management
    - Human Resources Operations Manager
    - Human Resources Business Partner
- Your **SOH Manager**. Your Manager is generally the person who directly or indirectly supervises you, or to whom you directly or indirectly report. However, if you are engaged by a contractor or subcontractor to provide services to or exercise functions on behalf of SOH, or you are a volunteer, your Manager for the purpose of this Policy is the SOH Manager who oversees the applicable contract, services or functions. If a Disclosure is made to a Manager, the Manager will ensure that the Disclosure is promptly communicated to an appropriate Nominated Disclosure Officer.

- The **most senior Public official at a work site**. For each work site, other than the SOH precinct, permanently maintained by SOH and at which more than one person is employed, the most senior Public official who ordinarily works at the site.
- The **Chief Executive Officer (CEO)** or a **Trustee of the SOH Trust.** If a Disclosure is made to the CEO or a Trustee, it may be referred to an appropriate Nominated Disclosure Officer, who will manage the disclosure in accordance with this Policy.

5.4 Information on how to contact SOH Nominated Disclosure Officers is provided in **Appendix A**.

Voluntary Disclosures outside SOH

5.5 A Disclosure can also be made to any NSW Government agency, including the following:

- Independent Commission Against Corruption (ICAC) – for Disclosures of corrupt conduct including fraud (www.icac.nsw.gov.au).
- NSW Ombudsman – for Disclosures of serious maladministration (www.ombo.nsw.gov.au).
- Auditor-General of the NSW Audit Office – for Disclosures of serious and substantial waste of public money (www.audit.nsw.gov.au).
- NSW Information Commissioner – for Disclosures of privacy breaches or government information contravention (www.ipc.nsw.gov.au).
- NSW Privacy Commissioner – to report privacy contraventions (www.ipc.nsw.gov.au)
- A Nominated Disclosure Officer of another relevant NSW Government agency – which may be appropriate if the public official works for that agency.
- The head of another relevant NSW Government agency.
- A responsible NSW Government Minister or their staff (note that in this case the Disclosure must be in writing).

5.6 In limited circumstances, Public officials may be able to make a voluntary Disclosure to a member of the NSW Parliament or to a journalist. Public officials must first have made substantially the same Disclosure (initial Disclosure) to a Nominated Disclosure Officer (see 5.2), and all of the following additional requirements apply:

- The initial Disclosure must be substantially true.
- The initial Disclosure must not have been made anonymously.
- The Public official must not have given a written waiver of their right to receive information relating to the initial Disclosure.
- The Public official must not have received, in relation to the initial Disclosure, either:
  - Notification that SOH will not investigate the matter or refer it to another agency; or
  - Notification at the end of the investigation period (i.e. within six months of the original Disclosure, or within 12 months if the Public official has applied for an internal review within six months), that SOH has investigated the matter, describing the results of the investigation and the recommended or proposed corrective action.

5.7 Public officials who make a Disclosure outside SOH should:

- Refer to that external body's public interest disclosure policy for information about making a Disclosure to it.
- Note that the Disclosure may be discussed with SOH, if relevant, as part of any investigation by the external body. In these circumstances, SOH will make every effort to assist and cooperate with the investigation, and will provide appropriate assistance and support to relevant Public officials.
- Note that the Disclosure may be referred to SOH for handling if the recipient of the Disclosure deems it appropriate to do so in accordance with the PID Act.

Form of the Disclosure

5.8 Disclosures can be made in writing (by email or letter) or verbally (face-to-face, by telephone or virtually).

5.9 Disclosures in writing can help to avoid the potential for confusion or misinterpretation. A template for making a written Voluntary or Mandatory Disclosure to an SOH Nominated Disclosure Officer is provided at **Appendix B**.

5.10 If a Disclosure is made verbally:

- The Disclosure should include all of the information described in **Appendix B**.
- The Nominated Disclosure Officer receiving the Disclosure will make a detailed record of the Disclosure and may recommend that the person making the Disclosure sign the record to confirm that it accurately reflects the Disclosure, unless the Disclosure is made anonymously.

Anonymous Disclosures

5.11 A Voluntary Disclosure can be made without providing a name or anything that might identify the person making the Disclosure.

5.12 A Disclosure will be treated as being anonymous only if there is no reasonable or practical way for the Nominated Disclosure Officer to communicate with the person making the Disclosure.

