



Australian Government
**Department of Employment
and Workplace Relations**

Procedures for Dealing with Public Interest Disclosures

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1. Purpose

- 1.1 These procedures are established under section 59(3) of the *Public Interest Disclosure Act 2013* (PID Act) and set out how the Department will facilitate and deal with public interest disclosures (PIDs). They comply with, and should be read together with, the Public Interest Disclosure Standards Determination 2025 (PID Standards) made under section 74(1) of the PID Act. The PID Act establishes a scheme that promotes the internal reporting of suspected wrongdoing in Commonwealth public sector agencies and provides protections for disclosers and witnesses. These procedures assist departmental employees and other persons to understand their obligations and the department's processes under the PID Act and the PID Standards.
- 1.2 There are five types of public interest disclosure which are:
 - a. an internal disclosure
 - b. an external disclosure
 - c. an emergency disclosure
 - d. a legal practitioner disclosure
 - e. a NACC disclosure.
- 1.3 These procedures provide detailed information about the processes for dealing with internal disclosures. Further information about the other types of disclosures is available on the [Commonwealth Ombudsman's website](#).

2. Date of effect

- 2.1 These procedures take effect on 1 April 2026, when the PID Standards commenced. Earlier versions of these procedures continue to apply to disclosures handled under previous standards where required by law.

3. Introduction

The department encourages the making of reports of disclosable conduct

- 3.1 The department is committed to fostering a culture of integrity, transparency and accountability. We recognise that a workplace where concerns can be raised safely and confidentially is essential to maintaining public trust and ensuring the proper use of Commonwealth resources. A strong and accessible disclosure framework reinforces the department's ability to identify and address wrongdoing early, uphold ethical standards, and maintain a positive and responsible organisational culture.
- 3.2 Consistent with section 11 of the PID Standards, the department will take active steps to support and protect individuals involved in the disclosure process. This includes:
 - a. public officials who make public interest disclosures
 - b. individuals who provide information or assistance in relation to a disclosure



- c. individuals who are the subject of a disclosure.
- 3.3 The department recognises that effective public interest disclosure processes depend on protecting individuals from reprisals. Reprisal action undermines trust, discourages reporting, and can cause significant harm to those involved. The department is committed to preventing, identifying and responding swiftly to any potential or actual reprisal against a person who makes a disclosure or assists in a disclosure investigation.
- 3.4 In accordance with the PID Act and these procedures, the department will take reasonable and proportionate steps to:
 - a. identify potential reprisal risks
 - b. implement mitigation strategies
 - c. take appropriate management or workplace action where reprisal risks arise
 - d. respond promptly to any allegation or indication of reprisal behaviour.
- 3.5 This commitment applies equally to disclosers, witnesses and any individual involved in supporting or participating in a disclosure process.
- 3.6 The department recognises the importance of maintaining an effective system for reporting and investigating disclosable conduct, as this is essential to promoting integrity and accountability across the department and the broader Commonwealth public sector. A strong disclosure framework allows the department to identify, prevent and address conduct that may undermine public confidence, and contributes to a safe, ethical and well-governed workplace.
- 3.7 An effective disclosure system also supports broader organisational outcomes, including reducing work health and safety risks to workers, preventing the misuse or waste of public resources, and ensuring that the department's programs and processes operate efficiently and effectively. It further reinforces the confidence of workers in the department's commitment to transparency, fairness and responsible administration.
- 3.8 The department also has obligations to individuals who are the subject of allegations. These individuals must be treated fairly and supported throughout the process. Supports available include:
 - a. Access to the Employee Assistance Program (EAP) for wellbeing and psychological support.
 - b. Clear and timely information about the PID process, including about their rights, the stages of the allocation or investigation of the disclosure, and what to expect as the matter progresses.
 - c. Guidance from the PID Team, including a contact point who can answer questions and provide updates consistent with procedural fairness obligations.
 - d. Opportunities to respond to allegations at the appropriate stage of the process, in line with procedural fairness and natural justice requirements.



- e. Mitigation of workplace impacts, where reasonable and appropriate (e.g., managing interpersonal dynamics, temporary adjustments to reporting arrangements, or support in navigating performance or conduct processes that may arise).
- f. Support for managing workplace relationships during and after the PID process.
- g. Advice on how confidentiality obligations apply to each participant.
- h. Assistance to managers to appropriately support staff involved in disclosures.

What is disclosable conduct?

3.9 What is and is not disclosable conduct is set out in Subdivision B of Division 2 of Part 2 of the PID Act. That definition applies for the purposes of these Procedures and prevails to the extent of any inconsistency between these Procedures and the PID Act.

