# Misconduct Reporting Procedure

Procedure Number:CPr20027.1Effective Date:9 August 2021Review Date:9 August 2023

# 1 Who is this document for?

| All Ongoing / Temporary/ Seconded TfNSW Award staff   | YES |
|---|-----|
| All Ongoing / Temporary / Casual/ Seconded RMS Award staff  | YES |
| Transport Service Senior Managers and Executives  | YES |
| Labour Hire, Consultants and Professional Service Contractors   | YES |
| Employee of contractors engaged by TfNSW  | YES |
| Other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, including volunteers | YES |
| Public officials of other public authorities who report wrongdoing related to TfNSW   | YES |

# 2 Purpose and Scope

This Procedure supports the <u>Misconduct Reporting Policy</u>. It establishes an internal reporting system for staff to report wrongdoing without fear of reprisal. It sets out to whom you can report wrongdoing in TfNSW, what can be reported and how reports of wrongdoing will be dealt with by TfNSW.

# 3 Requirements

# 3.1 What should be reported

You should report any suspected wrongdoing within TfNSW, or any activities or incidents you see within TfNSW that you believe are wrong.

The internal reporting system established under this Procedure is not intended to be used for staff grievances, which should be raised through the Grievance Management Procedure. If a staff member makes a report under this Procedure which is substantially a grievance, the matter will be referred to People and Culture to be dealt with in accordance with the Grievance Management Procedure.

# 3.2 How internal reports should be made

This Procedure is designed to complement normal communication channels between supervisors and staff. Staff are encouraged to raise matters of concern at any time with their supervisors, but also have the option of making a report about a public interest issue in accordance with this Procedure and the Public Interest Disclosures Act 1994 (PID Act).



### 3.2.1 Public interest issues

Reports about five categories of serious misconduct – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, and local government pecuniary interest contravention will be assessed to be a Public Interest Disclosure (PID) provided they meet the criteria for a PID listed in the PID Act.

For TfNSW to assess whether a report meets the criteria of a PID, it must be made to either:

- the Secretary
- a Nominated Disclosure Officer (NDO)
- the PID Coordinator
- using a designated reporting channel.

Contact details for making an internal report, including those of the designated reporting channels, are available at section 5.2.1 of this document.

#### 3.2.2 Other types of wrongdoing

All other wrongdoing or suspected wrongdoing should be reported to a supervisor, to be dealt with in line with the relevant policies and procedures. Examples of such wrongdoing might include:

- harassment or unlawful discrimination
- practices that endanger the health or safety of staff or the public
- use of drugs or alcohol while working.

Even if these reports are not dealt with as PIDs, TfNSW recognises such reports may raise important issues. We will respond to all reports and make every attempt to protect the staff member making the report from reprisal.

#### 3.2.3 Means of making a report

You can report wrongdoing in writing or verbally. You are encouraged to make a report in writing as this can help to avoid any confusion or misinterpretation. TfNSW's Internal Reporting Form is also available for members of staff to use to make a report.

If a report is made verbally, the person receiving the report will make a comprehensive record of the report and ask the person making the report to sign this record. The staff member should keep a copy of this record.

There will be some situations where you may not want to identify yourself when you make a report. Although these reports will still be dealt with by TfNSW, it is best if you identify yourself. This allows us to provide you with any necessary protection and support, as well as feedback about what action is to be taken or has been taken to deal with the issues raised in the report, or the outcome of any investigation.

It is important to realise that an anonymous disclosure may not prevent you from being identified by the subjects of the report or your colleagues. If we do not know who made the report, it is very difficult for us to prevent any reprisal should others identify you.



# 3.3 Reporting misconduct externally

Staff are encouraged to report wrongdoing within TfNSW but internal reporting is not your only option. You can also make a report that may be assessed as a PID to:

- an investigating authority.
- a Member of Parliament or a journalist (but only in the limited circumstances outlined below).

# 3.3.1 Investigating authorities

The PID Act lists a number of investigating authorities in NSW that staff can report wrongdoing to and the type of wrongdoing each authority can deal with. In certain circumstances it may be preferable to make a report of wrongdoing to an investigating authority, for example any report about the Secretary.