5.13 The following applies to anonymous Disclosures that meet the formal requirements for a Disclosure:

- The discloser will still be protected under the PID Act.
- To the extent possible, SOH will treat the Disclosure in the same way as any other Voluntary Disclosure, in accordance with this Policy.
- It may be difficult for SOH to investigate the matter if the Nominated Disclosure Officer is unable to obtain further information or clarification from the person making the Disclosure.

Assessing whether a Serious wrongdoing report falls within the PID Act

5.14 If a person is unsure whether the Serious wrongdoing they have become aware of falls within the provisions of the PID Act, they are encouraged to report it confidentially anyway. A person can request that the report be deemed a Voluntary Disclosure, even if it does not meet the formal definition.

5.15 SOH will determine whether a report received should be treated as, or deemed to be, a Voluntary Disclosure, or should otherwise be dealt with under an applicable SOH policy or procedure, or referred to another agency (for example, one of those listed in paragraph 5.5 above).

5.16 The Nominated Disclosure Officer will let the Public official know if the report is assessed as not protected under the PID Act and will provide the reasons, unless the report was made anonymously. This assessment may be made before or after commencement of any investigation. If the Public official disagrees with the assessment, options include:

- Raising it with the person who notified them of the assessment.
- Requesting an internal review, which would be carried out by another Nominated Disclosure Officer described in paragraph 5.2 above (other than the person who made the assessment in question).
- Requesting that the matter be referred to the NSW Ombudsman for conciliation.

6. MAINTAINING CONFIDENTIALITY

6.1 SOH is committed to keeping Disclosures and the discloser's identity confidential. SOH will not disclose identifying information unless it is necessary and authorised under the PID Act.

6.2 SOH will keep all reports of suspected Serious wrongdoing or other misconduct including Disclosures and related information confidential and secure in accordance with the applicable internal and external policies and procedures and applicable laws.

6.3 There are certain circumstances in which SOH is permitted to disclose information that may identify a person who has made a Disclosure. These include where:

- It is necessary to deal effectively with a Disclosure.
- The person consents in writing.

- The information is already generally known, has been published or otherwise disclosed, including by the person who made the Disclosure.
- SOH reasonably considers the Disclosure is necessary to protect the discloser from detriment.
- It is necessary to disclose the information to another person whose interests are affected.
- To facilitate provision of care, treatment or counselling to the discloser.
- For the purpose of proceedings before a court or tribunal.
- It is in the public interest.

6.4 If SOH does need to disclose identifying information about a person who has made a Disclosure, where possible and practical SOH will:

- Limit the number of people who receive, or have access to it, to those who have a need to know.
- Assess the risks of the Disclosure.
- Expressly provide that the information and the Public official's identity is strictly confidential, noting that further disclosure may result in disciplinary action and that any detrimental action against the person who made the Disclosure may constitute a criminal offence.
- Notify the person who made the Disclosure.
- Provide appropriate support to minimise any detriment arising from SOH's disclosure.

6.5 SOH is also authorised under the PID Act to disclose information relating to a Disclosure:

- To another NSW agency, if doing so is reasonably necessary for the exercise of either SOH's or the other agency's functions under the PID Act.
- To a person or body investigating misconduct or Serious wrongdoing under a law of another State or Territory or the Commonwealth, if doing so is reasonably necessary for the exercise of functions under the law by the person or body.

6.6 If a Public official makes a report about suspected Serious wrongdoing or other misconduct, including by making a Voluntary Disclosure, the Public official must not disclose or discuss it with other Public officials.

7. MANAGING VOLUNTARY DISCLOSURES

Keeping you informed

7.1 When SOH receives a report of suspected Serious wrongdoing, SOH will take the following steps, unless the report is made anonymously. If you are a Public official making a Voluntary Disclosure, you are encouraged to provide your preferred method of communication, so that you can be kept informed and risks can be assessed and mitigated.

7.2 On receipt of a Disclosure made by you, unless the report is made anonymously, SOH will:

- Acknowledge receipt, identifying the appropriate person who will be SOH's contact with regard to the matter.
- As soon as practicable, notify you whether the report will be treated as a Voluntary Disclosure under the PID Act.
- Provide you with a copy of (or a link to) this Policy, highlighting the protections and support that are available in relation to voluntary Disclosures.
- Comply with this Policy and any guidelines published by the NSW Ombudsman with respect to the handling of reports.
- If the report is assessed to constitute a Voluntary Disclosure, inform you of the process to be followed, which may include investigating the matter, referring it to another more appropriate agency, or neither.