3.10 In summary terms, disclosable conduct is conduct by an Agency or by a public official that:

- a. contravenes a law of the Commonwealth, a State or a Territory
- b. occurs in a foreign country and contravenes a law in force in that country that applies to the agency or public official and that corresponds to a law in force in the Australian Capital Territory
- c. perverts, or attempts to pervert, the course of justice or involves corruption of any other kind
- d. constitutes maladministration, including conduct that:
 - i. is based on improper motives
 - ii. is unreasonable, unjust or oppressive, or
 - iii. is negligent
- e. is an abuse of public trust
- f. is fabrication, falsification, or deception in relation to scientific research, or misconduct in relation to scientific work
- g. results in the wastage of public money or public property or of the money or property of an authority covered by the PID Act
- h. 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
- i. results in a danger to the environment or results in or increases the risk of a danger to the environment
- j. is prescribed by the Public Interest Disclosure Rules 2025, or
- k. is engaged in by a public official that:
 - i. involves abuse of the public official's position, or



- ii. could, if proved, give reasonable grounds for disciplinary action resulting in termination of the public official's engagement or appointment.
- 3.11 It does not matter whether disclosable conduct occurred before or after 15 January 2014 (being the date of commencement of the PID Act). However, if the disclosable conduct has already been addressed via another process, the principal officer or their delegate may determine that an investigation under these procedures is not required.
- 3.12 It does not matter whether the public official who carried out the alleged conduct has ceased to be a public official since the time the conduct is alleged to have occurred, but it is necessary that they carried out the conduct in connection with their position as a public official.
- 3.13 Disclosable conduct does not include:
 - a. disagreements with government policy or proposed policy, expenditure or proposed expenditure and/or action or proposed action by a minister, the Speaker of the House of Representatives or the President of the Senate
 - b. judicial conduct (unless of an administrative nature and unrelated to matters before the court or tribunal)
 - c. conduct of members of Parliament or persons employed under the *Members of Parliament (Staff) Act 1984*, or
 - d. conduct of an intelligence agency (or public official of) if engaged in the proper performance of its functions or exercise of its powers
 - e. personal work-related conduct unless the conduct:
 - i. constitutes taking reprisal action against another person
 - ii. is of such a significant nature that it would undermine public confidence in the agency; or
 - iii. has other significant implications for the agency
- 3.14 **Personal work-related conduct** means conduct (by act or omission) engaged in by a public official (the **first official**) in relation to another public official (the **second official**) that:
 - a. occurs in relation to, or in the course of, either or both of the following:
 - i. the second official's engagement or appointment as a public official;
 - ii. the second official's employment, or exercise of functions and powers, as a public official; and
 - b. has, or would tend to have, personal implications for the second official.
- 3.15 The following are examples of personal work-related conduct:
 - a. conduct relating to an interpersonal conflict between the first official and the second official (including, but not limited to, bullying or harassment)
 - b. conduct relating to the transfer or promotion of the second official
 - c. conduct relating to the terms and conditions of engagement or appointment of the second official



- d. disciplinary action taken in relation to the second official
- e. the suspension or termination of the second official's employment or appointment as a public official
- f. conduct in relation to which the second official is, or would have been, entitled to review under section 33 of the *Public Service Act 1999* or under any comparable review process that forms, or formed, part of the second official's terms or conditions of engagement or appointment.

4. The disclosure process

Making a disclosure under the PID Act

- 4.1 All public officials in the department and former public officials are entitled to make an internal disclosure under the PID Act. Public officials include employees and all contracted service providers and their employees who provide, or who provided, services to the department under a contract, and others defined in section 69 of the PID Act.
- 4.2 A public interest disclosure may be made anonymously or openly.
- 4.3 A public interest disclosure may be made orally or in writing.
- 4.4 Where a public official makes a public interest disclosure, they do not have to state or intend that they are doing so under the PID Act. However, a disclosure is not a public interest disclosure if it is made in the course of performing the discloser's ordinary functions as a public official.
- 4.5 Where a public official is considering making a disclosure, they can contact one of the department's Authorised Officers to get information about making a public interest disclosure under the PID Act.
- 4.6 Public officials in the department may make a disclosure of disclosable conduct to their supervisor or manager, or to an Authorised Officer. In certain circumstances, a disclosure may also be made to the Ombudsman. In addition, there are circumstances where an internal disclosure may be made to the Inspector-General of Intelligence and Security (IGIS) or to another investigative agency, in accordance with paragraph (ca) and paragraph (d) of item 1 in column 2 of the table in section 34 of the PID Act.
- 4.7 Names and contact details of the department's Authorised Officers are available on the department's [intranet](#) or by emailing PID@dewr.gov.au.
- 4.8 Where possible, a public official in the department is encouraged to make their public interest disclosure to an Authorised Officer rather than their supervisor or manager. This is because Authorised Officers in the department have been best trained in receiving public interest disclosures and they can provide information about how to make a public interest disclosure and about the protections given to disclosers under the PID Act. A supervisor or manager who receives a disclosure is required to give the disclosure to an Authorised Officer.
- 4.9 The information contained in a disclosure should be clear and factual, and should, as far as possible, avoid speculation, personal attacks and emotive language. It should contain supporting evidence where that is available to the discloser and should, where possible, identify any witnesses to the disclosable conduct.



