



Australian Government

Department of Foreign Affairs and Trade



Interim Policy and Procedures for Managing Public Interest Disclosures in DFAT.

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1. OVERVIEW

Purpose of this policy

The purpose of this document is to provide advice and guidance to Department of Foreign Affairs and Trade (the Department) employees about the procedures that have been established to deal with public interest disclosures (PIDs) made by a public official under the [Public Interest Disclosure Act 2013](#) (the PID Act). This is an 'interim' policy that reflects recent updates to the PID Act as well as commencement of the *National-Anti Corruption Commission Act 2022* (NACC Act). This interim policy will be further updated in early 2024 once additional guidance materials from the Commonwealth Ombudsman have been made available.

The Department is committed to the highest standards of ethical and accountable conduct. Public Officials (disclosers) who suspect wrongdoing within the Commonwealth public sector can raise their concerns under the PID Act. The Department will act on disclosures as appropriate and protect disclosers from any reprisals or threats of reprisals as a result of making a disclosure. Strict statutory timeframes apply under the PID Act, including a 90-day timeframe for completing a PID investigation. These procedures aim to support the timely resolution of PIDs in accordance with applicable statutory timeframes.

Relationship to other Departmental policies and procedures

The PID Act complements other complaint handling mechanisms, such as those relating to suspected fraud or misconduct under the APS Code of Conduct. To obtain a holistic view of the Department's conduct and ethics framework, this policy document should be read in conjunction with related Administrative Circulars and departmental policies available in the [Ethics, Integrity, and Professional Standards Policy Manual](#) and the [Fraud and Corruption Control Framework](#), including:

- [APS Code of Conduct](#)
- Reporting Alleged Misconduct and Criminal Offences in [Chapter 11](#) of the Ethics, Integrity and Professional Standards Policy Manual.
- Managing Alleged Misconduct in DFAT in [Chapter 12](#) of the Ethics, Integrity and Professional Standards Policy Manual. • Conflicts of Interest in [Chapter 5](#) of the Ethics, Integrity and Professional Standards Policy Manual; and
- Reporting suspected fraud and corruption in Chapter 6 of DFAT's Fraud and Corruption Control Framework.
- DFAT's Preventing Sexual Exploitation, Abuse and Harassment Policy.

What is a public interest disclosure?

A PID is a disclosure about wrongdoing in the Commonwealth public sector that serves the public interest. For an allegation to be considered a PID under the PID Act it must be made by a current or former public official and made to an Authorised Officer (which can include supervisors, see Appendix A).

As per Section 69 subdivision A of the PID Act, a public official (current or former) is considered to be one the following:

- Public servants

- Parliamentary service officers
- Service providers under a commonwealth contract
- Defence force members
- Australian Federal Police appointees
- Statutory office holders
- Staff of commonwealth companies; and
- An individual deemed to be a public official by an Authorised Officer.

In limited circumstances, a public official may disclose such information to a person outside government – this is known as an external disclosure, or emergency disclosure. For more information, please refer to the Commonwealth Ombudsman’s Agency Guide to the PID Act at: www.ombudsman.gov.au.

To gain the protections the PID Act provides to disclosers, a public official must make a disclosure to an appropriate person. Accordingly, it is important that persons contemplating making a disclosure of information carefully review the contents of the PID Act and seek their own independent legal advice where appropriate in order to determine whether the disclosure can be made in a way that attracts the protections of the PID Act.

Current or former public officials may also make anonymous disclosures.

There are five kinds of public interest disclosures:

- an internal disclosure (disclosed within the department)
- an external disclosure (disclosed outside Government)
- a National Anti-Corruption Commission (NACC) disclosure
- an emergency disclosure
- a legal practitioner disclosure

The procedures in this document apply to internal disclosures, the most common type of disclosure under the PID Act, and NACC disclosures.

What is disclosable conduct?

The full definition of disclosable conduct is set out in [section 29 of the PID Act](#). That definition applies for the purposes of these procedures.

A current or former public official can disclose information that they believe, on reasonable grounds, tends to show disclosable conduct.

Disclosable conduct is conduct by:

- an agency
- a public official in connection with their position; or
- a contracted Commonwealth service provider in connection with entering into or giving effect to the contract

If that conduct:

- contravenes a law of the Commonwealth, a State or a Territory

- occurs in a foreign country and contravenes a law in force in that country that applies to the agency, public official or contracted service provider and that corresponds to a law in force in the Australian Capital Territory
- perverts, or attempts to pervert, the course of justice or involves corruption of any other kind
- constitutes maladministration, including conduct that:
 - is based, in whole or in part, on improper motives
 - is unreasonable, unjust or oppressive
 - is negligent
- is an abuse of public trust
- is fabrication, falsification, plagiarism or deception in relation to scientific research, or misconduct in relation to scientific work
- results in the wastage of money or property owned or held by the Commonwealth or of the money or property of an authority covered by the PID Act
- unreasonably results in a danger to the health and safety of a person, or unreasonably results in or increases the risk of a danger to the health and safety of a person
- results in a danger to the environment, or results in or increases the risk of a danger to the environment
- is prescribed by the PID Rules; or
- is engaged in by a public official that
 - involves abuse of the public official's position could, if proved, give reasonable grounds for disciplinary action resulting in the termination of the official's engagement or appointment.

Note: Personal work-related conduct (see 'What is not considered disclosable conduct' below) is not disclosable unless one of the following exceptions apply:

- the conduct would constitute taking a reprisal against another person, or threatening to take a reprisal against another person; or
- the conduct is so significant it would undermine public confidence in an agency (or agencies); or has other significant implications for an agency (or agencies).

Note that if a disclosure contains information that tends to show (or may tend to show) disclosable conduct and it also contains information relating to personal work-related conduct, the disclosure may still be a PID.

What is not considered disclosable conduct?

Individual grievances or workplace conflicts would generally be appropriately dealt with by other agency and public sector mechanisms, rather than be the subject of investigation under the PID Act. More information about these mechanisms can be found in [Chapter 11](#) of the Ethics, Integrity and Professional Standards Policy Manual.

Conduct that is wholly private and has no bearing on the position as a public official is not disclosable conduct. Matters that reflect private or personal interest are generally not matters of public interest:

- personal disagreement with a government policy or proposed policy;
- personal disagreement with an action or proposed action by a Minister, the Speaker of the House of Representatives or the President of the Senate; or
- expenditure or proposed expenditure related to such policy or action.

Personal work-related conduct

Personal work-related conduct is not disclosable unless an exception applies (see below). Personal work-related conduct is:

- an action or omission taken in relation to a public official's engagement or appointment and/or employment (i.e. a work-related action), and
- that has, or would tend to have, personal implications for that public official (i.e. the action personally affects that person).

