

Obligations and responsibilities of state government principal officers

This fact sheet sets out the obligations and responsibilities of principal officers in relation to the [Public Interest Disclosures Act 1994](#) (PID Act) and any reports of wrongdoing received by your organisation under the Act. Principal officers include directors general and chief executives of NSW public sector organisations.

What are my obligations?

<p>Contracts of employment</p> <p>(chief & senior executive service)</p>	<p>The Model contract of employment for the chief and senior executive service obliges them to ensure staff are aware of their public interest disclosures procedures and of the protection provided by the PID Act.</p> <p>Chief executives are also required to ensure the satisfactory introduction and operation of internal reporting systems (including for public interest disclosures).</p>
<p>Code of conduct & ethics for public sector executives</p>	<p>Under the Code, executives have special responsibilities for demonstrating ethical behaviour by virtue of their positions of authority, and high levels of accountability for decision-making and leadership.</p> <p>Implementing the provisions of the PID Act is one element of this commitment.</p>
<p>Premier's Memorandum M2011-12</p> <p><i>Strengthening whistleblower protection</i></p>	<p>The Premier's Memorandum M2011-12 states that all organisations need to:</p> <ul style="list-style-type: none"> • ensure that they are aware of the recent changes to the PID Act and staff throughout the organisation are aware • operate in accordance with the new strengthened provisions that apply from 1 July 2011 • adopt a policy for receiving, assessing and dealing with public interest disclosures by 1 October 2011.
<p>Public Interest Disclosures Act 1994</p>	<p>The PID Act places specific obligations on the heads of organisations. They are responsible for ensuring that:</p> <ul style="list-style-type: none"> • their organisation has an internal reporting policy • their staff are aware of the policy and the protections of the PID Act • their organisation complies with the policy and its obligations under the PID Act • at least one officer is responsible for receiving public interest disclosures for their organisation.
<p>Occupational health & safety and duty of care</p>	<p>Employers are obliged under the Occupational Health and Safety Act 2000 to ensure that staff - including staff that report wrongdoing - have a safe and healthy working environment (eg free from harassment, bullying, discrimination and victimisation).</p> <p>Under common law, employers have a duty of care to provide a safe workplace for their staff and to take reasonable steps to ensure that their staff do not become ill or injured (eg by preventing reprisals against a staff member who has made a public interest disclosure).</p>

What are my responsibilities?

To ensure your organisation has an appropriate system for encouraging staff to report wrongdoing and supporting those that do, which includes:

- establishing and maintaining a working environment that encourages staff to report wrongdoing
- establishing an effective internal reporting system to appropriately deal with reports of wrongdoing, support staff who report, and ensure reprisals are not taken against them
- establishing an internal reporting policy that contains a clear statement signed by yourself indicating your organisation is committed to the highest standards of ethical and accountable conduct and will support staff who report wrongdoing
- ensuring that staff are aware of the policy and the protections of the PID Act through effective communication and training
- ensuring that an experienced and skilled disclosures coordinator is responsible for receiving and dealing with reports of wrongdoing in your organisation
- ensuring adequate resources, both financial and human, are dedicated towards achieving these outcomes.

When wrongdoing is reported, to ensure that it is dealt with appropriately and the staff involved are supported, which includes:

- ensuring that any reports are received and assessed in accordance with your organisation's internal reporting policy and procedures
- referring actual or suspected corrupt conduct to the Independent Commission Against Corruption
- keeping the identity of the internal reporter and anyone who is the subject of a report confidential, where this is practical and appropriate
- ensuring that you are advised about decisions made on reports and, if further action is recommended, given regular progress updates and a report of the outcome
- providing adequate resources to any person appointed to investigate a report or to support an internal reporter
- ensuring that appropriate systems and strategies are established to minimise any risk of detrimental action in reprisal for a report
- ensuring that the workplace situation is effectively managed, particularly if there is conflict or reprisal is threatened or takes place
- taking appropriate action against anyone who threatens or takes reprisal against a person for reporting wrongdoing
- taking appropriate remedial action in response to any findings that substantiate the allegations of wrongdoing
- implementing any organisational reform that is necessary to address systemic issues identified.

For further information about meeting your obligations and responsibilities, read the NSW Ombudsman's public interest disclosures guidelines available on our [website](#).

Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*)

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

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We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.