- 4.10 A potential discloser should not investigate a matter themselves before making a disclosure.
- 4.11 A person who knowingly makes a false or misleading disclosure will not have any protections under the PID Act.
- 4.12 A person who is considering making a disclosure should be aware that making a disclosure does not entitle them to protection from the consequences of their own wrongdoing.
- 4.13 Once a public interest disclosure 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 and delegate.
- 4.14 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. Discussions with persons which are not for the purpose of the PID Act will not be protected by the PID Act.
- 4.15 A supervisor or manager or Authorised Officer who receives a disclosure of disclosable conduct from a public official should deal with the disclosure in accordance with the PID Act, with the PID Standard and these procedures.

5. Procedures for supervisors and managers

- 5.1 Where a public official in the department discloses information to their supervisor or manager and that supervisor or manager has reasonable grounds to believe that the information concerns, or could concern, disclosable conduct, the supervisor or manager must give the information to an Authorised Officer in the department as soon as practicable.
- 5.2 The supervisor must inform the discloser that:
 - a. the disclosure could be treated as an internal disclosure for the purposes of the PID Act
 - b. these procedures apply, including that the disclosure:
 - i. must be given to an authorised officer
 - ii. may be allocated to our agency or another agency
 - iii. may be investigated by the principal officer of the department or the allocated agency (or their delegate)
 - c. the circumstances (if any) in which a public interest disclosure must be referred to the NACC
 - d. civil and criminal protections in the PID Act provide protections to disclosers, and witnesses, from reprisals.
- 5.3 Where such a disclosure is made to a supervisor or manager, that person must make a written record of the fact of the disclosure, and if the disclosure is not in writing, they must make a written record of the substance of the disclosure and of the time and date of the disclosure. Where possible, the record should be verified by the discloser. The supervisor should obtain the discloser's consent to notify the Authorised Officer of their identity. The supervisor should provide the disclosure to the Authorised Officer stating that the discloser wished to remain anonymous, if consent is refused.



- 5.4 At the time a supervisor or manager gives information to an Authorised Officer under paragraph 5.1, they should also give the Authorised Officer their written assessment of any risks that reprisal action might be taken against the person who disclosed the information to the supervisor or manager. See section 15 of these procedures for more information about assessing risk.
- 5.5 Where a supervisor or manager has given information to an Authorised Officer under paragraph 5.1, and where the supervisor or manager is able to contact the discloser, they must inform the discloser that they have given the information to an Authorised Officer in the department and advise the discloser of the name and contact details of that Authorised Officer.

6. Procedures for Authorised Officers

Authorised Officers must advise disclosers and potential disclosers about the PID Act

- 6.1 Where:
- a. a person discloses, or is proposing to disclose, information to an Authorised Officer and
 - b. the Authorised Officer has reasonable grounds to believe that:
 - i. the information concerns, or could concern, disclosable conduct, and
 - ii. the individual may be unaware of the consequences of making the disclosure
 - c. the Authorised Officer is aware of the contact details of the person
- 6.2 the Authorised Officer must:
- a. inform the person that the disclosure could be treated as an internal disclosure under the PID Act
 - b. explain to the person what the PID Act requires for a disclosure to be an internal disclosure
 - c. advise the individual about the circumstances (if any) in which a public interest disclosure must be referred to the NACC
 - d. explain to the person the protections provided by the PID Act to persons who make disclosures under the Act and
 - e. advise the person of any orders or directions that may affect disclosure of the information.

Authorised Officer must protect public officials against reprisal actions

- 6.3 An Authorised Officer must assess the risk of reprisal against the discloser or any other vulnerable witness when information is received which is, or could be, a disclosure. The Authorised Officer may take into account information obtained from the discloser, a witness or the supervisor when conducting the assessment.
- 6.4 The Authorised Officer should follow the process set out at Part 15 - Assessing the risk of reprisal.



Disclosures involving corruption issues

- 6.5 If the disclosure involves conduct by a staff member in the agency that the Authorised Officer suspects could be serious or systemic corruption, the Authorised Officer must refer it as soon as reasonably practicable to the National Anti-Corruption Commission (NACC) (or, in the case of an intelligence agency, the IGIS or the NACC).
- 6.6 The Authorised Officer must notify the discloser as soon as reasonably practicable if they refer the disclosure to the NACC. The Authorised Officer must continue to deal with the disclosure including by allocating it unless the NACC issues a 'stop action' direction preventing the allocation of the disclosure.
- 6.7 The Authorised Officer must do the following if the NACC issues a 'stop action' direction:
- keep a record of the direction including when the direction was made and when the direction no longer applies
 - notify the Ombudsman (or the IGIS if applicable) of the direction and the information that was disclosed, the discloser's name (if known and if the discloser consents) and the nature of the direction, and
 - notify the discloser of the direction, if reasonably practicable. A written record of whether the notice was given to the discloser (or if not, why not), including the day and time, the means and the matters included in the notice.
- 6.8 Further information about the NACC and corrupt conduct is available in our [webpage](#). 'Staff member' and 'corrupt conduct' have particular meanings as set out in the [Fraud and Corruption Control Policy](#).