The following are examples of personal work-related conduct:

- interpersonal conflict, including bullying or harassment;
- decisions about a person's employment, engagement, transfer or promotion – including decisions to suspend, terminate or discipline a person, or the terms and conditions of a person's employment or engagement;
- conduct in relation to which the public official has or had review rights under section 33 of the Public Service Act 1999 or comparable review processes.

Personal work-related conduct is not disclosable unless one of the exceptions outlined on page 5 apply:

If a disclosure relates to both personal work-related conduct and other types of wrongdoing, it will still be covered by the PID Act as long as the other type of wrongdoing meets the definition of disclosable conduct.

2. PROTECTIONS FOR DISCLOSERS, WITNESSES AND POTENTIAL DISCLOSERS

The PID Act provides a number of protections for current and former public officials from adverse consequences of disclosing information that, in the public interest, should be disclosed. This includes protection from reprisals, including protection against conduct by a person that results in detriment, or consists of, or results in, a threat to cause detriment to the discloser, witness, or potential discloser, in relation to a PID. The NACC Act similarly provides for protections for a disclosure that is a NACC disclosure. The Authorised Officer, Principal Officer or investigator will consider any such risks to a discloser and/or witness on a case-by-case basis.

It is an offence to take a reprisal against a person because of a PID or a NACC disclosure. Prosecution can take place under the PID Act and/or the NACC Act and can carry serious penalties of imprisonment. A discloser can also access the general protections provisions of the Fair Work Act

2009.

If a person who makes a disclosure report considers that they have been victimised, discriminated against, or otherwise adversely affected because they have made such a report, they should immediately report this to their Principal Officer, Authorised Officer, or supervisor.

Every allegation of reprisal will be taken seriously, recorded, and responded to by the department.

Risk assessment

An Authorised Officer or (if applicable) a supervisor/manager should conduct a reprisal risk assessment for each PID (including a NACC disclosure) in accordance with to **Appendix B – Procedures for Authorised Officers**.

In most circumstances, the Authorised Officer will conduct the risk assessment for a PID. However, if the disclosure is first made to a manager or supervisor and the person wishes their identity to remain anonymous, the manager or supervisor should conduct a risk assessment.

Support for disclosers

Regardless of the outcome of the risk assessment, the Department will take all reasonable steps to protect disclosers from detriment, or threats of detriment, relating to the disclosure.

This may include taking one or more of the following actions:

- appointing a support person to assist the discloser, who is responsible for checking on the wellbeing of the discloser regularly;
- informing the discloser of the progress of the investigation;
- where there are any concerns about the health and wellbeing of the discloser, liaising with officers responsible for work health and safety in the Department; or
- transferring the discloser to a different area within the workplace or approving remote/teleworking (with the consent of the discloser). This is only likely to be appropriate in cases involving major or extreme risk.

Support for other individuals involved in a PID process

The Department will also take steps to support any employee who is involved in a PID process. This includes employees who may be the subject of allegations associated with a PID or who may be a witness to a PID matter. This may include taking one or more of the following actions:

- advising the individual of their rights and obligations under the PID Act and about the Department's investigation procedures, including the employee's rights to procedural fairness (if applicable);
- informing the individual of the progress of the investigation;
- ensuring that the identity of the individual is kept confidential as far as reasonably practicable; or
- where there are any concerns about the health and wellbeing of the individual, liaising with officers responsible for work health and safety in the Department;

- transferring the individual to a different area within the workplace or approving remote/teleworking (with the consent of the individual). This is only likely to be appropriate in cases involving very major or extreme risk; or
- advising the individual that they should seek their own independent legal advice on the impact of the PID Act and their rights and responsibilities.

Immunity from liability

Anyone who makes a PID, or who provides evidence as a witness in relation to a PID, is not subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure or providing evidence as a witness in relation to a disclosure. The discloser or witness also has absolute privilege in proceedings for defamation in respect of the PID.

No contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the discloser or witness on the basis of their involvement in a PID. A contract to which the discloser or witness is a party cannot be terminated because of the PID.

However, these immunities do not apply if the discloser or witness:

- knowingly makes a statement that is false or misleading
- makes a disclosure knowing that it contravenes a designated publication restriction and without a reasonable excuse for doing so.

The NACC Act also contains some immunities from liability for NACC disclosures, however a person does not receive protection from liability for their own conduct by disclosing it to the NACC.

Procedural fairness

PID officers will comply with the standards set by the Commonwealth Ombudsman from time to time, including in relation to procedural fairness. This includes ensuring that the person(s) against whom allegations have been made are provided with an opportunity to be heard in relation to the allegations where it is likely they may be adversely affected, materially and/or directly, by the disclosure or investigation.

3. ROLES AND RESPONSIBILITIES

The Secretary

The Secretary has specific responsibilities that include establishing PID Act procedures, investigating and providing reports on disclosures and ensuring that appropriate action is taken in relation to recommendations arising from an investigation.

The Secretary has delegated all powers and functions under the PID Act to the Department's Chief People Officer (CPO) and the Chief Operating Officer (COO).

The Secretary has also delegated the investigative powers and functions under the PID Act to a number of positions within the Department. These are listed in the [Secretary's HR Delegations and Authorisations](#) on the intranet.

The Principal Officer (Chief People Officer)

The Principal Officer (PO) must take reasonable steps to protect departmental officials against reprisals in relation to PIDs or NACC disclosures that have been, are proposed to be, or could be made. The PO in DFAT is the Chief People Officer (CPO) as per the Secretary's delegations.

The PO is also responsible for:

- taking reasonable steps to encourage and support disclosers, including potential disclosers, and those who provide assistance in relation to PIDs.
- taking reasonable steps to provide ongoing training and education to public officials about the PID Act, and any training necessary to support officials to carry out their functions under the Act.
- ensuring there are sufficient authorised officers readily accessible to departmental officials and that the identity of the authorised officers are known.
- establishing internal PID procedures for facilitating and dealing with public interest disclosures relating to the department. Procedures must comply with the *Public Interest Disclosure Act Standard 2013* (PID Standard). Procedures must deal with assessment of the risks that reprisals may be taken in relation to disclosures that relate to the agency.
- ensuring disclosures are properly investigated.
- preparing an investigation report and taking appropriate action, as soon as reasonably practicable, in response to recommendations made in the report.
- notifying the discloser and the Ombudsman or the Inspector-General of Intelligence and Security (IGIS) of the completion of an investigation under the PID Act and provide a copy of the investigation report.
- referring suspected serious or systemic corruption issues to the NACC, and providing guidance to Authorised Officers and investigators in relation to potential NACC referrals, including to ensure a coordinated approach to this issue among relevant officers involved in a particular case.

