



# **CORRUPTION PREVENTION STRATEGY**

## **Purpose**

The purpose of the Corruption Prevention Strategy is to foster within Sydney Olympic Park Authority (SOPA) an ethical climate that permeates all of its activities. This entails integrating a corruption prevention focus within a framework that:

- Increases awareness of the high ethical standards of accuracy, honesty and accountability expected of every SOPA employee.
- Aims to prevent corrupt conduct through the promotion, development and implementation of appropriate policies, procedures mechanisms and controls.
- Facilitates the detection, reporting and investigation of corrupt activities.

## **Background**

In keeping with its high standards of probity and accountability, the NSW Government requires all Government agencies to implement and maintain a strategy for the prevention of internal and external corruption.

SOPA's Corruption Prevention Strategy includes:

- An integrated macro policy for fraud control
- Responsibility structures
- Fraud risk assessment
- Employee awareness
- Consumer and community awareness
- Fraud reporting systems
- Public interest disclosures
- External notification
- Investigating standards
- Conduct and disciplinary standards

This approach is consistent with Premier's Department, NSW Audit Office and Independent Commission Against Corruption (ICAC) Guidelines.

## **SOPA Policy**

SOPA is committed to the management of its resources, including its reputation, in the most effective and economical manner possible and acknowledges its associated accountabilities. To this end, SOPA maintains a strong ethical culture and an effective internal control environment to minimise the likelihood of corruption. It also implements all necessary measures to effectively manage the risk of corrupt conduct. Management of corruption prevention within SOPA is holistic and complementary. SOPA's employees, along with its management practices, systems, policies and procedures, are key factors in preventing and detecting corrupt conduct.

## **Fraud and Corrupt Conduct**

There are many types of corrupt conduct, fraud being one of them. The terms **corruption** and **corrupt conduct** are used throughout this document as they are inclusive of fraud and all other forms of corrupt conduct.

**Fraud** is a common form of corrupt conduct. It is any practice which involves the use of deceit to confer some form of benefit upon the perpetrator, either directly or indirectly, and results in some form of material loss to the entity defrauded. Fraud is not restricted to monetary or material benefits.

**Corrupt conduct** is misuse of public office and occurs when a public official is dishonest or partial in the exercise of official functions. It could also include a public official breaching public trust and/or misusing information or material for personal gain or to the benefit of any person. It is corrupt conduct for any person to adversely affect the honest and impartial exercise of official functions.

Corruption can be committed by persons inside or outside SOPA, either alone or in collusion with other employees or people outside the organisation.

Sections 7, 8 & 9 of the **Independent Commission Against Corruption Act, 1988** give a more detailed description of the nature of corrupt conduct. (**Attachment A**). For practical examples of corrupt conduct, see **Attachment B**.

## **Responsibility Structures**

The key groups who have responsibility within SOPA's corruption prevention framework are:

- **The Board**

As part of its fiduciary duties, the Board is ultimately responsible for ensuring that SOPA meets all legislative and regulatory requirements. Unethical conduct poses a real risk that the Board must mitigate in order to maintain a successful business. The Board is accountable for ensuring that an ethical business environment is maintained and that a system to effectively minimise corruption is established and maintained within SOPA.

- **The Chief Executive Officer:**

The Chief Executive Officer is responsible for the effective and economical use of SOPA's resources and for determining appropriate controls against corrupt conduct. This responsibility is appropriately delegated to General Managers and senior staff as detailed in SOPA's Authorities Manual.

Under Section 11 of the Independent Commission Against Corruption Act 1988, the Chief Executive Officer is required to report to ICAC any matter that he suspects, on reasonable grounds, concerns or may concern corrupt conduct.

- **The Audit, Risk and Compliance Committee:**

The Audit, Risk and Compliance Committee is the focal point for communication between the Board, the external auditors, the internal auditors and management, as their duties relate to the financial accounting, reporting and internal controls and compliance.

The Committee assists the Board in fulfilling its responsibilities as to accounting policies and reporting practices of SOPA. It is the Board's principal agent in assuring the independence of SOPA auditors, the integrity of management and the adequacy of disclosures to the public.