Authorised Officer must decide whether or not to allocate a disclosure

- 6.9 Where a disclosure is made orally to an Authorised Officer, the Authorised Officer must make a written record of the facts of the disclosure which should include the substance of the disclosure and of the time and date of the disclosure. Where possible, the record should be verified by the discloser.
- 6.10 Where a disclosure has been given to or made to an Authorised Officer, the Authorised Officer must use their best endeavours to decide on the allocation of the disclosure within 14 days after the disclosure is given to or made to the Authorised Officer.
- 6.11 Where an Authorised Officer receives a disclosure, the Authorised Officer may obtain information and may make such inquiries as they think 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.
- 6.12 Where the Authorised Officer is aware of the name and contact details of the discloser, they should, as soon as practicable after receiving the disclosure and before allocating the disclosure, ask the discloser whether the discloser:
- consents to the Authorised Officer giving the discloser's name and contact details to the principal officer or to the principal officer's delegates, and



- b. wishes the disclosure to be investigated.
- 6.13 The Authorised Officer should make a written record of the discloser's responses (if any) to the questions referred to in paragraph 6.12.
- 6.14 Where a discloser does not respond within seven days to the question referred to:
- a. in paragraph 6.12 a – the discloser is taken not to have consented to the disclosure of their name and contact details to the principal officer and their delegates, and
 - b. in paragraph 6.12 b – the discloser is taken to wish the disclosure to be investigated.

Declining to allocate the disclosure

- 6.15 An Authorised Officer who receives a disclosure must decline to allocate the disclosure if they are satisfied, on reasonable grounds (per section 43(4) of the PID Act) that:
- a. there is no reasonable basis on which the disclosure could be considered to be an internal disclosure, or
 - b. the conduct disclosed would be more appropriately investigated under another law or power. However, this ground does not apply just because the conduct disclosed raises a corruption issue (per section 43(4A) PID Act). It might, for example, be appropriate to decline to allocate the disclosure under section 43(4) of the PID Act because on its face, the allegations are better dealt with under another law such as an investigation under the APS Code of Conduct. Allocating the disclosure for investigation even though it could be investigated under another law does not prevent the Principal Officer declining to investigate the disclosure later in the process.

Note: The Authorised Officer could be satisfied that there is no reasonable basis on which the disclosure could be considered to be an internal disclosure under paragraph 6.15a of these procedures if: the disclosure has not been made by a person who is, or was, a public official; the disclosure was not made to an authorised internal recipient or supervisor; the disclosure is not about instances of disclosable conduct; the disclosure was made in the course of performing the discloser's ordinary functions as a public official; the person who is alleged to have carried out the disclosable conduct was not a public official at the time they are alleged to have carried out that conduct; and the disclosure is not otherwise a public interest disclosure within the meaning of the PID Act.

- 6.16 Where an Authorised Officer decides that a disclosure made to them is not to be allocated, as soon as reasonably practicable, they must:
- a. notify the discloser in writing (if their contact details are known) of:
 - i. the decision not to allocate the disclosure, and the reasons for the decision
 - ii. the details of any action taken, or proposed to be taken, to refer the conduct for investigation under another law or power (for example, referral under the Public Service Act 1999), and
 - iii. any courses of action that may be available to the discloser under another law or power if the conduct will not be referred.



- b. notify the Ombudsman of:
 - i. the decision not to allocate the disclosure, and the reasons for the decision
 - ii. whether the Authorised Officer has taken, or proposes to take, action to refer the conduct for investigation under another law or power.
- 6.17 A written record must be kept of when and how the written notice (or copy) under paragraph 6.16 of these procedures was given to the discloser and, if it was not provided, the reasons why it was not given.
- 6.18 A written record must be kept of all matters required under section 8 of the PID Standards when an Authorised Officer decides not to allocate a disclosure. The record must include:
- a. The decision not to allocate the disclosure.
 - b. The reason(s) for the decision, consistent with the grounds in s 43(4) of the PID Act (e.g., no reasonable basis for the disclosure to be considered an internal disclosure, or the conduct would be more appropriately investigated under another law).
 - c. The other law or power and the action taken or proposed to be taken to refer, or to facilitate the referral of, the conduct for investigation under the other law or power if the authorised officer is satisfied, on reasonable grounds, that the conduct disclosed would be more appropriately investigated under another law or power.
 - d. Advice given to the discloser about any courses of action that might be available to the discloser under another law or power if the authorised officer does not refer the conduct for investigation under the other law or power.
 - e. If the authorised officer is prevented from allocating the disclosure because of a stop action direction under the NACC Act, a written record must be kept of the direction (including when it was made and when the stop action direction no longer applies).

Where Authorised Officers allocates an internal disclosure

- 6.19 The Authorised Officer may allocate the disclosure to:
- a. a principal officer of our agency and/or
 - b. a principal officer of another agency if the conduct relates to that agency, and with that agency's consent
 - c. a principal officer of another agency within the same portfolio as our own agency if the authorised officer considers that the agency would be better able to handle the disclosure, and with that agency's consent.
- 6.20 The Authorised Officer must, as soon as reasonably practicable, notify the discloser (if it is reasonably practicable), the principal officer of each agency the disclosure was allocated to and the Ombudsman, the allocation to the agency, the information and conduct that was disclosed and the name and contact details of the discloser provided the discloser has consented to this.
- 6.21 A written record must be kept of whether the notice was given to the discloser (and if not, why not), the date and time of the notice and the means by which the notice was given.