7.3 If SOH decides not to investigate a report of Serious wrongdoing received as a Voluntary Disclosure, and not to refer it to another agency, SOH will provide reasons to you and to the NSW Ombudsman. SOH will also provide information about any alternative actions that may be taken (by SOH or you) and of the rights of review, as described in paragraph 5.16 above.

7.4 If SOH decides to investigate the alleged Serious wrongdoing identified in the Voluntary Disclosure, SOH will provide you with updates at least every three months, and you will be able to contact SOH during the investigation period.

7.5 Once an investigation is complete, SOH will inform you whether Serious wrongdoing has been confirmed as a result of the investigation and will provide relevant information about corrective action taken, or to be taken, as appropriate. This may include disciplinary action against an individual, referral to a regulatory or enforcement body, or changes to SOH policies, procedures and/or practices to address any risk of further occurrences of the kind of serious wrongdoing that has been identified.

Investigation

7.6 Prior to commencing an investigation, a risk assessment will be carried out to assess the risk of any detrimental action against you or a person about whom a Disclosure is made. SOH will take all reasonable steps to mitigate identified risks.

7.7 If it is determined that SOH will investigate the matter, a Disclosure may be investigated by the Nominated Disclosure Officer who received the Disclosure or referred to another appropriate person to carry out the investigation, having regard to the risk assessment. This may be an external investigator, in which case SOH will still keep the discloser informed and there will still be a contact point at SOH.

7.8 An investigation will usually seek to make findings about whether the alleged Serious wrongdoing has occurred, who was involved and who was responsible.

7.9 Before or during an investigation, advice may be sought from SOH Legal, the NSW Ombudsman and/or other external advisers to ensure the matter is appropriately dealt with in accordance with the PID Act.

Corrective action

7.10 If an investigation into the information provided in a Voluntary Disclosure concludes that Serious wrongdoing or other misconduct has occurred, SOH will pursue corrective action which may include:

- Seeking a formal apology from the person or persons responsible.
- Improving internal policies or procedures to prevent and respond to the risk of similar wrongdoing occurring.
- Providing additional education and training to relevant Public officials.
- Taking disciplinary action in accordance with the *Government Sector Employment Act 2013* against the person or persons responsible, which may include termination of employment, relocation or a caution or reprimand.
- Payment of compensation to the person or persons who have been adversely affected by the Serious wrongdoing or misconduct.

8. PROTECTIONS AND SUPPORT

Protection against detrimental actions

8.1 A person cannot take detrimental action against another person because they have made a Voluntary Disclosure or are considering making a Voluntary Disclosure. Such detrimental action is:

- A criminal offence punishable by a substantial fine or imprisonment for up to five years (or both).
- Grounds for disciplinary action.
- Grounds for the person who made the Disclosure to seek compensation.

8.2 Detrimental action means an act or omission causing, comprising, involving or encouraging detriment or the threat of detriment including:

- Injury, damage or loss caused to the person.
- Damage caused to the person's property.
- Damage caused to the person's reputation.
- Intimidation, bullying or harassment.
- Unfavourable treatment in relation to the person's career, profession, employment or trade.

- Discrimination, prejudice or adverse treatment, whether in relation to employment or otherwise.
- Disciplinary proceedings or disciplinary action.

8.3 Detrimental action does not include reasonable management action, such as ordinary performance reviews and performance management, provided it is not taken because the person made a Disclosure.

8.4 If anyone experiences detrimental action as a result of a Disclosure made, the discloser should immediately report it to an SOH Nominated Disclosure Officer (refer to paragraph 5.2) or to an appropriate external body, such as those listed in paragraph 5.4.

Immunity from prosecution

8.5 If a Public official has had to breach or disregard a duty of confidentiality or secrecy in order to make a Disclosure, the PID Act provides that they cannot be disciplined, sued or criminally charged for that breach. This immunity does not usually protect the discloser against liability for their own past conduct.

Protection from interference

8.7 In addition to the offence relating to detrimental action outlined above, under the PID Act a person must not:

- Prevent or attempt to prevent another person, or a group or class of persons, from Disclosures.
- Provide or offer to provide beneficial treatment to another person for the purposes of influencing the other person to refrain from making a Disclosure or to withdraw one.

