

PID Policy and Procedure

October 2025

1. Purpose

The NSW Independent Casino Commission (**NICC**) is a standalone public service agency with obligations that are independent of any other agency or department. The Chief Commissioner is the head of the NICC agency for the purposes of the *Public Interest Disclosures Act 2022 (PID Act)*.

The NICC Public Interest Disclosure (**PID**) Policy (**Policy**) encourages NICC and Office of the NICC (**ONICC**) members to make disclosures confidently and confidentially, if they suspect or witness serious wrongdoing in their own or any other public service agency. The Policy applies to all NICC commissioners, ONICC staff, contractors, and temporary workers.

This Policy also applies to PIDs received from public officials who do not work for the NICC.

People who are not public officials can make a complaint to or about the NICC using the form on the [NICC website](#) or by emailing office@nicc.nsw.gov.au.

2. Principles

When a public official reports possible serious wrongdoing in the public sector it is called a PID, also known as 'whistleblowing'.

People who report wrongdoing are giving agencies an opportunity to investigate a possible problem and take steps to deal with it.

PIDs are protected under the PID Act, but they must be made to certain people under certain circumstances. The NSW Ombudsman is the lead agency for the PID Act.

There are three types of disclosure:

1. **Mandatory PIDs** are reported as part of a public official's legal obligation or role, such as when a principal officer reports corrupt conduct.
2. **Witness PIDS** involve the disclosure of information during an investigation into serious wrongdoing.

3. **Voluntary PIDs** occur when an individual comes forward on their own. Voluntary PIDs create obligations on agencies, which are outlined in this policy.

2.1 NICC obligations

All NICC and ONICC members must read and be familiar with this policy.

The NICC must also:

- ensure disclosure officers and managers receive appropriate PID training (training must be completed within 6 months of 1 October and then every three years)
- [report](#) certain public interest disclosure information to the NSW Ombudsman every six months
- [publish](#) PID data in the NICC annual report
- build the NICC's speak up culture and encourage frequent engagement with the NICC Code of Conduct and Ethics.

3. Making and receiving a PID

The NICC encourages its members and ONICC staff to conduct themselves with the highest standards of integrity and accountability and feel confident that they will be supported to make a PID.

NICC commissioners and ONICC staff are also supported to confidentially approach their managers and designated disclosure officers if they are not sure what constitutes a PID. The NICC extends the same level of support and confidentiality to external public officials.

Staff should report all wrongdoing and misconduct they become aware of, regardless of whether they think it is serious wrongdoing. It is important for the NICC to understand what is or may be occurring.

The NICC is then responsible for making sure the report is handled appropriately under the PID Act, or if it is not a PID, in line with our other policies. Even if a report is not a PID, it may fall within another one of the NICC's policies for dealing with reports, allegations or complaints.

NICC employees should refer to the NICC Code of Conduct and Ethics and NICC Complaint Management Policy to report grievances, bullying or harassment.

Some internal complaints or grievances may also be PIDs, as long as they have the features of a PID. If a complaint or grievance is a report of serious wrongdoing, the NICC will consider whether it is a PID. If it is a PID, the NICC will deal with it as set out in this policy as well as following other applicable policies.

3.1 Serious wrongdoing

Serious wrongdoing can be one or more of the following:

- **corrupt conduct:** Such as a public official accepting a bribe
- **serious maladministration:** Such as an agency systemically failing to comply with proper recruitment processes when hiring staff
- **a government information contravention:** Such as destroying, concealing or altering records to prevent them from being released under a freedom of information application under the *Government Information (Public Access) Act 2009*
- **a local government pecuniary interest contravention:** Such as a senior council staff member recommending a family member for a council contract and not declaring the relationship
- **a privacy contravention:** Such as unlawfully accessing a person's personal information on an agency's database
- **a serious and substantial waste of public money:** Such as an agency not following a competitive tendering process when contracting with entities to undertake government work.