The Committee does not take over the responsibilities that the Chief Executive Officer has under the Public Finance and Audit Act

The right of the external auditors to meet with the full Board of Directors is, however, not restricted. The delegation of various functions to the Committee does not relieve the Board of Directors of its duties and responsibilities, but merely assists it in carrying out these responsibilities.

- **Line Management:**

Line managers are required to take a leadership role in promoting ethical behaviour within SOPA. They are responsible for:

- identifying all factors in their workplaces that may contribute to unethical conduct and for implementing measures to address them
- creating and maintaining a work environment that supports ethical conduct and accountability for risk management
- ensuring that staff are aware of and implement SOPA's Policies and Procedures to prevent corruption
- maintaining appropriate internal controls to minimise risk and
- monitoring the effectiveness of internal controls.

- **All Employees:**

All SOPA employees, including the Chief Executive Officer, General Managers, Managers and staff, are required to promote an ethical work culture by:

- understanding the responsibilities of their positions
- familiarising themselves with all approved SOPA Policies and Procedures and adhere to them at all times
- being open with their colleagues
- leading others by example
- understanding the risk factors that can lead to corrupt conduct

- demonstrating by actions and statements that SOPA does not condone or tolerate corrupt conduct
- encouraging ethical conduct and
- taking corrective action before a situation escalates.

They are also expected to act in a professional manner at all times by:

- complying with all legislative requirement and SOPA Policies and Procedures, including the Code of Conduct,
- performing their duties with skill, care, diligence, honesty, integrity and impartiality at all times,
- avoiding misuse or waste of SOPA resources,
- planning the use of SOPA information, money, property, goods or services, so that use is efficient and economical,
- taking proper care of SOPA property,
- using official SOPA information for authorised and official purposes only,
- dealing with the public, colleagues and other stakeholders in an ethical manner that fosters positive perceptions of SOPA and
- reporting any corrupt activity, even if it is based only on a suspicion

### **Fraud Risk Assessment**

SOPA is committed to ensuring that high standards of corporate governance apply, and are seen to apply, to the management of its business. Strategic initiatives in this regard include:

- Ongoing monitoring of and reporting to the Board on the effectiveness of its Corporate Plan and associated Operational Plans.
- Implementation of an Internal Audit program and immediate implementation of audit recommendations.
- Implementation and monitoring the effectiveness of a wide range of Policies and Procedures developed to satisfy statutory requirements, Government policies and the organisational fulfilment of all probity and accountability requirements.

SOPA is also committed to the development of a “Risk Management” approach to business which is aligned with the business imperatives, mitigates risks within SOPA’s Corporate Governance framework and creates an environment where managers are accountable for risk management. Strategic initiatives in this regard include:

- Monitoring the effectiveness of risk management in the implementation of key strategies and project based proposals

- Development and monitoring the effectiveness of a framework of key policies and procedures to guide the risk management process.
- Development of a risk management planning that links corporate risks to risk mitigation actions and performance indicators in the Operational Plans of business units throughout SOPA as part of the corporate planning process. framework

In this context, SOPA is able to readily identify areas of potential or actual corruption risk and promptly develop policies and procedures which are conveyed to all employees and monitored carefully.

To date, the following policies and procedures have been implemented to assist corruption prevention in SOPA:

- Code of Conduct
- Authorities Manual
- Performance Management System
- Commercial Concessions Guidelines
- Use of electronic and communication devices
- Corporate Hospitality Policy
- Disclosure of Contract Information
- Engagement of Service Contractors and Consultants
- Financial policies and procedures
- Gifts and Benefits
- Grievance and Harassment
- Procurement of Legal Services
- Use of Mobile Telephones
- Personal Effects and Tools of Trade
- Procurement policy and procedures
- Public Interest Disclosures policy
- Sponsorship Guidelines
- Motor Vehicle policy
- Use of the Official Seal
- Total Asset Management policy
- Working hours, Attendance and Leave Arrangements

SOPA will monitor the effectiveness of its Corruption Prevention Strategy in the context of its Internal Audit Program and in accord with the NSW Audit Office's "Self-Audit Guide and ICAC's "Fighting Fraud Checklists".

