



Australian Government
Department of Education

Procedures for Dealing with Public Interest Disclosures

Department of Education



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1. Purpose

- 1.1 These procedures are for the purpose of dealing with public interest disclosures made under the Public Interest Disclosure Act 2013 ('the PID Act'). The PID Act creates a public interest disclosure scheme that promotes internal reporting of suspected wrongdoing in public sector agencies. These procedures will assist department employees and other people to understand their obligations under the PID Act.

2. Date of effect

- 2.1 This policy is effective from 20 January 2023.

3. Introduction

The department encourages the making of reports of disclosable conduct

- 3.1 The department encourages and supports the reporting of wrongdoing by public officials in accordance with the PID Act.
- 3.2 The department will take active steps to support and to protect persons who make disclosures under the PID Act.
- 3.3 The department recognises that it is important to have an effective system for reporting and investigating disclosable conduct. Some of the potential benefits of such a system are reducing the work health and safety risks to our workers, saving money, and making our programs and processes more efficient. Another potential benefit is increasing the confidence of our workers in the way the department is managed.

What is disclosable conduct?

- 3.4 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.
- 3.5 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 PID Rules, or
- k) is engaged in by a public official that:
 - I. involved abuse of the public official's position, or
 - II. could, if proved, give reasonable grounds for disciplinary action against the public official.

3.6 It does not matter whether disclosable conduct occurred before or after 15 January 2014, 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.

3.7 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.

3.8 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
- d) conduct of an intelligence agency (or public official of) if engaged in the proper performance of its functions or exercise of its powers.

4. The disclosure process

Making a disclosure under the PID Act

4.1 All employees in the department and former employees in the department are entitled to make a disclosure under the PID Act.

4.2 All contracted service providers and their employees who provide, or who provided, services to the department under a contract with the department are entitled to make a disclosure under the PID Act.

4.3 All public officials and former public officials are entitled to make a disclosure under the PID Act.

- 4.4 A public interest disclosure may be made anonymously or openly.
- 4.5 A public interest disclosure may be made orally or in writing.
- 4.6 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, it should be reasonably clear from the nature of the disclosure that it is one to which the PID Act would apply.
- 4.7 Where a public official is considering making a disclosure, they should, in the first instance, contact one of the department's Authorised Officers to get information about making a public interest disclosure under the PID Act.
- 4.8 Employees in the department may make a disclosure of disclosable conduct to their supervisor or their manager, or to an Authorised Officer, or in certain circumstances, to the Commonwealth Ombudsman (the Ombudsman).
- 4.9 Employees or former employees or officers of contracted service providers may make a disclosure of disclosable conduct to an Authorised Officer or, in certain circumstances, to the Ombudsman. In limited circumstances, a public official may be able to make another type of disclosure, including an external, emergency, or legal disclosure; for more information see section 26 of the PID Act.
- 4.10 Names and contact details of the department's Authorised Officers are available on the department's intranet or by emailing pid@education.gov.au.
- 4.11 Where possible, an employee 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 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.
- 4.12 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.
- 4.13 A potential discloser should not investigate a matter themselves before making a disclosure.
- 4.14 A person who knowingly makes a false or misleading disclosure will not have any protections under the PID Act.
- 4.15 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.
- 4.16 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.

- 4.17 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 these people will not be protected by the PID Act.
- 4.18 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 and in accordance with the Ombudsman's 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 should give the information to an Authorised Officer in the department as soon as practicable.
- 5.2 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.
- 5.3 At the time a supervisor or manager gives information to an Authorised Officer under paragraph 3.1, 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 13 of these procedures for more information about assessing risk.
- 5.4 Where a supervisor or manager has given information to an Authorised Officer under paragraph 3.1, 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 Officer 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 which the Authorised Officer has reasonable grounds to believe may be disclosable conduct
 - b) 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 an internal disclosure, and
 - c) the Authorised Officer is aware of the contact details of the person

The Authorised Officer must:

- a) Inform the person that the disclosure could be treated as an internal disclosure for the PID Act
- b) explain to the person what the PID Act requires for a disclosure to be an internal disclosure
- c) explain to the person the protections provided by the PID Act to persons who make disclosures under the Act, and
- d) advise the person of any orders or directions that may affect disclosure of the information.