6.22 A written record must also be kept of the:

- a. the decision (including the name of each agency to which the disclosure is to be allocated) and the reasons for the decision, and
- b. the consent given by an authorised officer of an agency to which the disclosure is to be allocated (if different from the department).

6.23 Where an Authorised Officer in the department allocates a disclosure, they should conduct a risk assessment based on a checklist of risk factors and having regard to any assessment of risk provided under these procedures by the discloser's supervisor or manager. For more information on assessing risk, see section 15.

6.24 When deciding to allocate the disclosure, the authorised officer:

- a. must have regard to the principle that an agency should not handle the public interest disclosure unless some or all of the disclosable conduct with which the information may be concerned (suspected disclosable conduct) relates to the agency
- b. should have regard to any other matters (if any) the authorised officer considers relevant
- c. may obtain further information for the purpose of allocating the public interest disclosure but should not investigate the disclosure.

7. Anonymous disclosures

7.1 Public officials may make disclosures anonymously if they wish to do so.

7.2 A disclosure is anonymous if the identity of the discloser is not revealed and if no contact details for the discloser are provided. It is also anonymous if the discloser does not disclose their name but does provide anonymous contact details.

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

8. The Principal officer's duty to investigate

8.1 Where an authorised officer allocates an internal disclosure to the department and the Principal officer or nominated delegate has been given the contact details of the discloser, the Principal officer or delegate must, as soon as reasonably practicable, inform the discloser in writing that the Principal officer or delegate:

- a. is required to investigate the disclosure
- b. has decided under section 48 of the PID Act not to investigate the disclosure, or not to investigate the disclosure further, or
- c. cannot investigate, or further investigate, the disclosure because of a stop-action direction under the NACC Act.

8.2 For the purposes of providing the written notice under paragraph 8.1, the principal officer or delegate must also ensure that any initial information required to be given under section 14 of



the PID Standards is provided to the discloser within 14 days of the disclosure being allocated to the department, **unless** the Principal officer or delegate is reasonably satisfied that the authorised officer has already provided the discloser with this initial information in a notice under section 44 of the PID Act.

- 8.3 The Principal officer or delegate 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.
- 8.4 In broad terms, the Principal officer or delegate may decide not to investigate (or may decide to discontinue an investigation already begun) if:
- a. the discloser is not a current or former public official (and a determination has not been made under section 70 of the PID Act)
 - b. the information does not to any extent concern serious disclosable conduct
 - c. the disclosure is frivolous or vexatious
 - d. the information is the same, or substantially the same, as information previously disclosed under the PID Act, and
 - i. a decision was previously not to investigate the earlier disclosure, or not to investigate the earlier disclosure further or
 - ii. the earlier disclosure has been, or is being, investigated as a disclosure investigation
 - e. the disclosure is substantially the same as a disclosure that has already been investigated, or is currently being investigated, under another law or power, and
 - i. it would be inappropriate to conduct another investigation at the same time, or
 - ii. the principal officer is reasonably satisfied that there are no matters that warrant further investigation
 - f. the principal officer is satisfied, on reasonable grounds, that the conduct disclosed would be more appropriately investigated under another law or power
 - g. the principal officer has been informed by the discloser or an Authorised Officer that the discloser does not wish the disclosure to be pursued and the principal officer is reasonably satisfied that there are no further matters concerning the disclosure that warrant investigation
 - h. it is impracticable to investigate the disclosure because:
 - i. the discloser has not revealed their name and contact details
 - ii. the discloser has refused or has failed or is unable to give the investigator the information they requested, or
 - iii. of the age of the information.



- 8.5 Guidance on factors that might go towards the exercise of the discretion in section 48 of the PID Act is provided in [Chapter 6](#) of the Ombudsman's Agency Guide to the PID Act.

Decision not to investigate

- 8.6 Where the principal officer or delegate decides under section 48 of the PID Act not to investigate a disclosure, or (if the investigation has started) not to investigate a disclosure further, the principal officer or delegate must, as soon as reasonably practicable, inform the Ombudsman of that decision, and of the reasons for that decision.
- 8.7 When a principal officer (or their delegate) decides not to investigate a disclosure under s 48 of the PID Act, they must notify the discloser in writing of the reasons for the decision (s 50(2) of the PID Act). In addition, if the principal officer (or their delegate) is satisfied that the conduct would be more appropriately investigated under another law or power under s 50AA of the PID Act, they must:
- a. provide to the discloser the details of:
 - i. the other law or power
 - ii. the agency or other person or body to which the conduct has been, or will be, referred to
 - iii. the steps taken, or proposed to be taken, for the conduct to be referred to or to facilitate its referral (s 50(2)(b) of the PID Act)
 - b. as soon as reasonably practicable, take reasonable steps to refer the conduct disclosed, or facilitate its referral, for investigation under the other law or power (50AA(2) of the PID Act).
- 8.8 A written record must be kept of the matters notified to the, including details of when and how the discloser was notified. If the discloser was not notified, the record must state the reason why. The principal officer or delegate must also notify the Ombudsman in writing of the decision and the reasons for the decision and must provide this notification to PID@ombudsman.gov.au in accordance with the reporting requirements set out in s 50A of the PID Act.