### **Employee Awareness**

All SOPA employees will be required to attend training programs on the Corruption Prevention Strategy and appropriate 'refresher courses' provided by management.

SOPA's Policies and Procedures are readily available to all SOPA staff via the Information Technology Network. When a new policy is promulgated, General Managers are advised immediately and asked to ensure that all staff in their

respective business units are aware of and implement the policy. At the same time, all staff are advised of the new policy and requirements associated with it. In addition, Commercial and Corporate provide all staff with a list of current policies and procedures and the associated requirements and arrange appropriate staff training.

New employees to SOPA, as part of their induction, are advised of the existence of SOPA's Policies and Procedures and where they can be accessed. They are given a copy of the Code of Conduct and the Corruption Prevention Strategy and are required to sign a document verifying that they have received the documents and will implement all requirements contained therein.

### **Customer and Community Awareness**

SOPA's standards regarding ethical behaviour are principally conveyed to customers, stakeholders and the community through the manner in which its employees conduct business with them. This is the strongest and most effective means of demonstrating our ethical standards.

Probity auditors will continue to be deployed in SOPA's business negotiations with the private sector. All external parties assisting SOPA in these negotiations are required to sign a Confidentiality Agreement and adhere to all probity arrangements put in place by SOPA.

### **Fraud Reporting Systems**

The rights and responsibilities of SOPA employees under the Public Interest Disclosures Act 1994, along with SOPA internal reporting system relating to the Act, are outlined in SOPA's **Public Interest Disclosures Policy**. This Policy is an essential 'companion document' to the Corruption Prevention Strategy, and is attached at **Attachment C**.

SOPA has an obligation to inform the police when a fraud is identified. There is no discretion in this matter.

The Chief Executive Officer has a statutory obligation to report to ICAC any matter that he suspects, on reasonable grounds, concerns or may concern corrupt conduct.

Where appropriate, SOPA may also report fraudulent acts to the Crown Solicitors, the Director of Public Prosecutions, the Auditor-General and the Ombudsman.

**It is therefore a requirement within SOPA that any matter which falls within the description of corrupt conduct be reported immediately to the Chief Executive Officer.**

The report should include:

- a complete description of the allegations
- the name and position of any public official/s alleged to be involved
- the name and role of any other person/s relevant to the matter
- the dates and/or the time-frames in which the alleged conduct occurred

- an indication as to whether the conduct appears to be a one-off event or part of a wider pattern or scheme
- the date the allegation was made or the date on which the reporting officer became aware of the conduct
- what the agency has done about the suspected conduct, including notification to any other agency (police, Ombudsman)
- what further action is proposed by the agency
- approximate amount of money, if any, involved
- any other indicators of seriousness and
- any other information deemed relevant to the matter.

## **Conduct and Disciplinary Standards**

Corrupt conduct, in any of its forms, would impact heavily on SOPA's reputation, operating efficiency, finances and service obligations. Therefore, **SOPA will not tolerate corrupt conduct in any of its forms and requires that, if it should it occur, it be detected, reported and dealt with expeditiously. Perpetrators of corrupt conduct will face disciplinary action.**

Any questions as to whether a particular action might constitute corrupt conduct or the reasonableness of grounds for suspecting corrupt conduct should be referred immediately to SOPA's General Managers or Financial Controller.

## **Further Information**

*Fraud Control - Developing an Effective Strategy*

*Volumes 1 – 3*

*Audit Office of NSW and Premier's Department*

[www.audit.nsw.gov.au](http://www.audit.nsw.gov.au) (Reports. Guides. Publications)

*Fighting Fraud – Guidelines for State and Local Government*

*Independent Commission Against Corruption*

[www.icac.nsw.gov.au](http://www.icac.nsw.gov.au) (Publications)

*Good Conduct and Administrative Practice*

*NSW Ombudsman*

[www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) (News and publications>Publications>. Guidelines>State and Local government)

## **Enquiries**

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**INDEPENDENT COMMISSION AGAINST CORRUPTION ACT 1988 NO. 35**

**Section 7 Corrupt conduct**

- (1) For the purposes of this Act, corrupt conduct is any conduct which falls within the description of corrupt conduct in either or both of subsections (1) and (2) of section 8, but which is not excluded by section 9.
- (2) Conduct comprising a conspiracy or attempt to commit or engage in conduct that would be corrupt conduct under section 8 (1) or (2) shall itself be regarded as corrupt conduct under section 8 (1) or (2).
- (3) Conduct comprising such a conspiracy or attempt is not excluded by section 9 if, had the conspiracy or attempt been brought to fruition in further conduct, the further conduct could constitute or involve an offence or grounds referred to in that section.