The Ombudsman or IGIS may review handling of a disclosure and recommend an agency take particular action. In response, the PO must provide notice to the recommending agency of action taken or proposed to be taken. If no action is proposed to be taken, the notice must provide a reason why.

The PO is responsible for conducting investigations and may delegate the investigative function to a suitably qualified and experienced investigator.

In deciding on the most appropriate investigator, it is essential to ensure the investigator does not have an actual or perceived conflict of interest in relation to the disclosure. The PO may delegate an investigation to an investigator external to the department to effectively manage the risk of a real or perceived bias or conflict of interest in the handling of a particular matter.

Authorised Officers (AO)

Authorised Officers are officers (appointed by the Secretary, Chief Operating Officer or Chief People Officer) who are authorised to receive reports of disclosable conduct and have a range of decision-making, notification and other responsibilities under the PID Act. These responsibilities include:

- taking reasonable steps to protect departmental officials from reprisal if the AO suspects a relevant PID has been, may have been, is proposed to be, or could be made or given to the AO.
- referring suspected systemic or serious corrupt conduct to the NACC.
- when explaining the requirements of the PID Act to disclosers, explain the circumstances in which a PID must be referred to another agency, person, or body, under another law (i.e. referral to the NACC if the disclosure could involve serious or systemic corrupt conduct).
- notifying the Ombudsman of the reallocation or non-allocation of a disclosure or investigation, or when a stop action direction from the NACC prevents allocation of a part of or all of the disclosure.
- determining whether personal work-related conduct included in a disclosure may be disclosable conduct.

The Department's Authorised Officers are those occupying the positions, either substantively or in an acting capacity, and are listed in [HR Delegations and Authorisations](#) on the intranet. Authorised officers can be contacted directly or by emailing PID@dfat.gov.au

Public official

A person must be a current or former 'public official' to make a PID. This includes public servant employees (ongoing, non-ongoing and casual), parliamentary service employees, service providers under a Commonwealth contract, statutory office holders, staff of Commonwealth companies and individuals taken to be public officials.

An Authorised Officer can deem an individual to be a public official if they reasonably believe that the individual has information about wrongdoing and proposes to make a disclosure.

Supervisors

A public official may make a disclosure to their supervisor. A supervisor includes any public official who supervises or manages the discloser.

Under the PID Act, supervisors who receive public interest disclosure reports have specific obligations in dealing with disclosures. Supervisors play a key role in ensuring that the department's workplace culture supports the making of public interest disclosures in a safe environment.

If public official discloses to a supervisor and the supervisor has reasonable grounds to believe that the information contains disclosable conduct, the supervisor must give the information to an appropriate Authorised Officer.

Supervisors also have the following obligations:

- inform the discloser that their disclosure could be treated as an internal disclosure;

- explain to the discloser the next steps in the PID process – referring their disclosure to an Authorised Officer, the potential allocation of the PID, and investigation of the PID;
- advise the individual about the circumstances in which a PID must be referred to an agency, or other person or body, under another law of the Commonwealth; and
- explain the civil and criminal protections the PID Act provides to disclosers and those assisting with the handling of the PID.

If a potential discloser has difficulty in identifying the relevant person, they should contact the Ombudsman’s Office.

More detail on the obligations of supervisors is in Appendix A.

Investigator

The Principal Officer has delegated all functions under the PID Act to the Chief Operating Officer and the Chief People Officer and has also delegated the investigative functions to a number of positions within the Department. If an Authorised Officer allocates a matter for investigation, the Investigator must follow a number of steps under the PID Act in conducting their investigation.

Once the Investigator has completed the investigation, they will prepare a report of the investigation. The Investigator must complete the investigation report within 90 days after the disclosure was allocated to the Department (either by an Authorised Officer within the Department or from a different department), unless:

- the matter is reallocated,
- a decision has been made to reinvestigate,
- the Principal Officer becomes aware a NACC stop action direction no longer applies, or
- this period is extended by the Ombudsman.

If the 90-day period is extended, the Investigator will inform the discloser of the progress of the investigation.

4. HOW TO MAKE A PUBLIC INTEREST DISCLOSURE

Who can you make a disclosure to?

If a public official is considering making a disclosure, the public official can, in the first instance, seek advice from the Ethics, Integrity and Professional Standards Section.

Disclosures should be made to a supervisor or an Authorised Officer who is trained to receive public interest disclosures and can provide information on the process to make a disclosure and the protections given to disclosers under the PID Act. Authorised Officers can be contacted by email at PID@dfat.gov.au

Disclosures can also be made to supervisors under the PID Act who will then (in most instances) refer the disclosure to an Authorised Officer. More detail on the obligations of supervisors is in Appendix A.

The PID mailbox is managed by Authorised Officers in the Ethics, Integrity and Professional Standards Section. If a discloser does not wish for one or more of the Authorised Officers to access the email, the discloser should email one of the Authorised Officers directly and in that email specify that the email is not to be shared with the other Authorised Officers.

A list of the Department's Authorised Officers is in the HR Delegations and Authorisations on the Department's intranet.

In certain circumstances, disclosures can also be made to the Commonwealth Ombudsman. Please refer to the Commonwealth Ombudsman's website for more details.

A potential discloser should not investigate a matter themselves before deciding to make a disclosure.

A disclosure can also be made to the National Anti-Corruption Commission (see **section 8. Interaction with National Anti-Corruption Commission Act (2022)**).

What are my rights and responsibilities?

As a public official making a disclosure, you have a number of rights and responsibilities.

Your rights:

- to make a disclosure about suspected wrongdoing and have it assessed under the PID Act;
- have your disclosure handled confidentially and efficiently;
- have immunities from civil, criminal and administrative liability in relation to making a PID; and
- protections from detriment or reprisal caused to you because you made a disclosure or are suspected of having made a disclosure.

Your responsibilities:

- be clear and accurate in the disclosure;
- provide any relevant supporting material – do not report false or misleading information;
- be discreet about your PID and maintain confidentiality throughout the PID process;
- provide reasonable help as required during the investigation;
- seek advice about the process and your rights and responsibilities;
- alert the Authorised Officer or investigation officer to any problems that you may be facing. This includes reprisal action in relation to your disclosure; and
- seek appropriate support if you need it.

What should a disclosure include?

Information contained in the disclosure should:

- be clear and factual;
- so far as possible, avoid speculation, personal attacks and emotive language;

- contain supporting evidence where that is available to the discloser – do not report false or misleading information; and
- where possible, identify any witnesses to the disclosable conduct.