Decision to investigate

- 8.9 Where the principal officer or delegate determines that a disclosure is required to be investigated, and the discloser's name and contact details are available, the principal officer or delegate must notify the discloser in writing, as soon as reasonably practicable:
- a. that an investigation will be undertaken
 - b. the estimated timeframe for completing the investigation.

A written record must be kept of when and how this notification was provided.



Mandatory referrals

Referral of information to police and others

- 8.10 During the course of the investigation, if the principal officer 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 principal officer may disclose the information to a member of an Australian police force.
- 8.11 If the information relates to an offence that is punishable for a period of at least two years, the Principal officer must disclose the information to a member of an Australian police force unless the principal officer:
- a. believes on reasonable grounds that the agency has the capacity, and the appropriate skills and resources needed to investigate the offence and meet the requirements of the Commonwealth Director of Public Prosecutions in gathering evidence and preparing briefs of evidence in relation to the commission of the offence, or
 - b. suspects on reasonable grounds that the relevant information raises a corruption issue (within the meaning of the NACC Act) and the corruption issue has been referred to the NACC or IGIS (as appropriate) under the PID Act, or the NACC or the IGIS is already aware of that corruption issue.

Referral of information to the National Anti-Corruption Commissioner

- 8.12 During the course of the investigation, if the principal officer becomes aware of a corruption issue that concerns the conduct of a person who works or has worked at the Agency and suspects that conduct could be systemic or serious, they must refer the disclosure to the NACC in accordance with s 35 of the NACC Act. The principal officer is not required to refer a relevant matter, if they are satisfied an exception under s 37 of the NACC Act applies.
- 8.13 If the referral is made, the Discloser must be notified as soon as reasonably practicable. The principal officer must continue investigating the disclosure unless the NACC issues a stop action direction. The principal officer must inform the Discloser and the Ombudsman as soon as reasonably practicable if a stop action direction is issued by NACC with respect to the disclosure.

Notification requirements relating to NACC stop action directions

Discloser

- 8.14 Subsection 50(1)(c) of the PID Act requires the principal officer to, as soon as reasonably practicable, give written notice to the discloser that the principal officer cannot investigate, or further investigate, the disclosure because of a stop action direction under the NACC Act.
- 8.15 Further, pursuant to subsection 50(4A) of the PID Act, the principal officer must, as soon as reasonably practicable, give written notice to the discloser if the principal officer investigates, or further investigates, a disclosure that is no longer subject to a stop action direction under the NACC Act.



- 8.16 The principal officer must, as soon as reasonably practicable, give written notice of the stop action direction to the Ombudsman if it prevents the principal from investigating, or further investigating, the disclosure (s 50A(4) of the PID Act).

9. Procedures for investigators

- 9.1 Where the principal officer or delegate has decided to commence an investigation into an internal disclosure, they may conduct the investigation as they think fit.
- 9.2 The principal officer or delegate must be independent and unbiased in the matter. They must ensure that they do not have an actual or perceived conflict of interest.
- 9.3 The principal officer or delegate may, for the purposes of the investigation, obtain information from such persons, and make such inquiries, as they think fit.
- 9.4 When conducting an investigation, the principal officer or delegate must ensure that a decision as to whether evidence is sufficient to prove a fact is made on the balance of probabilities.
- 9.5 Despite paragraphs 9.1 and 9.3, the principal officer or delegate, in conducting an investigation under these procedures, must comply with:
- a. PID Standards
 - b. the Ombudsman's Guidance, and
 - c. to the extent they are relevant to the investigation:
 - d. the Commonwealth Fraud and Corruption Control Framework
 - e. these procedures, and
 - f. the department's Procedures for Determining Breaches of the APS Code of Conduct and Deciding Sanctions established under section 15(3) of the *Public Service Act 1999*.

Interviewing witnesses

- 9.6 Subject to any restrictions imposed by a law of the Commonwealth other than the PID Act, the investigator must ensure that, if a person is interviewed as part of the investigation of an internal disclosure, that person is informed of:
- a. the identity and function of each person conducting the interview
 - b. the process of conducting an investigation
 - c. the authority of the investigator under the PID Act to conduct an investigation
 - d. the protections provided to the person by Part 2 of the PID Act, and
 - e. the person's duty:



- i. 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 (subject to the public official’s privilege against incriminating themselves or exposing themselves to a penalty)
- ii. not to take or threaten to take reprisal action against the discloser or any other person, and
- iii. subject to the PID Act, not to disclose the identity of the person who made the disclosure.