**Section 8 General nature of corrupt conduct**

- (1) Corrupt conduct is:
  - (a) any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the honest or impartial exercise of official functions by any public official, any group or body of public officials or any public authority, or
  - (b) any conduct of a public official that constitutes or involves the dishonest or partial exercise of any of his or her official functions, or
  - (c) any conduct of a public official or former public official that constitutes or involves a breach of public trust, or
  - (d) any conduct of a public official or former public official that involves the misuse of information or material that he or she has acquired in the course of his or her official functions, whether or not for his or her benefit or for the benefit of any other person.
- (2) Corrupt conduct is also any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly, the exercise of official functions by any public official, any group or body of public officials or any public authority and which could involve any of the following matters:
  - (a) official misconduct (including breach of trust, fraud in office, nonfeasance, misfeasance, malfeasance, oppression, extortion or imposition)
  - (b) bribery

- (c) blackmail
  - (d) obtaining or offering secret commissions
  - (e) fraud
  - (f) theft
  - (g) perverting the course of justice
  - (h) embezzlement
  - (i) election bribery
  - (j) election funding offences
  - (k) election fraud
  - (l) treating
  - (m) tax evasion
  - (n) revenue evasion
  - (o) currency violations
  - (p) illegal drug dealings
  - (q) illegal gambling
  - (r) obtaining financial benefit by vice engaged in by others
  - (s) bankruptcy and company violations
  - (t) harbouring criminals
  - (u) forgery
  - (v) treason or other offences against the Sovereign
  - (w) homicide or violence
  - (x) matters of the same or a similar nature to any listed above
  - (y) any conspiracy or attempt in relation to any of the above.
- (3) Conduct may amount to corrupt conduct under this section even though it occurred before the commencement of this subsection, and it does not matter that some or all of the effects or other ingredients necessary to establish such corrupt conduct occurred before that commencement and that any person or persons involved are no longer public officials.
- (4) Conduct committed by or in relation to a person who was not or is not a public official may amount to corrupt conduct under this section with respect to the exercise of his or her official functions after becoming a public official.
- (5) Conduct may amount to corrupt conduct under this section even though it occurred outside the State or outside Australia, and matters listed in subsection (2) refer to:
- (a) matters arising in the State or matters arising under the law of the State, or
  - (b) matters arising outside the State or outside Australia or matters arising under the law of the Commonwealth or under any other law.
- (6) The specific mention of a kind of conduct in a provision of this section shall not be regarded as limiting the scope of any other provision of this section.

## Section 9 Limitation on nature of corrupt conduct

- (1) Despite section 8, conduct does not amount to corrupt conduct unless it could constitute or involve:
  - (a) a criminal offence, or
  - (b) a disciplinary offence, or
  - (c) reasonable grounds for dismissing, dispensing with the services of or otherwise terminating the services of a public official, or
  - (d) in the case of conduct of a Minister of the Crown or a member of a House of Parliament – a substantial breach of an applicable code of conduct.
- (2) It does not matter that proceedings or action for such an offence can no longer be brought or continued, or that action for such dismissal, dispensing or other termination can no longer be taken.
- (3) For the purposes of this section:

***applicable code of conduct*** means, in relation to:

- (a) a Minister of the Crown – a ministerial code of conduct prescribed or adopted for the purposes of this section by the regulations, or
- (b) a member of the Legislative Council or of the Legislative Assembly (including a Minister of the Crown) – a code of conduct adopted for the purposes of this section by resolution of the House concerned.

***criminal offence*** means a criminal offence under the law of the State or under any other law relevant to the conduct in question.

***disciplinary offence*** includes any misconduct, irregularity, neglect of duty, breach of discipline or other matter that constitutes or may constitute grounds for disciplinary action under any law.