There is no required format for the making of a disclosure. A disclosure can be made:

- anonymously or openly;
- orally or in writing;
- without stating that the disclosure is made under the PID Act.

Can I make an anonymous disclosure?

Public officials can make anonymous disclosures if they wish to do so. A disclosure is considered anonymous if:

- the identity of the discloser is not revealed and if no contact details for the discloser are provided; or
- the discloser does not disclose their name but does provide anonymous contact details.

However, if a disclosure is made anonymously and no contact details are provided, it may be difficult to investigate the disclosure and communicate with the disclosure throughout the process. Consider providing a pseudonym email address to enable communication.

Potential disclosures should consider the following when identifying themselves to an Authorised Officer, or providing a means of contact:

- the PID Act requires the Department to keep a discloser's identity confidential, subject to limited exceptions including the discloser's consent. The person's identity may nonetheless become apparent if an investigation is commenced;
- it is more difficult to ensure protection from reprisal if the department does not know the discloser's identity;
- the Authorised Officer who receives an anonymous report must have reasonable grounds to suspect the disclosable conduct has occurred in order to allocate the matter for investigation. If the Authorised Officer cannot contact the discloser to seek necessary further information, the matter may not proceed;
- An Investigator has the discretion not to investigate, or investigate further, if it is impracticable to investigate because the discloser has not provided their name and contact details or is unable to give the Investigators further information or assistance if needed; and
- a discloser who does not provide a means of contact cannot be updated on the progress of the matter, including the outcome of the investigation.

A person who has made an anonymous PID may come forward at a later stage to disclose their identity and seek protections available under the PID Act.

What happens after you make a disclosure?

Once a PID has been made, it cannot be withdrawn. But a discloser may state that they do not wish the disclosure to be investigated and they may refuse to consent to their name and contact details being provided to the Principal Officer or delegates.

A person who has made a disclosure under the PID Act should not discuss the details of their disclosure with anyone who does not have a need to know about it as discussions with such individuals will not be protected by the PID Act.

See Appendix 1: Internal disclosure process flowchart.

5. CONFIDENTIALITY

Disclosures should be assessed and investigated discreetly, with a strong emphasis on maintaining confidentiality of the discloser. It is an offence to disclose the identity of an individual who makes a public interest disclosure.

Any email correspondence between supervisors or managers, Authorised Officers and the Principal Officer or delegates should include in the subject line **For Addressee Eyes Only – Public Interest Disclosure**. This alerts any support staff who may have access to emails that this email is not to be opened.

Any interviews conducted by an Authorised Officer or delegate (including Investigators) should be conducted in private.

Any interviews with the discloser should be arranged so as to avoid the identification of the discloser by other staff of the agency.

Supervisors, managers and Authorised Officers who seek further advice from the Ethics, Integrity and Professional Standards Section regarding a disclosure must de-identify the information. When referring to involved parties they should be referred to as the 'discloser' and the 'subject person'.

6. RECORD-KEEPING

Where an Authorised Officer is required to keep a record under these procedures, the record may be kept in hard copy or in an electronic form or in both. Access to these records must be restricted to the Authorised Officers, Delegates (including investigators) or other employees in the Department who require access in order to perform some function under the PID Act or for the purposes of another law of the Commonwealth (for example, under the Work Health and Safety Act 2011, the NACC Act or the Public Service Act 1999).

Where a form is required to be sent under these procedures, a copy of the form must be kept.

All records made for the purposes of the PID Act in accordance with these procedures must be marked as 'Sensitive – Personal' and hard copies stored in the appropriate storage container.

Any email messages sent by supervisors or managers, Authorised Officers or Delegates that contain identifying information must be clearly marked **For Addressee Eyes Only – Public Interest Disclosure**.

When a person ceases their role as an Authorised Officer in the Department (including because of resignation or movement to another agency), they must transfer all their PID records to another Authorised Officer in the Department.

7. MONITORING AND EVALUATION

Each Authorised Officer must notify the Principal Officer (the PO) when they receive a disclosure. This should include the nature of the disclosable conduct for each disclosure (by reference to the relevant item or paragraph in the definition).

The CPO will collate the Department's report to the Ombudsman on disclosures made during the financial year. An Investigator must advise the CPO of every decision made by the Investigator to investigate a disclosure.

Each delegate of the Principal Officer who takes action in response to a recommendation made in an investigation report must make a report of this action to the CPO. The CPO must prepare the agency's report for the Principal Officer's consideration within the time specified by the Principal Officer.

The Principal Officer or the Principal Officer's delegate will send the Agency's report to the Ombudsman within the time requested by the Ombudsman or as otherwise agreed with the Ombudsman.

8. INTERACTION WITH NATIONAL ANTI-CORRUPTION COMMISSION (NACC) ACT 2022

The National Anti-Corruption Commission Act 2022 (NACC Act), along with the PID Act, provides pathways for public officials to report corruption and other integrity-related wrongdoing, as well as protections for those who do so, and have been designed to operate together.

Mandatory referral to the National Anti-Corruption Commission (NACC)

Under the NACC Act, 'PID officers' are staff members of Commonwealth agencies who have responsibilities or carry out certain functions under the PID Act.

When considering a disclosure, the PID Officer who is either:

- allocating an internal disclosure under Division 1 of Part 3 of the PID Act (i.e., an Authorised Officer); or
- investigating an internal disclosure under Division 2 of Part 3 of the PID Act,

must consider whether the mandatory referral obligation under the NACC Act to the NACC applies.

In exercising these functions, the PID Officer must consider whether:

- the internal disclosure raises a corruption issue under the NACC Act;
- the corruption issue concerns the conduct of a person who is, or was, a staff member of the department while that person is, or was, a staff member, and
- the PID Officer suspects the issue could involve serious or systemic corrupt conduct.

If these criteria are met, the PID Officer must refer the corruption issue to the NACC as soon as reasonably practicable after becoming aware of it. This is also known as a mandatory referral. The Executive Division (FCS/GRB) leads the department's engagement with, and referral to, the NACC. Please consult FCS/GRB as well as an Authorised Officer for further advice on NACC referrals.

Following the referral of a corruption issue to the NACC, a PID Officer is still required to investigate the internal disclosure within statutory timeframes, unless the National Anti-Corruption Commissioner has issued a stop action direction, which may prevent the allocation or investigation of a PID disclosure.

Please refer to the department's [Fraud and Corruption Control Framework](#) for further information and guidance.