9.7 Where the investigator conducts an interview as part of an investigation, at the end of the interview, the interviewee must be given an opportunity to make a final statement or comment or express a position. The investigator must include any final statement, comment or position in the record of the interview.

9.8 Where the investigator is aware of the discloser’s identity and considers that it is necessary to reveal the discloser’s identity to a witness, the investigator must consult with the discloser, where practicable, before proceeding.

Procedural fairness

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

9.10 Procedural fairness may require that the discloser’s identity be revealed to the person who is the subject of the disclosure.

9.11 Where the investigator, in preparing the report of their investigation, proposes to:

- a. make a finding of fact, or
- b. express an opinion that is adverse to the discloser, to a public official who is the subject of the disclosure or to another person:
 - i. the investigator or delegate should 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 comment on it.
 - ii. Note: Paragraph 9.11 will not apply where the investigation does not make substantive findings or express adverse opinions but instead simply recommends or decides that further investigation or other action should or should not be taken or will or will not be taken.

9.12 The investigator must ensure that a finding of fact in a report of an investigation under the PID Act is based on logically probative evidence.

9.13 The investigator must ensure that the evidence that is relied on in an investigation is relevant.

9.14 Note: In broad terms, evidence is relevant to an investigation if it is of consequence to the matter under investigation and makes the existence of a fact more probable or less probable than it would be without the evidence.



Time limits

- 9.15 An investigation must be completed within 90 days after it is allocated to the department for investigation.
- 9.16 It is possible to seek one or more extensions of time from the Ombudsman.
- 9.17 The Ombudsman has indicated that an application for extension should be made as soon as it becomes apparent that the investigation will not be completed within 90 days and should include reasons why the investigation cannot be completed within the time limit, the views of the discloser (if they can be obtained) and an outline of action taken to progress the investigation.
- 9.18 An investigation that is not completed within time does not become invalid.

10. Reports of investigations

- 10.1 In preparing a report of an investigation under the PID Act the investigator should comply with the PID Act, the PID Standards, the Ombudsman's Guidance and these procedures.
- 10.2 A report of an investigation under the PID Act must set out:
 - a. the matters considered in the course of the investigation
 - b. the duration of the investigation
 - c. the investigator's findings (if any)
 - d. the action (if any) that has been, is being or is recommended to be taken, and
 - e. any claims made about, and any evidence of, detrimental action taken against the discloser and any other public official or witness, and the department's response to those claims and that evidence.
- 10.3 The principal officer or the delegate must, within a reasonable time of preparing a report of an investigation under the PID Act, give written notice of the completion of the investigation, together with a copy of the report to the discloser (if reasonably practicable) and the Ombudsman. A written record must be kept of when and how the written notice and a copy of the investigation report were given to the discloser and, if they were not provided, the reasons why they were not given.
- 10.4 Despite paragraph 10.3, the principal officer or their delegate may delete from the copy of the report given to the discloser any material:
 - a. that is likely to enable the identification of the discloser or another person, or
 - b. the inclusion of which would result in the copy being a document:
 - i. that is exempt for the purposes of Part IV of the *Freedom of Information Act 1982*
 - ii. having, or being required to have, a national security or other protective security classification, or



iii. containing intelligence information.

- 10.5 Despite paragraph 10.3, the investigator must delete from the copy of a report given to the discloser any material which would result in the report contravening a designated publication restriction.

11. Confidentiality

- 11.1 The investigation of the disclosure should be conducted in as confidential a manner as is possible. In particular, the identity of both the discloser and the person alleged to have engaged in the disclosable conduct should not be revealed except where this is reasonably necessary for the effective investigation of the disclosure (including because of the need to afford procedural fairness).
- 11.2 Any interviews conducted by an Authorised Officer or delegates (including investigators) should be conducted in private.
- 11.3 Any interviews with the discloser should be arranged so as to avoid the identification of the discloser by other staff of the agency.
- 11.4 When seeking legal advice in relation to a disclosure, all reasonable steps must be taken to protect the identity of the discloser. Information provided for the purpose of obtaining legal advice must not include details that could identify the discloser, unless this is strictly necessary and authorised in accordance with the PID Act.

12. Record Keeping

- 12.1 Where an Authorised Officer is required to keep a record under these procedures, the record must be kept in accordance with the department's Recordkeeping Policy and Recordkeeping Guidelines. 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* or the *Public Service Act 1999*).
- 12.2 All records made for the purposes of the PID Act, PID Standards and these procedures should be marked as prescribed in the department's Recordkeeping Policy and Recordkeeping Guidelines.
- 12.3 Any email messages sent by Authorised Officers or delegates that contain identifying information should clearly include 'to be read by named addressee only' in the subject line.
- 12.4 Where a person will cease being an Authorised Officer in the department (including because of resignation or movement to another agency), their PID records must be transferred to another Authorised Officer in the department.

13. Monitoring and evaluation

- 13.1 Each Authorised Officer must provide a report to the Principal officer when requested.