The relevant investigating authorities for TfNSW are the:

- Independent Commission Against Corruption (ICAC) for disclosures about corrupt conduct
- Ombudsman for disclosures about serious maladministration
- Auditor-General for disclosures about serious and substantial waste
- the Information Commissioner for disclosures about a breach of the GIPA Act.

You should contact the relevant investigation authority for advice about how to make a disclosure to them. Contact details for these investigating authorities are available at section 5.2.2 of this document.

You should be aware that the investigating authority may well discuss any such reports with TfNSW. We will make every effort to assist and cooperate with the investigating authority to ensure the matter is dealt with appropriately and there is a satisfactory outcome. We will also provide appropriate support and assistance to staff who report wrongdoing to an investigating authority, if we are made aware that this has occurred.

## 3.3.2 Members of Parliament or journalists

To have the protections of the PID Act, staff reporting wrongdoing to a Member of Parliament (MP) or a journalist must have already made substantially the same report to one of the following:

- the Secretary
- an NDO
- the PID Coordinator
- an investigating authority

Also, TfNSW or the investigating authority that received your initial report must have either:

- decided not to investigate the matter
- decided to investigate the matter, but not completed the investigation within six months of the original report



- investigated the matter but not recommended any action as a result
- not told the person who made the report, within six months of the report being made, whether the matter will be investigated.

Most importantly – to be protected under the PID Act – if you report wrongdoing to an MP or a journalist you will need to be able to prove that you have reasonable grounds for believing that the disclosure is substantially true and that it is in fact substantially true.

#### 3.3.3 Other external reporting

If you report wrongdoing to a person or authority that is not listed above, or make a report to an MP or journalist without following the steps outlined above, you will not be protected under the PID Act. This may mean you will be in breach of legal obligations or the TfNSW Code of Conduct – by, for example, disclosing confidential information.

For more information about reporting wrongdoing outside TfNSW, contact the PID Coordinator or the NSW Ombudsman's Public Interest Disclosures Unit. Contact details for the NSW Ombudsman are available at section 5.2.2 of this document.

## **3.4** Assessment of reports

All reports will be promptly and thoroughly assessed to determine what action will be taken to deal with the report and whether or not the report will be treated as a PID.

The PID Coordinator is responsible for assessing reports, in consultation with the Secretary where appropriate. All reports will be assessed on the information available to the PID Coordinator at the time. It is up to the PID Coordinator to decide whether an investigation should be carried out and how that investigation should be carried out. In assessing a report the PID Coordinator may decide that the report should be referred elsewhere or that no action should be taken on the report.

#### 3.4.1 Criteria for report to be assessed as a PID

TfNSW will treat a report as a PID it meets the criteria of a PID under the PID Act. These requirements are:

- The report must be about one of the following five categories of serious wrongdoing – corrupt conduct, maladministration, serious and substantial waste of public money, breach of the GIPA Act, or local government pecuniary interest contravention
- The person making the disclosure must honestly believe on reasonable grounds that the information shows or tends to show wrongdoing.
- The report has to be made to either the principal officer, a position nominated in this policy (see section 3.2.1), an investigating authority (see section 3.3.1) or in limited circumstances to an MP or journalist (see section 3.3.2).

Reports by staff are not PIDs if they:

- mostly question the merits of government policy
- are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

# 3.5 **Providing feedback to reporters**

Staff who report wrongdoing will be told what is happening in response to their report.



# 3.5.1 Acknowledgement of report

When you make a report, TfNSW will contact you to confirm that your report has been received and to advise:

- the timeframe within which you will receive further updates
- the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

We will also provide you with a copy of this procedure.

We will provide this information to you within 10 working days from the date you make your report.

Please note that if you make a report which meets the requirements of the PID Act but the report was made under a statutory or legal obligation or incidental to the performance of your day to day functions, you will not receive an acknowledgement letter or a copy of this policy. You will, however, still receive the protections of the PID Act.

### 3.5.2 Communication of decision

After a decision is made about how your report will be dealt with, TfNSW will send you a letter, providing:

- information about the action that will be taken in response to your report
- the likely timeframes for any investigation or other action
- information about the internal and external resources or services available that you can access for support.

We will also advise you if we decide to treat your report as a PID.

TfNSW will communicate this information within 45 days of the report being made.