Informing the NACC

In making any referral to the NACC, the PID Officer should include the following information, following consultation with EXD:

- description of the corruption issue, including all information relevant to the corruption issue in their possession or control when they make the referral
- the reason why they suspect the issue could involve corrupt conduct that is serious or systemic.
- how and when the PID Officer became aware of the issue
- any supporting documents or evidence
- any other relevant information.

If a PID Officer subsequently becomes aware of any further information that is relevant to the referral, the officer must give the further information as soon as reasonably practicable.

Information relevant to a corruption issue may include (but is not limited to):

- the names of any public officials who the PID officer suspects has, is, or will engage in corrupt conduct,
- the names of any private individual or entities involved,
- a description of the conduct, and
- the dates and timeframes of when the alleged corrupt conduct occurred or may occur.

While corrupt conduct can take many forms, the NACC Act defines a person as engaging in corrupt conduct if:

- they are a public official and they breach public trust

- they are a public official and they abuse their office as a public official
- they are a public official and they misuse information they have gained in their capacity as a public official
- they do something that adversely affects a public official's honest or impartial exercise of powers or performance of official duties. (Any person can engage in this type of corrupt conduct, even if they are not a public official themselves).

Exceptions to information requirements

A PID Officer is not required to provide information about a corruption issue if any of the following apply:

- the PID Officer believes on reasonable grounds that the NACC Commissioner is already aware of the information
- the NACC Commissioner has made a determination that certain kinds of corruption issues do not require a referral
- the information is subject to an exempt secrecy provision, or
- the Attorney-General has certified that disclosing the information would be contrary to the public interest because it would harm Australia's international relations.

Informing the discloser

The PID Officer must inform the discloser where a referral has been made to the NACC, as soon as reasonably practicable. This requirement applies irrespective of whether the referral was made at the allocation or investigation stage.

9. RESOURCES

For more advice concerning these procedures and/or issues relating to conduct and ethics please contact the Ethics, Integrity and Professional Standards Section at PID@dfat.gov.au or conduct@dfat.gov.au

Useful websites:

[Commonwealth Ombudsman](#)

[Public Service Commission](#)

[The National Anti Corruption Commission](#)

ANNEX A

10. PROCEDURES FOR SUPERVISORS

Where a public official discloses information to their supervisor or manager, and the supervisor or manager has reasonable grounds to believe that the information contains disclosable conduct, the supervisor or manager must, as soon as practicable, give the information to an Authorised Officer.

Supervisors or managers should make their assessment of whether the information concerns disclosable conduct by exercising common sense. Supervisors or managers should have regard to the definition of disclosable conduct in [section 29 of the PID Act](#).

Before referring a disclosure to an Authorised Officer, the supervisor or manager must:

- take a written record of the facts of the disclosure, including the time and date of the disclosure;
- if the person wishes to remain anonymous, do a written assessment of any risks that reprisal action might be taken against the discloser (see **Appendix 3: Risk Assessment**);
- seek consent from the discloser to include the discloser's name and contact details in the disclosure;
- where consent is not provided to include the discloser's name and contact details, explain to the discloser that that it will be treated as an anonymous disclosure;
- seek the discloser's consent to passing on the disclosure by email;
- ask the discloser to sign the record of disclosure, where this is practicable;
- inform the discloser that their disclosure could be treated as an internal disclosure;
- inform the discloser of the PID process – referring their disclosure to the Authorised Officer, the potential allocation of the PID, and investigation of the PID,
- inform the discloser about the circumstances in which a PID must be referred to an agency, or another person or body, under another law of the Commonwealth; and
- explain the civil and criminal protections the PID Act provides to disclosers, and those assisting with the handling of a PID.

At the time a supervisor or manager gives information to an Authorised Officer, the supervisor or manager must also:

- give the Authorised Officer all records in relation to the disclosure;
- if the person wishes to remain anonymous, give the Authorised Officer their written assessment of the risk of reprisal; and
- inform the discloser that they have given the information to an Authorised Officer and advise the discloser of the name and contact details of that Authorised Officer.

Where a supervisor or manager receives an anonymous disclosure, the supervisor or manager must refer it to an Authorised Officer as soon as is reasonably practicable.

Supervisors and managers must treat disclosures with the highest degree of confidentiality. For further information please refer to section **8. Confidentiality**.

ANNEX B

11. PROCEDURES FOR AUTHORISED OFFICERS

Authorised Officers have specific responsibilities in relation to advising disclosers and potential disclosers about the PID Act. Authorised Officers are also responsible for receiving, assessing and allocating PIDs.

Step 1: Consider whether a disclosure meets the requirements for a public interest disclosure

When an Authorised Officer receives a disclosure of information, the Authorised Officer will consider the information disclosed and determine whether there are reasonable grounds on which the disclosure could be considered to be an internal disclosure made in accordance with the PID Act. The Authorised Officer should consider whether:

- the disclosure was made by a person who is, or was, a public official;
- the disclosure was made to an authorised internal recipient or supervisor;
- the disclosure is about disclosable conduct;
- the person who is alleged to have carried out the disclosable conduct was a public official at the time they are alleged to have carried out that conduct; and
- the disclosure is otherwise a public interest disclosure within the meaning of the PID Act.

Where an Authorised Officer receives a disclosure, the Authorised Officer may obtain information and may make such inquiries as they see fit, for the purposes of deciding the allocation of the disclosure, including for the purposes of deciding whether the disclosure is an internal disclosure or not.

If the Authorised Officer is satisfied the disclosure could be an internal disclosure, the Authorised Officer will follow the process outlined in the following steps.

If the Authorised Officer is not satisfied the disclosure could be an internal disclosure, the disclosure will not be allocated for investigation and:

- if contacting the discloser is reasonably practicable, the Authorised Officer must advise the discloser in writing that the disclosure will not be allocated, including:
 - the reasons why the disclosure will not be allocated;

- if applicable, the action taken in referring the matter for investigation under another law or power; and
 - any other course of action that might be available to the discloser under other laws of the Commonwealth;
- if the disclosure relates to conduct that may need to be addressed under the Department's:
 - Fraud and Corruption Control Plan;
 - Managing Alleged Misconduct in DFAT policy (contained in Chapter 12 of the Department's Ethics, Integrity and Professional Standards Policy Manual);
 - Work Health and Safety Policy; or
 - any other departmental policies or procedures.

The Authorised Officer may refer the matter to be dealt with in accordance with the relevant policy or procedure.

The Authorised Officer must not allocate all, or part of a disclosure, if a stop action has been issued under the NACC Act with respect to that element or all of the disclosure. The Authorised Officer must notify the Ombudsman of this circumstance.

Step 2: Consider whether the discloser understands the PID Act

When an Authorised Officer receives a disclosure of information and the Authorised Officer is aware of the discloser's contact details, the Authorised Officer should firstly consider the discloser may be unaware of the provisions of the PID Act.