3.2 Voluntary PIDs

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

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

Any public official can make a voluntary PID. A public official can make a PID about serious wrongdoing relating to any agency, not just the agency they are working for. This means that the NICC may receive PIDs from public officials outside the agency. It also means that individuals can make a PID to any agency, including an integrity agency like the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman.

A report is a voluntary PID if it has **all** the following five features, which are set out in sections 24 to 27 of the PID Act:

1. a report is made by a public official (see section 2 of this Policy)
2. it is made to a person who can receive voluntary PIDs (see section 3.3 of this Policy)
3. the public official honestly and reasonably believes that the information they are providing shows (or tends to show) serious wrongdoing
4. the report was made orally or in writing

5. the report is voluntary (meaning it is not a mandatory or witness PID).

Individuals will not be expected to prove that what you reported happened or is serious wrongdoing. The person making the PID does have to honestly believe, on reasonable grounds, that the information they are reporting shows or tends to show serious wrongdoing.

Even though people making a PID do not have to prove the serious wrongdoing happened or provide evidence, a mere allegation with no supporting information is unlikely to meet this test.

If the NICC makes an error and does not identify that someone has made a voluntary PID, they will still be entitled to the protections under the PID Act.

If someone makes a report and believe the NICC has made an error by not identifying that they have made a voluntary PID, they should raise this with a disclosure officer or the contact officer for the report. If they are still not satisfied with this outcome, they can seek an internal review or the NICC may seek to conciliate the matter. The individual may also contact the NSW Ombudsman. Further information on rights to internal review and conciliation is found below.

The Chief Commissioner, can, in certain circumstances, determine that a report is a voluntary PID even if the report does not otherwise have all the features of a voluntary PID. **This is known as the 'deeming power.'** By deeming that a report is a voluntary PID, it ensures that reporters are provided with protections under the PID Act.

If someone makes a report that has not met all the requirements of a voluntary PID, they can refer their matter to the Chief Commissioner to request that they consider deeming the report to be a voluntary PID.

A decision to deem a report to be a voluntary PID is at the discretion of the Chief Commissioner. For more information about the deeming power, see the [Ombudsman's guidelines](#).

3.3 Making a disclosure

The Director ONICC and Chief Commissioner are the NICC's disclosure officers for the purposes of the PID Act. They will ensure any matters reported to them are assessed and dealt with in line with this Policy.

A PID can also be made to the following people:

- an ONICC manager at 11/12 level who will have responsibility to communicate the PID to a disclosure officer
- a nominated disclosure officer in the agency where the wrongdoing occurred
- a disclosure officer in the relevant integrity agency
- the head of another agency
- a minister or ministerial staff (if the report is made in writing).

3.4 Integrity agencies

Integrity agencies include:

- NSW Ombudsman's Office (maladministration)
- Independent Commission Against Corruption (corrupt conduct)
- NSW Information and Privacy Commission (government information contravention)
- NSW Audit Office (serious and substantial waste)
- Office of Local Government (local government entities or staff)
- Law Enforcement Conduct Commission (reports involving NSW Police).

Disclosures can be made to any of the above people in writing or verbally. While PIDs can be made anonymously and PID protections still apply, it may make the report difficult to investigate.

The NICC's disclosure officers will ensure the identity of voluntary PID makers is protected. This includes limiting the number of people involved and access to files, not disclosing identifying information without the PID maker's consent, ensuring anyone who knows the identity of the PID maker is reminded of their legal obligations, and keeping all information confidential unless that information is necessary for the report to be effectively dealt with.

4. Protecting PID makers

Detrimental action cannot be taken against PID makers or taken on the suspicion or belief that a person has made or will make a PID. Detrimental action is a criminal offence under the PID Act. It includes threats, intimidation, bullying and reputational damage. A NICC disclosure officer will assess the risk of detrimental action, speak frequently with the PID maker and take steps to minimise reprisal risks while a PID is being dealt with.

There are other protections too. PID makers are protected from criminal or civil liability, such as when having to disclose something that breaches their confidentiality duties. Public officials and agencies must not disclose information tending to identify a person as the maker of a voluntary PID unless doing so is permitted by the PID Act.