#### 3.5.3 **Progress updates**

While your report is being dealt with, such as by investigation or making other enquiries, you will be given:

- information about the progress of the investigation or other enquiries and reasons for any delay
- advice of any decision by TfNSW not to proceed with the matter.
- advice if your identity needs to be disclosed for the purposes of investigating the matter or making enquiries, and an opportunity to talk about this beforehand.

#### 3.5.4 Feedback

Once the matter has been finalised you will be given:

- enough information to show that adequate and appropriate action was taken and/or is proposed to be taken in response to your disclosure and any problem that was identified
- advice about whether you are likely to be called as a witness in any further matters, such as disciplinary or criminal proceedings.



# 3.6 Support for reporters

TfNSW will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a PID, 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.

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 PID Coordinator.

Contact details for sources of support, such as TfNSW's Employee Assistance Program, as available at section 5.2 of this document.

## 3.6.1 Maintaining confidentiality

TfNSW realises reporters may want their identity and the fact that they have made a report to remain confidential. This can help to prevent any action being taken against them for reporting wrongdoing.

Where possible and appropriate we will take steps to keep your identity, and the fact you have reported wrongdoing, confidential. We will discuss with you whether it is possible to keep your identity confidential.

Circumstances in which reporter confidentiality might not be maintained include when:

- · the reporter has consented in writing to their identity being disclosed
- it is generally known that the reporter has made a PID
- the matter cannot be investigated effectively without potentially disclosing the identity of the reporter
- procedural fairness considerations require the reporter's identity be disclosed
- it is otherwise in the public interest for identifying information about the reporter to be disclosed.

If confidentiality cannot be maintained, we will develop a plan to support and protect you from reprisal in consultation with you.

If you report wrongdoing, it is important that you only discuss your report with those responsible for dealing with it. This will include the PID Coordinator and the Secretary. The fewer people who know about your report, before and after you make it, the more likely it will be that we can protect you from any reprisal.

Any staff involved in the investigation or handling of a report, including witnesses, are also required to maintain confidentiality and not disclose information about the process or allegations to any person except for those people responsible for handling the report.

#### 3.6.2 Managing the risk of reprisal and workplace conflict

When a staff member reports wrongdoing, TfNSW will undertake a thorough risk assessment to identify the risk to them of detrimental action in reprisal for reporting, as well as indirect but related risks of workplace conflict or difficulties. The risk assessment will also identify strategies to deal with those risks and determine the level of protection and support that is appropriate.

Depending on the circumstances, TfNSW may:



- relocate the reporter or the staff member who is the subject of the allegation within the current workplace
- transfer the reporter or the staff member who is the subject of the allegation to another position for which they are qualified
- grant the reporter or the staff member who is the subject of the allegation leave of absence during the investigation of the disclosure.

These courses of action are not punishment and will only be taken in consultation with the reporter.

#### 3.6.3 **Protection against reprisals**

TfNSW will not tolerate any reprisal against staff who report wrongdoing or are believed to have reported wrongdoing.

The PID Act provides protection for staff who have made a PID by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a PID. These penalties also apply to cases where a person takes detrimental action against another because they believe or suspect the other person has made or may have made a PID, even if they did not.

Detrimental action means action causing, comprising or involving any of the following:

- injury, damage or loss
- intimidation or harassment
- discrimination, disadvantage or adverse treatment in relation to employment
- dismissal from, or prejudice in, employment
- disciplinary proceedings.

A person who is found to have committed a reprisal offence may face criminal penalties such as imprisonment and/or fines, and may be required to pay the victim damages for any loss suffered as a result of the detrimental action. Taking detrimental action in reprisal is also misconduct which may result in disciplinary action.

It is important for staff to understand the nature and limitations of the protection provided by the PID Act. The PID Act protects staff from detrimental action being taken against them because they have made, or are believed to have made, a PID. It does not protect staff from disciplinary or other management action where TfNSW has reasonable grounds to take such action.

#### 3.6.4 Responding to allegations of reprisal

If you believe that detrimental action has been or is being taken against you or someone else in reprisal for reporting wrongdoing, you should tell your supervisor, the PID Coordinator or the Secretary immediately.

All supervisors must notify the PID Coordinator or the Secretary if they suspect that reprisal against a staff member is occurring or has occurred, or if any such allegations are made to them.