If the Authorised Officer has reasonable grounds to believe that the person may be unaware of what the PID Act requires for the disclosure to be considered an internal disclosure, the Authorised Officer must:

- inform the discloser that the disclosure could be treated as an internal disclosure under the PID Act;
- explain to the discloser what the PID Act requires for a disclosure to be an internal disclosure;
- explain to the discloser the protections provided by the PID Act to persons who make disclosures or assist with the handling of a PID under the Act;
- advise the discloser of any orders or directions that may affect disclosure of information; and
- advise the discloser that they should seek their own independent legal advice on the impact of the PID Act and their rights and responsibilities.

Step 3: Conduct a reprisal risk assessment

A reprisal risk assessment will be conducted for each PID (including a NACC disclosure). The risk assessment will be reviewed as required throughout the course of any PID investigation.

In most circumstances, the Authorised Officer will conduct the risk assessment for a PID. However, if the disclosure is first made to a manager or supervisor and the person wishes for their identity to remain anonymous, the manager or supervisor should conduct a risk assessment.

Criteria for assessing likelihood of potential reprisals

When considering the likelihood of a reprisal being taken against a discloser, the supervisor or Authorised Officer should take into account all relevant factors. These factors include:

- the likelihood of the discloser being identified, which may involve a consideration of:
 - the size of the work area in which the discloser is located;
 - the number of people who are aware of the information leading to the disclosure;
 - the people implicated in the disclosure;
- the subject matter of the disclosure;
- the number of people who are aware of the disclosure or are likely to become aware of the disclosure (for example, through participation in the investigation as witnesses);
- the culture of the workplace;
- whether any specific threats against the discloser have been received;
- whether there are allegations about individuals in the disclosure;
- whether there is a history of conflict between the discloser and individual/s who is the subject of the disclosure;
- whether the disclosure can be investigated while maintaining confidentiality; and
- any other relevant matter

Criteria for assessing seriousness of potential reprisals

When considering the likely seriousness of any potential reprisals against a discloser, the supervisor or Authorised Officer should take into account all relevant factors. These factors include:

- the significance of the issue being disclosed;
- the likely outcome if the conduct disclosed is substantiated;
- the subject matter of the disclosure;
- whether the discloser is isolated;
- whether the discloser is employed on a full-time, part-time or casual basis;
- whether the alleged wrongdoing that is the subject of the disclosure was directed at the discloser; and
- the relative positions of the discloser and the person whose alleged wrongdoing is the subject of the disclosure.

When conducting the risk assessment, where consistent with protecting the discloser's confidentiality, the Authorised Officer may ask the discloser why they are reporting the wrongdoing and who they might fear a reprisal from and may also speak to the discloser's supervisor or manager.

Levels of seriousness in relation to risk of reprisal

- Minor: Occasional or one-off action that is likely to have a relatively minor adverse effect on the discloser (for example, occasional exclusion of the person from a social activity).
- Moderate: Repeated action which is likely to have an adverse effect on the discloser (for example, routinely failing to "CC" the discloser on work-related emails which the person has a genuine business need to know).
- Major: Sustained or one-off action which has a significant impact on the discloser (for example, consistently excluding the discloser from team discussions or imposing a negative performance assessment on the discloser without reasonable cause and supporting evidence).

- Extreme: Action which is likely to have a very severe impact on the discloser (for example, physical violence or the denial of a promotion opportunity without reasonable cause).

If the risk assessment concludes that there is a risk of reprisal action to be taken in relation to a PID, then all reasonable steps must be taken to protect any public officials within the department from any reprisal action. This includes:

- Maintaining confidentiality of the discloser and any individuals within the department at risk of reprisal
- Regularly checking-in with the individuals at risk
- Continually assessing the risk of reprisal
- Ensuring all staff with management/supervisor responsibility are adequately trained to make reprisal assessments
- Where necessary, liaising with officers responsible for work health and safety in the Department; and
- Transferring the discloser to a different area within the workplace or approving remote/teleworking (with the consent of the discloser).

Step 4: Ask the discloser for consent

Where the Authorised Officer is aware of the contact details of the discloser, the Authorised Officer must, as soon as practicable after receiving the disclosure and before allocating the disclosure, ask the discloser whether they:

- consent to the Authorised Officer giving their name and contact detail to the Principal Officer and delegates (such as an investigator) under the PID Act.

The Authorised Officer must make a written record of the discloser's responses (if any) to these questions. Where a discloser does not respond within 7 days to the questions referred to above:

- in paragraph (a) – the discloser is taken not to have consented to the disclosure of their name and contact details to the Ethics, Integrity and Professional Standards Section.

Step 5: Allocate the disclosure

The Authorised Officer must use their best endeavours to make a decision about the allocation of the disclosure to one or more agencies within 14 days after the disclosure is made.

In deciding the agency or agencies to which a disclosure will be allocated, the Authorised Officer will have regard to:

- the principle that the Department should only handle disclosures that relate to the Department (and not other departments or agencies); and
- such other matters (if any) as the Authorised Officer considers relevant.

In addition, if the Authorised Officer is contemplating allocating the disclosure to another agency, the Ombudsman, the IGIS, or an investigative agency, the Authorised Officer must have regard to additional matters set out in the PID Act.

An Authorised Officer can allocate a disclosure to another agency in the same portfolio as the Department (for example, Austrade), if the Authorised Officer considers that the other agency would be better able to handle the disclosure. This is subject to the portfolio agency's consent, noting full details of the requirements and relevant considerations relating to allocation decisions can be found in Part 3 of the PID Act.

Step 6: Inform relevant persons of the allocation

Where the Authorised Officer allocates the handling of a disclosure within the Department, the Authorised Officer must provide:

- written notice of the allocation decision to the Principal Officer;
- written notice of the allocation decision to the relevant contact officer in the Ombudsman's Office; and
- a copy of the written notice the discloser (where their contact details are known) as soon as reasonably practicable.

If the Authorised Officer allocates a disclosure to:

- an intelligence agency, the Authorised Officer will inform the IGIS of this in writing; or
- another agency, the Authorised Officer will inform the Principal Officer of the other agency and Ombudsman of this in writing.

Step 7: Provide support to the discloser or subject of PID

Regardless of the outcome of the reprisal risk assessment, the Department will provide general support and take all reasonable steps to protect disclosers from detriment, or threats of detriment, relating to the disclosure.