Qualifying for protections

8.8 To attract the benefit of protections under the PID Act, a discloser must:

- Honestly believe on reasonable grounds that the information being disclosed shows or tends to show Serious wrongdoing by a Public official; and
- Make the Disclosure to one or more Nominated Disclosure Officers.

8.9 If a Public official makes a Mandatory Disclosure or a Witness Disclosure (see paragraph 4.1), the Public official will also be protected against detrimental action and against liability for breach of secrecy, confidentiality or other restrictions.

8.10 The Public official may also claim compensation for any injury, damage or loss suffered as a result of detrimental action against them.

SOH support

8.11 Managers and other SOH Nominated Disclosure Officers will be trained and available to answer questions and provide support for Public officials considering making a Disclosure.

8.12 SOH may identify steps to protect a person who has made a Disclosure, such as adapting work arrangements or providing approval for leave during an investigation. SOH may work with the People & Development team to achieve this, in consultation with the person making the Disclosure. These arrangements will be subject to the CEO's approval.

8.13 SOH is committed to ensuring Public officials who are the subject of a Disclosure are treated fairly and impartially and will take all reasonable steps to assess and minimise the risk of detrimental action against them.

External information

8.14 The NSW Ombudsman can also provide information about the PID Act generally.

9. DEALING WITH DETRIMENTAL ACTIONS

9.1 A person who believes they are the subject of detrimental action relating to a Disclosure may, and any Manager who suspects detrimental action may be occurring, must report the matter to the most appropriate SOH Nominated Disclosure Officer, having regard to confidentiality considerations, the nature of the action and those concerned. The Nominated Disclosure Officer will determine whether an investigation is necessary to confirm that detrimental action is occurring and will arrange for any necessary investigation to occur.

9.2 The person who made the Disclosure may also report an alleged detrimental action offence to an integrity agency. A list of relevant integrity agencies is attached as **Appendix C**. An integrity agency may contact SOH with regard to a report received by them of alleged detrimental action at SOH.

9.3 If detrimental action is reported, SOH will:

- Take all steps available to stop the action and protect the person.
- Take appropriate disciplinary action against any person carrying out the detrimental action.
- Refer relevant evidence to the Commissioner of Police and the ICAC.
- Notify the NSW Ombudsman.

10. REVIEW AND DISPUTE RESOLUTION

Internal review

10.1 A person who has made, or attempted to make, a Voluntary Disclosure to SOH may apply to the Disclosures Coordinator (SOH's Executive Director, Safety & Risk and General Counsel) for an internal review of any of the following decisions made by SOH, provided the application is made within 28 days after being informed by SOH of the relevant decision:

- That SOH is not required to deal with the relevant report as a Voluntary Disclosure.
- Not to investigate the matters raised or refer the report to another agency.
- To stop treating a report as a Voluntary Disclosure or to stop an investigation without completing it or referring the matter to another agency.

10.2 The Disclosures Coordinator will either conduct the review or refer it to an appropriate internal or external person to conduct the review on behalf of SOH. The person applying for the review will be informed of the anticipated timeframe for the conduct of the review and will have the opportunity to provide further relevant material.

Voluntary dispute resolution

10.3 If a dispute arises between SOH and a person who has made a report which is, or may be, a Voluntary Disclosure, SOH may request that the NSW Ombudsman conciliate the dispute if both parties agree. Conciliation is a voluntary dispute resolution process.

Additional rights

10.4 Disclosers may have additional rights of review and/or redress under the PID Act or other relevant legislation.

11. RESPONSIBILITIES

11.1 **All Public officials** are encouraged to report any suspected Serious wrongdoing or other misconduct at SOH of which they become aware. Disclosures should be made in accordance with this Policy. Public officials must:

- Maintain the confidentiality of any person they know or suspect to have made a Disclosure.
- Assist in any Disclosure investigation if asked to do so by a Nominated Disclosure Officer.
- Treat any person dealing with a Disclosure with respect.
- Not attempt to discourage Disclosures or attempt to take reprisal action against a discloser or potential discloser.