If TfNSW becomes aware of or suspects that reprisal is being or has been taken against a person who has made a disclosure, TfNSW will:



- assess the report of reprisal to decide whether it should be treated as a PID and whether the matter warrants investigation or if other action should be taken to resolve the issue
- if the reprisal allegation warrants investigation, ensure this is conducted by a senior and experienced member of staff
- if it is established that reprisal is occurring against someone who has made a report, take all steps possible to stop that activity and protect the reporter
- take appropriate disciplinary action against anyone proven to have taken or threatened any action in reprisal for making a disclosure
- refer any evidence of an offence under section 20 of the PID Act to the ICAC or NSW Police Force.

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

If you have reported wrongdoing and are experiencing reprisal which you believe is not being dealt with effectively, contact the Ombudsman or the ICAC (depending on the type of wrongdoing you reported). Contact details for these investigating authorities are included in section 5.2.2.

#### 3.6.5 Protection against legal action

If you make a PID in accordance with the PID Act, you will not be subject to any liability, and no action, claim or demand can be taken against you for having made the PID. You will not have breached any confidentiality or secrecy obligations and you will have the defence of absolute privilege in defamation.

#### 3.6.6 Sanctions for making false or misleading statements

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

# 3.7 Rights of persons who are the subject of reports

TfNSW is committed to ensuring staff who are the subject of a report of wrongdoing are treated fairly and reasonably. This includes keeping the identity of any person the subject of a report confidential, where this is practical and appropriate.

If you are the subject of the report, you will be advised of the allegations made against you at an appropriate time and before any adverse findings. At this time you will be:

- advised of the details of the allegation
- advised of your rights and obligations under the relevant related policies and procedures
- kept informed about the progress of any investigation
- given a reasonable opportunity to respond to any allegation made against you
- told the outcome of any investigation, including any decision made about whether or not further action will be taken against you.



Where the reported allegations against the subject officer are clearly wrong, or have been investigated and unsubstantiated, the subject officer will be supported by TfNSW. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

# 4 Accountabilities

# 4.1 The role of staff

Staff play an important role in contributing to a workplace where known or suspected wrongdoing is reported and dealt with appropriately. All staff are obliged to:

- report all known or suspected wrongdoing and support those who have made reports of wrongdoing
- if requested, assist those dealing with the report, including supplying information on request, cooperating with any investigation and maintaining confidentiality
- treat any staff member or person dealing with a report of wrongdoing with courtesy and respect
- respect the rights of officers the subject of reports.

Staff must not:

- · victimise or harass anyone who has made a report
- make false or misleading reports of wrongdoing.

Additionally, the behaviour of all staff involved in the internal reporting process are obliged to adhere to TfNSW's Code of Conduct. A breach of the Code could result in disciplinary action.

# 4.2 The role of TfNSW

TfNSW has a responsibility to establish and maintain a working environment that encourages staff to report wrongdoing and supports them when they do. This includes keeping the identity of reporters confidential where practical and appropriate, and taking steps to protect reporters from reprisal and manage workplace conflict.

TfNSW will assess all reports of wrongdoing it receives from staff and deal with them appropriately. Once a staff member reports wrongdoing, TfNSW takes 'ownership' of the matter. This means it is up to us to decide whether a report should be investigated, and if so, how it should be investigated and by whom. TfNSW will deal with all reports of wrongdoing fairly and reasonably, and respect the rights of any officers the subject of a report.

TfNSW must report on our obligations under the PID Act and statistical information about PIDs in our annual report and to the NSW Ombudsman every six months.

To ensure TfNSW complies with the PID Act and deals with all reports of wrongdoing properly, all staff with roles outlined below and elsewhere in this policy will receive training on their responsibilities.



# 4.3 Roles of key positions

#### 4.3.1 Secretary

The Secretary has ultimate responsibility for maintaining the internal reporting system and workplace reporting culture, and ensuring TfNSW complies with the PID Act. The *Secretary* can receive reports from staff and has a responsibility to:

- assess reports received by or referred to them, to determine whether or not the report should be treated as a PID, and to decide how the report will be dealt with
- ensure there are strategies in place to support reporters, protect reporters from reprisal and manage workplace conflict that may arise in relation to a report
- make decisions following any investigation or appoint an appropriate decisionmaker
- deal with disclosures made under TfNSW's Code of Conduct in accordance with TfNSW's adopted Code of Conduct procedures
- take appropriate remedial action where wrongdoing is substantiated or systemic problems are identified
- refer actual or suspected corrupt conduct to the Independent Commission Against Corruption (ICAC)
- refer any evidence of a reprisal offence under section 20 of the PID Act to the Commissioner of Police or the ICAC.