This may include taking one or more of the following actions:

- appointing a support person to assist the discloser, who is responsible for checking on the wellbeing of the discloser regularly;
- informing the discloser of the progress of the investigation;
- where there are any concerns about the health and wellbeing of the discloser, liaising with officers responsible for work health and safety in the Department; or
- transferring the discloser to a different area within the workplace or approving remote/teleworking (with the consent of the discloser). This is only likely to be appropriate in cases involving very major or extreme risk.

The Department will also take steps to support any employee who is involved in a PID process. This may include taking one or more of the following actions:

- advising the individual of their rights and obligations under the PID Act and about the Department's investigation procedures, including the employee's rights to procedural fairness (if applicable);
- informing the individual of the progress of the investigation;
- ensuring that the identity of the individual is kept confidential as far as reasonably practicable; or
- where there are any concerns about the health and wellbeing of the individual, liaising with officers responsible for work health and safety in the Department;
- transferring the individual to a different area within the workplace or approving remote/teleworking (with the consent of the individual). This is only likely to be appropriate in cases involving very major or extreme risk; or
- advising the individual that they should seek their own independent legal advice on the impact of the PID Act and their rights and responsibilities.

Step 8: Make a record of the allocation decision

When an Authorised Officer allocates the handling of a disclosure to one or more agencies, the Authorised Officer must keep an appropriate record of:

- the decision (including the name of each agency to which the disclosure is to be allocated);
- the reasons for the decision; and
- the consent provided by the Authorised Officer of the agency/ies to which the allocation is made.

In addition, the Authorised Officer must keep appropriate records of whether the discloser was informed of the allocation decision and, if so, of:

- the day and time the discloser was notified;
- the means by which the discloser was notified; and
- the content of the notification.

These records should be kept confidential.

ANNEX C

1. PROCEDURES FOR INVESTIGATORS

The Principal Officer has delegated all functions under the PID Act to the CPO and has also delegated the investigative functions to a number of positions within the Department. If an Authorised Officer allocates a matter for investigation, the Investigator must follow a number of steps under the PID Act.

Step 1: Provide initial information to disclosers

As soon as is reasonably practicable of the Department being allocated a PID, the Investigator will inform the discloser that their PID is being investigated and the estimated length of the investigation.

The Investigator will also provide the discloser with the following information about the Investigator's powers to:

- decide not to investigate the disclosure;
- decide not to investigate the disclosure further; and
- decide to investigate the disclosure under a separate investigative power.

Step 2: Consider whether to investigate the disclosure

An Investigator must, as soon as practicable after receiving an allocation of a disclosure from an Authorised Officer (whether from within or outside the Department) consider whether to exercise the discretion under section 48 of the PID Act not to investigate the disclosure under the PID Act.

An Investigator may decide not to investigate (or may decide to discontinue an investigation already begun) if:

- the discloser is not a current or former public official (and a determination has not been made under section 70 of the PID Act);

- the information does not to any extent concern serious disclosable conduct;
- the disclosure is frivolous or vexatious;
- the disclosure is substantially the same as a previous disclosure under the PID Act, and
 - a decision was previously made not to investigate the earlier disclosure, or
 - the earlier disclosure has been investigated or is currently undergoing an investigation;
- the disclosure is substantially the same as a disclosure that has already been investigated, or is currently being investigated, under another law of the Commonwealth, and the Principal Officer or its delegate is satisfied that no further investigation is required;
- the Principal Officer or its delegate are satisfied on reasonable grounds that the conduct disclosed would be more appropriately investigated under another law or power;
- the discloser has informed a delegate under the PID Act that they do not wish the disclosure to be pursued and a delegate is reasonably satisfied that there are no further matters concerning the disclosure that warrant investigation; or
- it is impracticable to investigate the disclosure because:
 - the discloser has not revealed their name and contact details;
 - the discloser has refused or has failed or is unable to give the Investigator the information they requested; or
 - of the age of the information.

The Principal Officer must not investigate or refer a disclosure for investigation if a stop action has been issued under the NACC Act with respect to that element or all of the disclosure. The Principal Officer must notify the Ombudsman of this circumstance.

Step 3: Notify the discloser and Ombudsman

If an Investigator decides not to investigate a disclosure, they must:

- inform the Ombudsman in writing of that decision and the reasons for that decision and if applicable, indicate whether the Investigator has or proposes to refer the conduct for investigation under another law or power; and
- inform the discloser in writing of that decision (where they have been given the name and contact details of the discloser), the reasons for that decision and if the Investigator has or proposes to refer the conduct for investigation under another law or power in accordance with the requirements under section 50(2)(b) of the PID Act.

If an Investigator decides to investigate the disclosure, they will inform the discloser as soon as reasonably practicable:

- that they are required to investigate the disclosure; and
- of the estimated length of the investigation.

If an Investigator decides to investigate the disclosure, start to investigate the disclosure but then decide not to investigate the disclosure further, they must:

- inform the Ombudsman in writing of that decision and the reasons for that decision and if applicable, indicate whether the Investigator has or proposes to refer the conduct for investigation under another law or power; and

- inform the discloser in writing of that decision (where they have been given the name and contact details of the discloser), the reasons for that decision and if the Investigator has or proposes to refer the conduct for investigation under another law or power in accordance with the requirements under section 50(2)(b) of the PID Act.

Step 4: Investigate the disclosure

If an Investigator decides to investigate, they will investigate whether there are one or more instances of disclosable conduct.

General principles

The following general principles will apply to the conduct of investigations:

- maintaining the confidentiality of the identity of the discloser will be paramount when conducting the investigation;
- the investigation will be conducted in accordance with the principles of procedural fairness;
- a person who is the subject of the investigation will have an opportunity to respond or provide information;
- in the event that an interview is to be conducted, it will be conducted in a manner consistent with the Public Interest Disclosure Standard 2013 (or any other relevant standard made under the PID Act); and
- a decision on whether evidence is sufficient to prove a fact will be determined on the balance of probabilities.

Aside from compliance with these principles, an Investigator is free to conduct the investigation as they see fit. The way in which the investigation is conducted may vary depending on the alleged conduct which is being investigated. In particular, where the Investigator consider that the nature of the disclosure is such that the outcome of the investigation is likely to be referral of the matter for investigation under another process or procedure, the investigation will be conducted in accordance with those other established processes or procedures.

If an investigator becomes aware of corrupt conduct that is serious or systemic, they must refer the corruption issue to the NACC as soon as reasonably practicable after becoming aware of it.

Additional procedures required in particular circumstances

In conducting an investigation under these procedures, an Investigator must also comply with:

- the Public Interest Disclosure Standard 2013 or any other standard issued under section 74 of the PID Act; and
- to the extent they are relevant to the investigation:
 - the Commonwealth Fraud Control Guidelines;
 - these procedures;
 - the procedures established under s 15(3) of the Public Service Act 1999; and
 - any other applicable Commonwealth or departmental policies or procedures.