- (4) Subject to subsection (5), conduct of a Minister of the Crown or a member of a House of Parliament which falls within the description of corrupt conduct in section 8 is not excluded by this section if it is conduct that would cause a reasonable person to believe that it would bring the integrity of the office concerned or of Parliament into serious disrepute.
- (5) Without otherwise limiting the matters that it can under section 74A (1) include in a report under section 74, the Commission is not authorised to include a finding or opinion that a specified person has, by engaging in conduct of a kind referred to in subsection (4), engaged in corrupt conduct, unless the Commission is satisfied that the conduct could also constitute a breach of a law (apart from this Act) and the Commission identifies that law in the report.

## EXAMPLES OF CORRUPT CONDUCT

### **Computer Fraud**

The main areas of computer fraud include:

- Unauthorised alteration of input data
- Misappropriation, destruction or suppression of output data
- Alteration of computerised data
- Alteration or misuse of software programs
- Unauthorised and/or deceptive transfers of funds

### **Provision of false or incomplete information**

Provision of submissions, briefs etc to Management, the Board, the Minister and to the public which are not objective, reflect personal agenda and are not in the best interests of the agency. Persons claiming to be someone else in order to obtain confidential information.

### **Abuse of official position for public gain**

Examples include acceptance of secret commissions, bribery, blackmail, improper use of confidential information, bias to suppliers or contractors or bias in staff promotions or appointments.

### **Theft**

The most common types of property stolen include consumables, supplies, computers, software, equipment, cash and intellectual property. Theft also includes the unauthorised use of resources such as corporate credit cards, motor vehicles, Cabcharge vouchers etc.

### **Abuse of SOPA resources**

Reasonable and infrequent authorised personal use of SOPA resources is permitted but it must not interfere with business operations or work responsibilities. SOPA resources include motor vehicles, computers, photocopiers, telephones, facsimile machines, e-mail, Internet, administrative support and information.

### **Unauthorised or inappropriate sales, tendering practices and write offs**

Examples include selling information or services without authority, disposing of assets or inventory items for less than open market value or retail price, corrupt tendering practices and the unauthorised write-off of assets and bad debts.

### **Forgery or falsification of records to originate or conceal fraud**

Falsifying records and processing false statements is fraud. Examples include falsifying data or receipts, invoices, time-sheets, leave forms, or forging a signature on a purchase order or other document or forging certificates of competency or qualifications.

## **PUBLIC INTEREST DISCLOSURES**

### **Introduction**

This policy document advises employees of the Sydney Olympic Park Authority of their rights and responsibilities under the Public Interest Disclosures Act (1994) ("the Act") and explains the Authority's internal reporting system relating to that Act.

The Act aims to encourage and facilitate the disclosure of public offences (in the public interest) of corrupt conduct, maladministration or serious and substantial waste in the public sector.

The Act achieves this by:

- enhancing established procedures for making disclosures
- protecting public officials from reprisals that might otherwise be taken against them for making a disclosure; and
- providing for disclosures to be properly investigated and dealt with.

### **The Act**

The Public Interest Disclosures Act 1994 offers protection to public officials who make disclosures, which concern corrupt conduct, maladministration and serious or substantial waste of public money.

Disclosures may be made to an investigating authority (Independent Commission Against Corruption, Ombudsman, Auditor General), to the Principal Officer of the Public Authority, the Chief Executive Officer Sydney Olympic Park Authority, nominated disclosure officers or to the Authority's Disclosure Co-ordinator where there exists a recognised internal reporting system. In certain limited circumstances disclosures can be made to a Journalist or Member of Parliament. Conditions applying to these disclosures are addressed later in this policy.

### **Sydney Olympic Park Authority Policy**

Sydney Olympic Park Authority is committed to the aims and objectives of the Act and will take all reasonable steps to provide protection and support to staff who make such disclosures from any detrimental action in reprisal for the making of the disclosure.

### **Definitions**

Three key concepts in the internal reporting system are "corrupt conduct", "maladministration" and "serious and substantial waste of public money".