#### 4.3.2 PID Coordinator

The PID Coordinator (Director Fraud and Corruption Prevention) has a central role in the TfNSW's internal reporting system. The PID Coordinator can receive and assess reports, and is the primary point of contact in TfNSW for the reporter. The PID Coordinator has a responsibility to:

- assess reports to determine whether or not a report should be treated as a PID, and to decide how each report will be dealt with
- coordinate TfNSW's response to a report
- · acknowledge reports and provide updates and feedback to the reporter
- assess whether it is possible and appropriate to keep the reporter's identity confidential
- assess the risk of reprisal and workplace conflict related to or likely to arise out of a report, and develop strategies to manage any risk identified
- where required, provide or coordinate support to staff involved in the reporting or investigation process, including protecting the interests of any officer the subject of a report
- ensure TfNSW complies with the PID Act
- provide six-monthly reports to the NSW Ombudsman in accordance with section 6CA of the PID Act.



# 4.3.3 Nominated Disclosures Officers

NDOs are additional points of contact within the internal reporting system. They can provide advice about the system and the internal reporting policy, receive reports of wrongdoing and assist staff to make reports.

NDOs have a responsibility to:

- document in writing any reports received verbally, and have the document signed and dated by the reporter
- make arrangements to ensure staff can make reports privately and discreetly when requested, if necessary away from the workplace
- discuss with the reporter any concerns they may have about reprisal or workplace conflict
- carry out a preliminary assessment and forward reports to the PID Coordinator or the Secretary for full assessment.

#### 4.3.4 Supervisors and line managers

Supervisors and line managers play an important role in managing the immediate workplace of those involved in or affected by the internal reporting process. Supervisors and line managers should be aware of the internal reporting policy and are responsible for creating a local work environment where staff are comfortable and confident about reporting wrongdoing. They have a responsibility to:

- encourage staff to report known or suspected wrongdoing within the organisation and support staff when they do
- identify reports made to them in the course of their work which could be PIDs, and assist the staff member to make the report to an officer authorised to receive PIDs under this policy
- implement local management strategies, in consultation with the PID Coordinator, to minimise the risk of reprisal or workplace conflict in relation to a report
- notify the PID Coordinator or Secretary immediately if they believe a staff member is being subjected to reprisal as a result of reporting wrongdoing.

# 5 Related Policy and other relevant/supporting documents/information

# 5.1 Relevant documents

- 1. <u>Misconduct Reporting Policy</u>
- 2. List of TfNSW Nominated Disclosure Officers
- 3. Transport Code of Conduct
- 4. Ombudsman's Guideline B2: What should be reported?
- 5. Public Interest Disclosures Act 1994
- 6. Grievance Management Procedure
- 7. <u>Prevention and Management of Bullying and Harassment Policy</u>



- 8. <u>Safety and Wellbeing Policy</u>
- 9. Drug and Alcohol Policy

# 5.2 Contact details

#### 5.2.1 Contact details for internal reporting

You can make a report to:

- Any NDO on this list
- TfNSW's Confidential Misconduct Reporting Hotline T 1800 302 750
- TfNSW's Online reporting form
- TfNSW's Confidential email address: report.misconduct@transport.nsw.gov.au
- Post: Confidential Director, Fraud and Corruption Prevention Transport for NSW PO Box K659, HAYMARKET NSW 1240

#### 5.2.2 Contact details for external reporting

The contact details for external investigating authorities that staff can make a PID to or seek advice from are listed below.

