

THE RICE MARKETING BOARD FOR THE STATE OF NEW SOUTH WALES



INTERNAL REPORTING (WHISTLEBLOWING) POLICY

August 2022

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1. Policy

The Rice Marketing Board for the State of New South Wales ('the RMB') supports a high standard of ethical and accountable conduct and will not tolerate any form of wrongdoing by members or staff of the RMB. This commitment includes:

- creating a climate of trust, where staff are comfortable and confident about reporting wrong-doing;
- encouraging staff to come forward if they are aware of or suspect wrongdoing within the RMB;
- keeping the identity of the staff member disclosing wrongdoing confidential, where this is possible and appropriate;
- protecting staff from any adverse action resulting from making a report;
- dealing with reports thoroughly and impartially and if proved, take appropriate action to address it.

Staff are encouraged to report wrongdoing, in order to help promote integrity, accountability and good management within the RMB. Staff are obliged to report all known or suspected wrongdoing and co-operate with those investigating a report of wrongdoing. Staff must not victimise or harass anyone who has made a report and must not make false or misleading reports of wrongdoing.

2. Purpose

The purpose of this policy is to establish an internal reporting system for staff to report wrongdoing without fear of reprisal. The policy sets out who you can report wrongdoing to within the RMB, what can be reported and how reports of wrongdoing will be dealt with by the RMB.

This policy 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 policy and the Public Interest Disclosures Act 1994 (*PID Act*) and subsequent legislation.

The internal reporting system established under this policy is not intended to be used for staff grievances, which should be raised to the Board Secretary. If a staff member makes a report under this policy which is substantially a grievance, the matter will be referred to the Board Secretary.

3. Legislation

The *Public Interest Disclosures Act 1994 (PID Act)* puts in place a system for dealing with reported of certain types of serious wrongdoing and provides protections for people who make these reports.

4. Application

This policy applies to board members and staff of the RMB. Current NSW public officials of another public authority who report wrongdoing relating to the RMB.

5. Definitions

Staff	Includes current permanent employees, casual employees, consultants, individual contractors and other people who perform public official functions whose conduct and activities could be investigated by an investigating authority, including volunteers.
PID	Public Interest Disclosure – The wrongdoing alleged by the reporter that meets the criteria in the PID Act.
Principal Officer	The Board Secretary, who has ultimate responsibility for maintaining the internal reporting system and ensuring the RMB complies with the PID Act. If the Board Secretary is the Subject Officer, the alternate Principal Officer is the Chair of the Governance, Nominations and Remuneration Committee.
Disclosures Co-ordinator	The Board Secretary, who has a central role in receiving and assessing reports and is the primary point of contact for the reporter.
Reporter	The person making the report of wrongdoing
Subject Officer	The person who is alleged to have engaged in wrongdoing.
Corrupt conduct	The dishonest or partial exercise of official functions by a public official, for example, the improper use of knowledge, power or position for personal gain or the advantage of others or acting dishonestly or unfairly, or breaching public trust.
Maladministration	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 making a decision or taking action that is unlawful or refusing to grant someone a licence for reasons that are not related to the merits of their application.
Serious or substantial waste of public money	Waste that is uneconomical, inefficient or ineffective use of resources that could result in losing or wasting public money. For example, not following a competitive tendering process or having bad or no processes in place for a system involving large amounts of public funds.

6. What should be reported?

You should report any suspected wrongdoing within the RMB, or any activities or incidents you see within the RMB that you believe are wrong. Reports about five categories of serious misconduct are dealt with under the PID Act:

1. corrupt conduct;
2. maladministration;
3. serious and substantial waste of public money;
4. breach of the *Government Information (Public Access) Act 2009 (GIPA Act)*; and
5. local government pecuniary interest contravention (applicable to local government authorities only).

A breach of the GIPA Act is a failure to properly fulfil functions under that action. For example, destroying concealing or altering records to prevent them from being released or knowingly making decisions that are contrary to the GIPA Act.

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

8. When will a report be treated as a PID?

The RMB will treat a report as a public interest disclosure if it meets the criteria of a public interest disclosure under the PID Act. These requirements are:

- The report must be about one of the five categories of serious wrongdoing as listed in section 5 above.
- 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, an investigating authority or in limited circumstances to an MP or journalist.

Reports by staff are not public interest disclosures if they mostly question the merits of government policy or are made with the sole or substantial motive of avoiding dismissal or other disciplinary action.

9. Who can receive a report within the RMB?

The PID Act requires that, for a report to be a public interest disclosure, it must be made to certain public officials identified in this policy or any supporting procedures.

The Board Secretary and the Chair of the Governance Nominations and Remuneration Committee are the only staff within the RMB who are authorised to receive a public interest disclosure. If the Board Secretary is the Subject Officer, the alternate Principal Officer is the Chair of the Governance, Nominations and Remuneration Committee.

10. Who can receive a report outside of the RMB?

Staff are encouraged to report wrongdoing within the RMB, but internal reporting is not your only option. You can also make a public interest disclosure to:

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

The relevant investigating authorities for the RMB are:

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

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 Board Secretary or Chair of the Governance, Nominations and Remuneration Committee
- an investigating authority.

Also, the RMB 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.

11. How to make 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. 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 the RMB, 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.

12. Feedback on the report

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

a) Acknowledgement

When you make a report, the RMB will contact you to confirm that your report has been received and to advise the timeframe within which you will receive further updates and the name and contact details of the people who can tell you what is happening or handle any concerns you may have.

After a decision is made about how your report will be dealt with, the RMB will send you an acknowledgment 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 provide this information to you within ten working days from the date you make your report. We will also advise you if we decide to treat your report as a public interest disclosure and provide you with a copy of this policy at that time, as required by the PID Act.

b) 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 the RMB 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.

c) 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.

13. Confidentiality

The RMB 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. 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. 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.

14. Protection against reprisals

When a staff member reports wrongdoing, the RMB will undertake a thorough risk assessment to identify the risk to you 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. The RMB 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 public interest disclosure by imposing penalties on anyone who takes detrimental action against another person substantially in reprisal for that person making a public interest disclosure. 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 public interest disclosure, even if they did not.

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 the Board Secretary or the Chair of the Chair of the Governance, Nominations and Remuneration Committee immediately.

15. The rights of persons who are the subject of a report

The RMB 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 the RMB. The fact of the allegations and any investigation will be kept confidential unless otherwise agreed to by the subject officer.

Further information

For further information concerning the Board's Internal Reporting Policy, please contact: The Secretary, The Rice Marketing Board for the State of New South Wales
PO Box 151, LEETON NSW 2705 Telephone: 02 6953 3200 E-mail: secretary@rmbnsw.org.au.

You may also contact the NSW Ombudsman's Public Interest Disclosure Unit by phoning 02 9286 1000 or by email to pid@ombo.nsw.gov.au. More information is also available on the NSW Ombudsman website at www.ombo.nsw.gov.au.

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 7, 255 Elizabeth 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, Darling Park Tower,
201 Sussex Street, Sydney NSW 2000

Document Approval and Control

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c. Document Approval

Board/Committee Approval	Date
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Appendix : Flow chart of internal reporting process