Obtaining information

Instances of disclosable conduct may relate to information that is disclosed or information obtained in the course of the investigation rather than information provided in the initial disclosure.

During the investigation, the Principal Officer or delegates may, for the purposes of the investigation, obtain information from such persons and make such inquiries as they see fit.

When being interviewed as part of an investigation, an interviewee will be informed of the following:

- the identity and function of each individual conducting the interview;
- the process of conducting an investigation;
- the authority of the Principal Officer (and relevant delegates) under the PID Act to conduct the investigation;
- the protections provided to witnesses under Part 2 Division 1 of the PID Act; and
- the person's duty:
 - if they are a public official – to use their best endeavours to assist the Investigator in the conduct of an investigation under the PID Act;
 - not to take or threaten to take reprisal action against the discloser; and
 - subject to the PID Act, not to disclose the identity of the person who made the disclosure.

An Investigator will ensure:

- an audio or visual recording of the interview is not made without the interviewee's knowledge;
- when the interview ends, the interviewee is given an opportunity to make a final statement or comment or express a position; and
- any final statement, comment or position by the interviewee is included in the record of the interview.

In conducting the investigation, an Investigator may adopt findings set out in reports of investigations or inquiries under other Commonwealth laws or executive powers, or other investigations under the PID Act.

Referral of information to police

If, during the course of the investigation, an Investigator suspects on reasonable grounds that some of the information disclosed or obtained in the course of the investigation is evidence of the commission of an offence against a law, the Investigator may disclose the information to a member of an Australian police force. If the information relates to an offence that is punishable by imprisonment for a period of at least two years, the Principal Officer must disclose the information to member of an Australian police force responsible for the investigation of the offence, unless the offence forms part of a corruption issue that has been referred to the NACC.

The investigation may also include consideration of whether a different or further investigation should be conducted by the agency or another body under another law or power.

Procedural fairness

Procedural fairness does not require that a person, against whom allegations are made, be advised as soon as the disclosure is received or as soon as an investigation is commenced.

Procedural fairness requires that the person, against whom allegations are made, is entitled to know the substance of allegations against them if an adverse finding is going to be made about their conduct.

Procedural fairness does not equate to a right to know the identity of the discloser who has alleged that the person has committed wrongdoing. However, the person may be able to guess the discloser's identity because the substance of the allegations makes it evident.

Where the Investigator, in preparing the report of their investigation, propose to:

- make a finding of fact; or
- express an opinion that is averse to the discloser, to a public official who is the subject of the disclosure or to another person:

the Investigator must give the person who is the subject of that proposed finding or opinion a copy of the evidence that is relevant to that proposed finding or opinion and must give the person a reasonable opportunity to respond to it.

NOTE: The above paragraph will not apply where the investigation does not make substantive findings or express adverse opinions, but instead simply recommends or decides that further investigation action should, or should not, be taken or will, or will not, be taken.

The Investigator must ensure that a finding of fact in a report of an investigation complies with the evidentiary requirements in the Public Interest Disclosure Standards (or any other standard issued under the PID Act).

Step 5: Prepare Investigation Report

Once the Investigator has completed the investigation, they will prepare a report of the investigation.

The Investigator must complete the investigation report within 90 days after the disclosure was allocated to the Department (either by an Authorised Officer within the Department or from a different department), unless:

- this period is extended by the Ombudsman,
- the matter has been reallocated,
- a decision has been made to reinvestigate, or
- a NACC stop action direction no longer applies.

If the period is extended or time has started counting again, the Investigator will inform the discloser of the progress of the investigation.

Content of the report

The report must set out:

- the matters considered in the course of the investigation;
- the duration of the investigation;
- the Investigator's findings (if any); and
- the action (if any) that has been, is being, or is recommended to be taken.

Where relevant, an investigation report must:

- identify whether there have been one or more instances of disclosable conduct;
- identify any regulations, rules, administrative requirements or similar matters to which the disclosable conduct (if any) relates;
- set out any claims of reprisal taken against the discloser or any other person (together with related evidence), and the department's response to those claims of evidence;
- set out the matters considered in the course of investigation;
- set out the duration of the investigation;
- set out the findings (if any);
- explain the steps taken to gather evidence;
- set out a summary of the evidence;
- set out any recommendations made based on that evidence; and
- set out the action (if any) that has been, is being, or is recommended to be taken.

Where the Investigator has completed a report of an investigation under the PID Act, and where they have been given the discloser's contact details, the Investigator must, as soon as practicable, advise the discloser in writing:

- that the report has been completed;
- whether the report was completed within the time limit provided for by the PID Act; and
- provide a copy of the investigation report.

The Investigator must also give written notice of the completion of the investigation, along with a copy of the report to the Ombudsman.

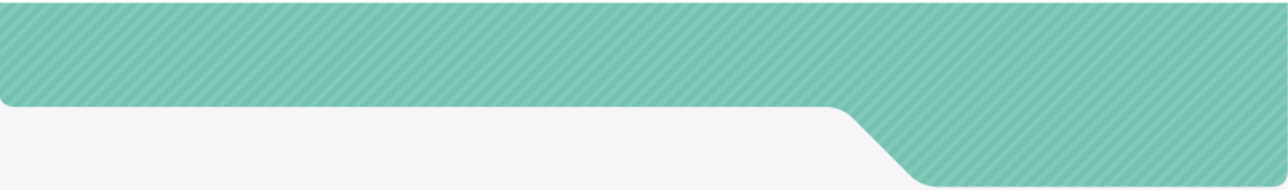
If the Investigator considers that information disclosed in the course of a PID may be appropriately dealt with under another procedure or policy of the Department, they may recommend in the investigation report that this occurs.

Step 6: Provide report to discloser and the Commonwealth Ombudsman

The Investigator must, after preparing a report of an investigation under the PID Act, as soon as practicable, give a copy of the report to the discloser.

However, the Investigator may delete from the copy of the report given to the discloser any material:

- that is likely to enable the identification of the discloser to another person; or
- the inclusion of which would result in the copy being a document:
 - that is exempt for the purposes of Part IV of the Freedom of Information Act 1982; or
 - having, or requiring, a national security or other protective security classification; or
 - containing intelligence information; or
 - contravene a designated publication restriction.



The Investigator may also delete from a copy of the report given to the Ombudsman any material:

- that is likely to enable the identification of the discloser or another person; or
- the inclusion of which would contravene a designated publication restriction.

Further guidance for Investigators can be found at www.ombudsman.gov.au