- 13.2 The Principal officer will send the Agency's report to the Ombudsman within the time requested by the Ombudsman or as otherwise agreed with the Ombudsman.
- 13.3 The department is committed to the continuous evaluation of the effectiveness of the procedures and subsequent outcomes which will occur through a range of audit processes.

14. Protections available to the discloser and witnesses

Civil, criminal and administrative liability

- 14.1 An individual is not subject to any civil, criminal or administrative liability for making a public interest disclosure. However, the discloser's liability for their own conduct is not affected.
- 14.2 A witness is not subject to any civil, criminal or administrative liability because of assistance provided in relation to a public interest disclosure. However, the witness' liability for their own conduct is not affected.

Protections from reprisal action

- 14.3 It is an offence to take a reprisal, or to threaten to take a reprisal, against a person because of a public interest disclosure (including a proposed or a suspected public interest disclosure). This protection covers any person including the discloser, a person who may, could or proposes to make a disclosure, and a witness.
- 14.4 The Federal Court or Federal Circuit Court may make orders for civil remedies (including compensation, injunctions and reinstatement of employment) if a reprisal is taken against a person because of a public interest disclosure (including a proposed or a suspected public interest disclosure). A person taking a reprisal may also be prosecuted under the PID Act with criminal penalties of two years imprisonment or 120 penalty units.

What is a reprisal?

- 14.5 Reprisal occurs if someone causes, by an act or omission, any detriment to another person because they believe or suspect that person, or anyone else, has made, may have made, proposes to make, or could make a public interest disclosure.
- 14.6 A reprisal also includes direct or indirect threats to take a reprisal and could include termination of a person's employment, alteration of the employee's position to his or her disadvantage, discrimination between the employee and others, harassment or intimidation, harm or injury including psychological harm and damage to a person's property, financial position or reputation.

What is not a reprisal?

- 14.7 Administrative action that is reasonable to protect the discloser or a witness from detriment is not a reprisal. For example, where a person has made a disclosure in relation to practices in their immediate work area, it may be appropriate to transfer them to another work area to ensure they are not harassed or victimised, subject to a risk assessment which includes consideration of alternative options.
- 14.8 Similarly, other administrative actions such as engaging in performance management or behavioural management is not reprisal action so as long as the actions are not taken because a person makes, proposes to make or could make a disclosure.



Protection of the discloser's identity

- 14.9 It is an offence to disclose the identity of an individual who makes a public interest disclosure, unless the disclosure is for the purposes of the PID Act. There are other limited exceptions.
- 14.10 To ensure this protection is maintained, a discloser must not act in a way that is inconsistent with keeping their identity confidential.

15. Assessing the risk of reprisal

- 15.1 A risk assessment should be completed as soon as possible after the public interest disclosure is received, by the person who received the public interest disclosure. That might be the supervisor in the first instance.
- 15.2 Consultation should occur with the discloser and, if appropriate, their supervisor or manager to help to ascertain where threats of reprisal may lie.
- 15.3 The Ombudsman's '[Information for Agencies](#)' provides information on how to carry out a risk assessment.
- 15.4 The first step is to identify risk factors, including, but not limited to:
 - a. past threats
 - b. the significance of the reported wrongdoing
 - c. the level of confidentiality with which the disclosure has been treated
 - d. the level of vulnerability of the discloser.
- 15.5 These factors will then need to be assessed, considering:
 - a. the likelihood of them occurring
 - b. the potential consequences if they do occur.
- 15.6 The department must attempt to control the risks, proactively, and continuously monitor and review the risks of reprisal. Disclosers and witnesses are encouraged to report risk factors or information to the Principal officer or Authorised Officer responsible for the management of a particular disclosure.
- 15.7 The risk assessment will identify if there is low, medium or high risk of reprisal action being taken. The department may decide to implement risk mitigation strategies to address the particular risks identified during the assessment. Examples include temporarily changing the discloser's reporting line, conducting a higher frequency of risk assessments or making other administrative changes to how work is performed or allocated.
- 15.8 The Australian Public Service [Ethics Advisory Service](#) is available to all APS employees, including agency heads and SES staff, who wish to discuss and seek advice on ethical issues that occur in the workplace and make sound decisions around these issues.
- 15.9 For further information about this policy email PID@dewr.gov.au.



16. Further information

- 16.1 The Public Interest Disclosure Standards Determination 2025 (PID Standards) is available here [Public Interest Disclosure Standards Determination 2025](#)
- 16.2 For more information relating to the PID Act, see the information on the PID Act on the [Ombudsman's website](#).
- 16.3 Other legislation and guides referenced in this policy:
- a) Recordkeeping Policy and Recordkeeping Guidelines
 - b) [The Commonwealth Fraud and Corruption Control Framework](#)
 - c) [The Freedom of Information Act 1982](#)
 - d) [The Ombudsman's webpage 'Information for Agencies'](#)
 - e) [The Public Service Act 1999](#)
 - f) [The Work Health and Safety Act 2011](#)
- 16.4 You may also contact the Integrity Team for more information on the PID Act and these procedures through the PID@dewr.gov.au mailbox.



17. Document details

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