March

2015

PID annual reporting requirements

Template for use by public authorities

Public authorities are required to report annually to Parliament on their obligations under section 31 of the [*Public Interest Disclosures Act 1994*](http://www.legislation.nsw.gov.au/maintop/view/inforce/act+92+1994+cd+0+N). This is separate to the requirement under section 6CA of that Act to provide a report to the NSW Ombudsman every six months. One of the key reasons for having this separate reporting requirement is to ensure information about PIDs is publicly available to enable transparency and accountability.

The [*Public Interest Disclosures Regulation 2011*](http://www.legislation.nsw.gov.au/maintop/view/inforce/subordleg+630+2011+cd+0+N) outlines the information that must be included in the authority’s annual report. For reporting periods following 1 January 2014, public authorities are required to draw a distinction between PIDs made by public officials:

1. performing their day-to-day functions
2. under a statutory or other legal obligation
3. all other PIDs.

Authorities may wish to use one of the options referred to over the page to ensure the annual report includes the required information. See [*Guideline C2: Reporting to the NSW Ombudsman*](http://www.ombo.nsw.gov.au/news-and-publications/publications/guidelines/public-interest-disclosures) for further advice on the terminology used.

The annual report must be prepared within four months after the end of each reporting year and submitted to the Minister responsible for the public authority. It must be tabled in each House of Parliament by the Minister as soon as practical after it is prepared, unless it is included in an annual report prepared for the purposes of the [*Annual Reports (Departments) Act 1985*](http://www.legislation.nsw.gov.au/maintop/view/inforce/act+156+1985+cd+0+N) or the [*Annual Reports (Statutory Bodies) Act 1984*](http://www.legislation.nsw.gov.au/maintop/view/inforce/act+87+1984+cd+0+N).

The reporting year will either be a financial or calendar year depending on the authority’s usual reporting cycle as outlined in these Acts. If the public authority does not have a financial year for the purposes of either of these Acts, the year end will be 30 June.

Authorities must also provide a copy of the report to NSW Ombudsman. An electronic version of the report or a link to where the report is available online should be emailed to [pid@ombo.nsw.gov.au](mailto:pid@ombo.nsw.gov.au).

# Information to be included

The options over the page only list the information that is mandatory for authorities to provide in their annual reports. However, the annual report also provides an opportunity for public authorities to demonstrate their commitment to dealing with PIDs appropriately and supporting staff who make them.

Public authorities may also wish to provide additional information regarding how they have met their obligations under the PID Act, for example:

* the number of PIDs made directly to the authority that were referred to other authorities or the number of PIDs received that were referred from another authority
* the number of investigations commenced as a result of a PID being made
* whether any wrongdoing was substantiated or systemic issues were remedied as a result of a PID being made.

If principal departments or other central agencies report annually on the behalf of other authorities, this should be clearly stated in the report.

## Commentary on PID obligations

Under the PID Regulation, public authorities are required to report on:

* 1. Whether the public authority has an internal reporting policy in place.
  2. What actions the head of the public authority has taken to ensure his or her staff awareness responsibilities under section 6E(1)(b) of the PID Act have been met.

## Statistical information on PIDs

Public authorities may wish to include the following table in their annual reports:

|  |  |  |  |
| --- | --- | --- | --- |
|  | Made by public officials performing their day to day functions | Under a statutory or other legal obligation | All other PIDs |
| Number of public officials who made PIDs directly |  |  |  |
| Number of PIDs received |  |  |  |
| Of PIDs received, number primarily about: |  |  |  |
| Corrupt conduct |  |  |  |
| Maladministration |  |  |  |
| Serious and substantial waste |  |  |  |
| Government information contravention |  |  |  |
| Local government pecuniary interest contravention |  |  |  |
| Number of PIDs finalised |  | | |

Note: The number of PIDs finalised only refers to PIDs that have been received since 1 January 2012.

Instead of including a table of statistical information, where relevant it would also be appropriate for public authorities to merely note in their annual reports that no public officials made a PID to their authority, no PIDs were received and no PIDs were finalised in the reporting period.