Corruption or corrupt conduct has many definitions. The key premise to corrupt conduct is misuse of public office involving a criminal offence, a disciplinary offence or reasonable grounds for terminating the services of a public official. It involves improper acts or omissions, improper use of influence or position and/or improper use of information. It involves the dishonest or biased use of power or position resulting in one person being advantaged over another.

More specific definitions and examples of corrupt conduct can be obtained from the Independent Commission against Corruption (ICAC) Act 1988.

Maladministration involves action or inaction of a serious nature that is contrary to law or unreasonable, unjust, oppressive or improperly discriminatory.

Serious and substantial waste refers to uneconomical, inefficient or ineffective use of resources, authorised or unauthorised, which results in a loss/wastage of public funds/resources.

### **What Disclosures are Protected?**

Disclosures are protected under the law if they:

- (a) are made:
  - in accordance with this Internal Reporting Policy; or
  - to the Chief Executive Officer of the Authority; or
  - to one of the investigating authorities nominated in the Act; AND
- (b) show or tend to show corrupt conduct, maladministration, or serious and substantial waste of public money by the Authority or any of its staff; AND
- (c) are made voluntarily.

### **What Disclosures are Not Protected?**

A disclosure is not protected under the Act if it is made by a public official in the exercise of a duty imposed by or under an Act.

Protection is also not available for disclosures which:

- are made frivolously or vexatiously;
- primarily question the merits of government policy; or
- are made solely or substantially with the motive of avoiding dismissal or other disciplinary action.

It is an offence to wilfully make a false or misleading statement when making a disclosure.

## **What Protection is Available?**

The Public Interest Disclosures Act makes it a criminal offence to take "detrimental action" in reprisal against a person who makes a public interest disclosure. 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.

In the first instance, public officials who allege that they have been subjected to "detrimental action" should pursue this through the Authority's internal reporting procedures. Where complainants do not wish to pursue the matter internally, they can take the matter up with the investigating authority whose jurisdiction covers the subject of the complaint.

The Public Interest Disclosures Act also protects a person against liability for action which may otherwise be available against the person making the disclosure, e.g. defamation, breach of secrecy or confidentiality.

## **Confidentiality**

The Act requires investigating authorities, public authorities and public officials to whom public interest disclosures are made or referred, not to disclose information that might identify or tend to identify the person who made the disclosures. (Breach by a disclosure officer may also constitute a breach of discipline). The exceptions to the confidential requirements are where:

- the person consents in writing to the disclosure of the information; or
- it is essential, having regard to the principles of natural justice that the identifying information be disclosed to a person whom the information provided by the disclosure may concern; or
- the investigating authority, public authority, officer or public official is of the opinion that disclosure of the identifying information is necessary to investigate the matter effectively; or
- disclosure is otherwise in the public interest.

In all cases the person who made the disclosure will be consulted before such a decision is made.

# THE INTERNAL REPORTING SYSTEM

## Need for an Internal Reporting System

The Sydney Olympic Park Authority has established an internal reporting system to facilitate the making of disclosures by staff about corrupt conduct, maladministration and serious and substantial waste of money.

The reporting system:

- encourages staff to make disclosures internal to the authority, as an alternative to external disclosures to one of the investigating authorities nominated in the Act;
- provides an alternative reporting channel for internal disclosures which could otherwise only be made under the Act to the Chief Executive Officer;
- ensures that disclosures by staff are properly and appropriately assessed, dealt with and acted upon; and
- ensures that the protection of the Act is fully available to staff at all levels in the organisation;
- ensure support is provided to a disclosing officer via confidential treatment of the information and that no reprisal action is taken.

## To Whom to make a Public Interest Disclosure

Public interest disclosures should generally be made in writing to:

- the Chief Executive Officer; the Disclosures Co-Ordinator, Financial Controller, Commercial & Corporate;
- the officer's supervisor; or
- alternatively to an investigating authority, i.e. the Independent Commission Against Corruption, the Auditor General or the NSW Ombudsman.

## The Disclosure Coordinator

The Disclosure Coordinator has a pivotal position in the internal reporting system and acts as a clearing house for disclosures as well as providing support to the person making the disclosure.