11.3 **Managers** are responsible for receiving reports of suspected Serious wrongdoing or other misconduct from Public officials who report to them or that they supervise. Managers must:

- Keep full and accurate records of all information received in line with SOH's *Records Management Policy*.
- As soon as reasonably practicable after receiving a report that is or may be a Disclosure, communicate it to an appropriate Nominated Disclosure Officer or the CEO.

11.4 Managers are also responsible for maintaining an environment that encourages Public officials to report misconduct and supports those who do. This includes:

- Monitoring practices and procedures to reduce the risk of Serious wrongdoing in their area.

- Ensuring Public officials are aware of and comply with this Policy.
- Setting and maintaining high standards of behaviour as set out in SOH's *Code of Conduct*.
- Providing support and ensuring confidentiality (where appropriate) for all persons who make disclosures in accordance with this Policy.
- Ensuring appropriate systems and strategies are in place within their area to minimise the risk of reprisal for any person who makes a Disclosure.

11.5 **Nominated Disclosure Officers** are responsible for:

- Receiving reports from Public officials, including those referred to them by Managers.
- Ensuring that reports are dealt with appropriately, including, where necessary, by referring a matter to a more appropriate authority.
- Ensuring that any reports that have been received verbally are recorded in writing.

11.6 The **Disclosures Coordinator** (SOH's Executive Director, Safety & Risk and General Counsel) is responsible for the internal oversight over this Policy and:

- Assisting with assessing reports to determine whether reports are Voluntary Disclosures under the PID Act.
- Assisting with assessing the risk of detrimental action and workplace conflict related to, or likely to arise out of, a disclosure of any kind, and developing strategies to manage any risk identified.
- Deal with requests for review of decisions under this Policy.
- Ensure regular up-to-date training of Nominated Disclosure Officers.
- Comply with annual reporting obligations to the NSW Ombudsman and associated record-keeping, which includes Disclosure receipt statistics and actions taken for each financial year, and how SOH has promoted a workplace culture where Voluntary Disclosures are encouraged.
- Report annually to the Board of Trustees on compliance with the PID Act and this Policy.

11.7 **The CEO** can deem a report of conduct received from a Public official to be a Voluntary Disclosure, so that the whistleblower protections apply, if they honestly and reasonably believe the disclosure shows or tends to show Serious wrongdoing.

The CEO is also responsible for:

- Fostering a workplace culture in which reporting is encouraged.
- Receiving Disclosures from Public officials inside and outside SOH, as a Nominated Disclosure Officer under the PID Act.
- Ensuring SOH complies with this Policy and the PID Act.
- Ensuring SOH has appropriate systems for:
    - Overseeing internal compliance with the PID Act.
    - Supporting Public officials who make voluntary Disclosures, 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.
    - Ensuring compliance with the requirements to assess and minimise the risk of detrimental action against a person who makes a Disclosure and a person to whom a Disclosure relates.
- Referring evidence of a detrimental action offence to the Commissioner of Police and to ICAC and notification to the NSW Ombudsman; and actual or suspected corrupt conduct to ICAC.

11.9 **Trustees** (as Nominated Disclosure Officers under the PID Act) are responsible for receiving voluntary Disclosures that are disclosed to them. They also receive and consider annual reports on SOH's compliance with the PID Act and this Policy.

12. RELEVANT LEGISLATION

- *Public Interest Disclosures Act 2022*

- *Government Sector Employment Act 2013*
- *Independent Commission Against Corruption Act 1988*
- *Government Information (Public Access) Act 2009*
- *State Records Act 1998*
- *Privacy and Personal Information Protection Act 1998*
- *Health Records and Information Privacy Act 2002.*

13. SUPPORTING DOCUMENTS

- Access to Information (GIPA) Policy
- Code of Conduct
- Customer Feedback Policy
- Fraud and Corruption Policy
- Gifts and Benefits Policy
- Records Management Policy
- Respectful Workplace Behaviour Policy
- Resolving Workplace Grievances Policy
- Procurement Policy
- Staff Expenses Policy.

APPROVED

Chief Executive Officer
Date:25/07/2024

Version	Approved by	Approval date	Effective date	Sections modified
1.0	Chief Executive Officer	25/07/2024	25/07/2024	New policy to comply with the PID Act 2022.