For disclosures about corrupt conduct:

Independent Commission Against Corruption (ICAC) Phone: 02 8281 5999 Toll free: 1800 463 909 Tel. typewriter (TTY): 02 8281 5773 Facsimile: 02 9264 5364 Email: icac@icac.nsw.gov.au Web: www.icac.nsw.gov.au Address: Level 21, 133 Castlereagh Street, Sydney NSW 2000

For disclosures about maladministration:

NSW Ombudsman Phone: 02 9286 1000 Toll free (outside Sydney metro): 1800 451 524 Tel. typewriter (TTY): 02 9264 8050 Facsimile: 02 9283 2911 Email: nswombo@ombo.nsw.gov.au Web: www.ombo.nsw.gov.au Address: Level 24, 580 George Street, Sydney NSW 2000



For disclosures about serious and substantial waste:

Auditor-General of the NSW Audit Office Phone: 02 9275 7100 Facsimile: 02 9275 7200 Email: mail@audit.nsw.gov.au Web: www.audit.nsw.gov.au Address: Level 19, 201 Sussex Street, Sydney NSW 2000

For disclosures about local councils:

Office of Local Government Phone: 02 4428 4100 Tel. typewriter (TTY): 02 4428 4209 Facsimile: 02 4428 4199 Email: dlg@dlg.nsw.gov.au Web: www.dlg.nsw.gov.au Address: 5 O'Keefe Avenue, Nowra, NSW 2541

#### For disclosures about police misconduct:

Law Enforcement Conduct Commission Phone: (02) 9321 6700 Toll free: 1800 657 079 Fax: (02) 9321 6799 Email: <u>contactus@lecc.nsw.gov.au</u> Web: <u>www.lecc.nsw.gov.au</u>

For disclosures about breaches of the GIPA Act:

Information Commissioner Toll free: 1800 472 679 Facsimile: 02 8114 3756 Email: ipcinfo@ipc.nsw.gov.au Web: www.ipc.nsw.gov.au Address: Level 11, 1 Castlereagh Street, Sydney NSW 2000

## 5.2.3 Contact details for support

TfNSW will make sure that staff who have reported wrongdoing, regardless of whether their report is treated as a PID, are provided with access to any professional support they may need as a result of the reporting process.



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 PID Coordinator or NDO.

The Employee Assistance Program (EAP) provides support and coaching to help staff and their families access professional and confidential counselling services. Further information about accessing the EAP is available on the <u>Support services and help</u> <u>desks</u> TfNSW intranet page.

# 5.3 Further information

More information around PIDs is available on TfNSW's intranet. Staff can also seek advice and guidance from the PID Coordinator and the NSW Ombudsman's website at www.ombo.nsw.gov.au.

# 6 **Definitions**

# 6.1 Corrupt conduct

Corrupt conduct is the dishonest or partial exercise of official functions by a public official.

For example, 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.

# 6.2 Maladministration

Maladministration is conduct that involves action or inaction of a serious nature that is contrary to law, unreasonable, unjust, oppressive or improperly discriminatory or based wholly or partly on improper motives.

For example, this could include:

- making a decision and/or taking action that is unlawful
- refusing to grant someone a licence for reasons that are not related to the merits of their application.

# 6.3 Serious and substantial waste of public money

Serious and substantial waste is the uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money.

For example, this could include:

- not following a competitive tendering process for a large scale contract
- having bad or no processes in place for a system involving large amounts of public funds.



# 6.4 Breach of the GIPA Act

A breach of the Government Information (Public Access) Act 2009 (GIPA Act) is a failure to properly fulfil functions under that Act.

For example, this could include:

- destroying, concealing or altering records to prevent them from being released
- knowingly making decisions that are contrary to the legislation
- directing another person to make a decision that is contrary to the legislation.

# 7 Document control

# 7.1 Superseded documents

This Procedure replaces the following documents:

Misconduct Reporting Procedure CPr20027

# 7.2 Document history

| Date &<br>Procedure No      | Document<br>owner                               | Approved by  | Amendment<br>notes  |
|-----------------------------|---|--|---|
| 27 May 2020<br>CPr20027     | Director, Audit and Corruption                  | Secretary  | New procedure following<br>amalgamation of RMS<br>and TfNSW.                            |
| 9 August 2021<br>CPr20027.1 | Director, Fraud and<br>Corruption<br>Prevention | Group General<br>Counsel,<br>Corporate<br>Services | Updates to role titles in<br>4.3.2 and 5.2.1 as a<br>result of organisational<br>change |

# 7.3 Feedback and help

For advice on interpreting or applying this document, please contact Fraud and Corruption Prevention.

Do you have feedback to help improve the quality of this document, eg, readability, accessibility, broken links, etc? Please email <u>Corporatepolicy@transport.nsw.gov.au</u>.