The Disclosure Co-ordinator provides an alternative internal reporting channel to the Chief Executive Officer and impartially assesses each disclosure to determine:

1. whether the disclosure appears to be a public interest disclosure within the meaning of the Act; and

2. the appropriate confidential action to be taken in relation to the disclosure, for example:
  - a) no action;
  - b) the identification of an appropriate person to take responsibility for dealing with the disclosure;
  - c) the need for preliminary or informal investigation;
  - d) the commencement of a formal investigation;
  - e) the arrangement of prosecution or disciplinary action;
  - f) referral to an investigating authority for investigation or other appropriate action; or
  - g) referral to the police (if a criminal matter) or the ICAC (if the matter concerns corrupt conduct).

### **The Investigative Process in the Sydney Olympic Park Authority**

Where a public interest disclosure is made to a supervisor, or to the disclosure Coordinator, the following process will apply:

- 1) A written record of the disclosure will be agreed with the officer making the disclosure.
- 2) The person to whom the disclosure is made will report the details of it to the Disclosure Co-ordinator who will inform the Chief Executive Officer of the circumstances of the disclosure.
- 3) The Chief Executive Officer and Disclosure Co-ordinator will determine how the matter is to be investigated.
- 4) Except where it is impossible to do otherwise, only the person to whom the disclosure is made, the disclosure Co-ordinator and the Chief Executive Officer will be aware of the identity of the person making the disclosure. Should this not be possible, full discussion will be held with the person making the disclosure.
- 5) A confidential report on the investigation into the matters revealed by the disclosure will be prepared by the person doing the investigation and submitted to the Chief Executive Officer as quickly as possible.
- 6) The Disclosure Co-ordinator will be responsible for keeping the person who made the disclosure informed as to the stage reached with the investigation.
- 7) The result of the investigation will be made known to the person who made the disclosure as quickly as possible and within the six months required by the Public Interest Disclosures Act.

## **Making Disclosures about other Agencies**

Public officials who make disclosures about corruption, maladministration or serious and substantial waste of public money by an agency other than the one they work for will be able to receive the protections of the Act if they make that disclosure to:

- a) their own public interest disclosures coordinator, or
- b) the nominated person in the agency to which the disclosure relates (this could be the CEO and/or another officer, depending on the internal reporting procedure established by that agency).

## **Receipt of Disclosures about other Agencies**

If a public interest disclosures coordinator receives a disclosure about another public authority, they must refer the disclosure to the CEO of the public authority that the disclosure is about, or to an investigating authority (i.e ICAC, Audit Office, PIC, Ombudsman or the Director-General of the Department of Local Government).

## **Precautions Concerning External Disclosures**

If a person chooses to make a disclosure to an external investigating authority, it should be made in writing and declared as a disclosure made under the Public Interest Disclosures Act in order to obtain the protection of that Act.

## **A Disclosure to a Journalist or a Member of Parliament**

A disclosure can be made to journalists or Members of Parliament if and only if the person has already made substantially the same disclosure to the Chief Executive Officer, Sydney Olympic Park Authority, the Independent Commission Against Corruption, the Ombudsman or the Auditor General and the body to whom the disclosure has been made decides:

- not to investigate the matter; or
- fails to notify the person within six (6) months of the disclosure being made as to whether or not the matter is to be investigated; or
- investigates the matter but does not complete the investigation within six (6) months; or
- investigates the matter but does not recommend the taking of any action in respect of the matter.

## **Standards**

Within the Sydney Olympic Park Authority it must clearly be understood that fraud and corruption will not be tolerated and that perpetrators will face disciplinary action.

Our standards are set out in Sydney Olympic Park Authority documents:

- Code of Conduct
- Corruption Prevention Strategy

Additional external documents:

- Independent Commission Against Corruption Act
- Guidelines for Reporting of Possible Corruption to ICAC
- Public Interest Disclosure Guidelines

**Are each useful reference documents and are held by:**

- General Manager, Commercial & Corporate
- Manager, Records & Corporate Information Services

who will make them available to you upon request.

## **Further Information:**

Further information may be obtained from:

- The Disclosures Co-ordinator, Financial Controller, Commercial & Corporate;
- The NSW Ombudsman; and
- The Independent Commission Against Corruption.

**Alan Marsh**  
**Chief Executive Officer**