Appendix A

Public Interest Disclosures

Sydney Opera House authorised disclosure officers

Contact details

Name and role	Contact information
Members of SOH's Board of Trustees	To obtain the contact details of SOH's Trustees, contact Carolyn Stewart-Smith on + 61 292507334 or cstewart-smith@sydneyoperahouse.com
Louise Herron Chief Executive Officer	**Telephone**: + 61 292507201 **Email**: lherron@sydneyoperahouse.com
Jemille King Executive Director, Safety & Risk and General Counsel	**Telephone**: + 61 292507733 **Email**: disclosures@sydneyoperahouse.com
Kya Blondin Executive Director, People & Government	**Telephone**: + 61 292507789 **Email**: kblondin@sydneyoperahouse.com
Kim Bluett Head of Risk & Program Management	**Telephone**: + 61 423 780 648 **Email**: kbluett@sydneyoperahouse.com
Lisa Hosiosky Human Resources Operations Manager	**Telephone**: + 61 403 491 949 **Email**: lhosiosky@sydneyoperahouse.com
HR Business Partners	SOH's HR Business Partners are: Donna Jordan **Telephone**: + 61 410 910 448 **Email**: djordan@sydneyoperahouse.com Anna Alexandratos **Telephone**: + 61 409 142 767 **Email**: aalexandratos@sydneyoperahouse.com Melissa Lilomaiava **Telephone**: + 61 477 499 058 **Email**: mlilomaiava@sydneyoperahouse.com
Your Manager	Your Manager is generally the person who directly or indirectly supervises you, or to whom you directly or indirectly report.
The most senior Public official at a work site	For each work site, other than the SOH precinct, that is permanently maintained by SOH and at which more than one person is employed, the most senior public official who ordinarily works at the site.

Appendix B

Public Interest Disclosures – Internal Report Form

To be completed and submitted to an authorised disclosure officer (refer to paragraph 5.2 of the Policy)

Details of person making the disclosure *(You can make an anonymous report by leaving this section blank)*			
Name:			
Position:			
Business Unit:		Preferred method of contact	
Telephone:		Telephone/Email	
Email:			
Details of the Disclosure			
Description: • *What happened?* • *Where did this happen?* • *When did this happen?* • *Is it still happening?* *[Attach additional pages if required]*			
How did you become aware of this?			
Name and position of people involved in the wrongdoing:	**Name**	**Position**	
	Name	**Relationship**	

Your relationship with the person or people involved		
Attach any additional relevant information and indicate where supporting evidence may be found:	**Supporting evidence**	**Attached**
Name and position of other people who may have witnessed the conduct in question or have additional information:	**Name**	**Position**

Statement

Signature of person making the Disclosure:

Date of Disclosure:

(Do not sign if you want to make an anonymous report)

(Must complete)

Appendix C

NSW integrity agencies

Integrity agency	What they investigate	Contact information
NSW Ombudsman	Most kinds of **serious maladministration**	**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
Auditor-General	**Serious and substantial waste of public money**	**Telephone**: 02 9275 7100 **Writing**: GPO Box 12, Sydney NSW 2001 **Email**: governance@audit.nsw.gov.au
Independent Commission Against Corruption	**Corrupt conduct**	**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
Inspector of the Independent Commission Against Corruption	**Serious maladministration** by the ICAC or the ICAC officers	**Telephone**: 02 9228 3023 **Writing**: PO Box 5341, Sydney NSW 2001 **Email**: oiicac_executive@oiicac.nsw.gov.au
Law Enforcement Conduct Commission	**Serious maladministration** by the NSW Police Force or the NSW Crime Commission	**Telephone**: 02 9321 6700 or 1800 657 079 **Writing**: GPO Box 3880, Sydney NSW 2001 **Email**: contactus@lecc.nsw.gov.au
Inspector of the Law Enforcement Conduct Commission	**Serious maladministration** by the LECC and LECC officers	**Telephone**: 02 9228 3023 **Writing**: GPO Box 5341, Sydney NSW 2001 **Email**: oilecc_executive@oilecc.nsw.gov.au
Privacy Commissioner	**Privacy contraventions**	**Telephone**: 1800 472 679 **Writing**: GPO Box 7011, Sydney NSW 2001 **Email**: ipcinfo@ipc.nsw.gov.au
Information Commissioner	**Government information contraventions**	**Telephone**: 1800 472 679 **Writing**: GPO Box 7011, Sydney NSW 2001 **Email**: ipcinfo@ipc.nsw.gov.au