The Attorney General can give the maker an undertaking that a disclosure of their own past conduct will not be used against them if a person discloses their own wrongdoing or misconduct while making a report.

4.1 Managing allegations of detrimental action

If a PID maker believes detrimental action has been or will be taken against them, the disclosure officer will:

- respond to the PID-makers concerns and ensure they are kept informed throughout the process
- approach the defendant/relevant individuals to investigate the situation
- take immediate steps to stop the action and protect the PID maker
- refer the information to the principal officer to decide what course of action to take in the circumstances. This can include disciplinary action and/or suspension or referral to the appropriate enforcement agency as well as the NSW Ombudsman
- communicate the action or decision to the PID-maker.

Refer to the [NSW Ombudsman's guidance](#) on how to manage allegations of detrimental action.

5. Procedure for managing a PID



1. **Assessment:** A NICC disclosure officer will consider if the reported conduct constitutes serious wrongdoing and what category/s of wrongdoing it falls into. They will then apply the threshold test to confirm whether the report is an honest belief, made on reasonable grounds, and shows or tends to show one of the types of wrongdoing outlined in the PID Act. See the [NSW Ombudsman's guidance](#) on whether a report is a PID.
2. **Acknowledgement:** The disclosure officer will acknowledge the PID within 45 days by way of an email based on the NICC PID acknowledgement template. If the report is not a voluntary PID, the disclosure officer will let the PID maker know that the PID Act does not apply to the report. This letter will also address how the NICC intends to deal with the concerns raised in the report.
3. **Referral:** The disclosure officer will check whether the PID should be referred to an integrity agency.
4. **Action:** If the report is not referred, the Chief Commissioner will decide what action to take, such as commencing an investigation. The Chief Commissioner will also consider the need for systemic changes within the NICC.

During the PID process, the disclosure officer will keep accurate and confidential records and communicate regularly with the PID reporter, providing an appropriate level of support and communicating every three months at a minimum (if the report is not anonymous).

The NSW Ombudsman can provide guidance and assistance: pid@ombo.nsw.gov.au.

6. Corrective action

The NICC will take corrective action if a PID is substantiated. This can include:

- a formal apology
- improving internal policies to adequately prevent and respond to similar instances of wrongdoing
- providing additional education and training to staff where required
- taking employment action against persons involved in the wrongdoing (such as termination of employment, relocation, a caution, or reprimand)
- payment of compensation to people who have been affected by serious wrongdoing or other misconduct.

6.1 Reviews and disputes

Voluntary PID makers can seek internal review and/or dispute resolution if they are unsatisfied with a decision made by the NICC.

For internal review a PID maker must apply in writing within 28 days of being informed of the NICC's decision. The application should state the reasons why the PID maker considers the NICC's decision should not have been made. They may submit relevant material with the application.

If a dispute arises between the NICC and a voluntary PID maker, the NICC may request the NSW Ombudsman conciliate the dispute. Conciliation is a voluntary process and will only be suitable for disputes where the NICC and the PID maker are willing to resolve the dispute.

7. Record keeping and reporting

The NICC keeps full and accurate records under the *State Records Act 1998*. To protect the confidentiality of disclosures, the NICC will restrict access to files where disclosure-related information is saved.

The NICC is obliged to report on the number of PIDs it receives each year in both its annual report and to the NSW Ombudsman. If a PID is not received the NICC will not make a report to the NSW Ombudsman.

The NICC reports to the Department of Creative Industries, Tourism, Hospitality and Sport Audit and Risk Committee on its compliance with this Policy.

A record of manager and disclosure officer training will be kept in the governance folder under declaration forms and registers governance in SharePoint.

8. Related policies and legislation

8.1 Related policies

- DCITHS PID Policy

8.2 Related legislation

- *Public Interest Disclosures Act 2022*
- *State Records Act 1998*

9. Variation

This Policy is effective from 8 October 2025 and remains in place until amended or revoked. The NICC may amend this policy from time to time as appropriate.

This Policy will be reviewed every three years as part of the NICC's policy review processes, or earlier if required by legislative or organisational changes.