Authorised Officer must decide whether or not to allocate a disclosure

- 6.2 Where a public official, or a person who has been a public official, makes a disclosure of disclosable conduct directly to an Authorised Officer, the Authorised Officer must make a written record of the fact of the disclosure and, if the disclosure is not in writing, they should 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.
- 6.3 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.
- 6.4 An Authorised Officer who receives a disclosure must decide whether they are satisfied, on reasonable grounds, that there is no reasonable basis on which the disclosure could be considered to be an internal disclosure. Note: The bases on which an Authorised Officer could be satisfied of this include: that the disclosure has not been made by a person who is, or was, a public official; that the disclosure was not made to an authorised internal recipient or supervisor; that the disclosure is not about disclosable conduct; that 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 that the disclosure is not otherwise a public interest disclosure within the meaning of the PID Act.
- 6.5 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.
- 6.6 Where an Authorised Officer decides that a disclosure that has been made to them is not to be allocated, they must - where the discloser's contact details are known to the Authorised Officer - advise the discloser in writing that the disclosure is not to be allocated, by sending to them a completed Form 1.

Where Authorised Officer allocates an internal disclosure

- 6.7 Where the Authorised Officer is aware of the 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:

- a) consents to the Authorised Officer giving the discloser's name and contact details to the principal officer and to the principal officer's delegates, and
 - b) wishes the disclosure to be investigated.
- 6.8 The Authorised Officer should make a written record of the discloser's responses (if any) to the questions referred to in paragraph 4.7.
- 6.9 Where a discloser does not respond within seven days to the question referred to:
- a) in paragraph 4.7 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 4.7 b – the discloser is taken to wish the disclosure to be investigated.
- 6.10 An Authorised Officer must obtain the consent of an Authorised Officer in another agency before the first Authorised Officer can allocate an internal disclosure to that agency.
- 6.11 Where an Authorised Officer in the department allocates a disclosure to an agency (including to the department) they should complete Form 2 and send it to the Secretary or to the delegate nominated by the Secretary.
- 6.12 The Authorised Officer should copy the completed Form 2 to the relevant contact officer in the Ombudsman's Office.
- 6.13 Where the Authorised Officer is aware of the contact details of the discloser the Authorised Officer must inform the discloser of the allocation using completed Form 3.
- 6.14 Where an Authorised Officer in the department allocates a disclosure, they must either conduct a reprisal risk assessment, or, keeping in mind confidentiality arrangements, they must pass on any relevant information obtained regarding reprisal risk to the officer 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 13.
- 6.15 In deciding the allocation, 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, and
 - c) may obtain further information for the purpose of allocating the public interest disclosure.

7. Anonymous disclosures

- 7.1 All persons, including public officials, persons who have been public officials and others, may make disclosures in an anonymous way if they wish to do so.

Where the discloser provides no name and no contact details or where the discloser provides no name but provides anonymous contact details

- 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 a disclosure of one of these kinds, they must refer it to an Authorised Officer as soon as is reasonably practicable.
- 7.4 Where an Authorised Officer receives a disclosure of one of these kinds, they must consider whether to exercise the power in section 70 of the PID Act to determine on their own initiative that a person who has disclosed information to them is a public official in relation to the making of the disclosure. However, if the Authorised Officer cannot contact the discloser, no determination can be made because the Authorised Officer must be able to give written notice of the determination to the individual (see section 70(1)).
- 7.5 It is anticipated that an Authorised Officer should make this decision having regard to whether it is in the public interest, in the department's interest and in the discloser's interest to have the disclosure dealt with as a disclosure under the PID Act.
- 7.6 Where the discloser requests the Authorised Officer to make this determination, the Authorised Officer must make a decision on this request and must inform the discloser accordingly, and if the Authorised Officer's decision is to decline the request to make a determination under section 70, they must also give the discloser reasons for their decision.
- 7.7 Where an Authorised Officer decides to make a determination under section 70 that the PID Act has effect as if the individual had been a public official, the Authorised Officer should seek assistance from the Legal area on the drafting of the written notice.
- 7.8 The written notice must be given to the individual. A copy of the determination notice should also be given to the Secretary or their nominated delegate at the same time as Form 2.

8. Deciding whether or not to investigate

- 8.1 Where an Authorised Officer allocates an internal disclosure to the Secretary or nominated delegate and the Secretary or delegate has been given the contact details of the discloser, the Secretary or delegate must, within 14 days after the disclosure was allocated to the department, inform the discloser in writing using Form 3A that the Secretary or delegate may decide:
- a) not to investigate the disclosure, or
 - b) not to investigate the disclosure further

and the Secretary or delegate must inform the discloser of the grounds on which that decision will be taken.

- 8.2 The Secretary or delegate must, as soon as practicable after receiving an allocation of a disclosure from an Authorised Officer (whether from within or without the department) consider whether to exercise the discretion under section 48 of the PID Act not to investigate the disclosure under the PID Act.
- 8.3 In broad terms, the Secretary 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 disclosure is substantially the same as a disclosure that has been investigated under the PID Act
 - e) 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
 - 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 discloser has informed the principal officer that they do 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, or
 - g) 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.
- 8.4 Guidance on factors that might go towards the exercise of the power in section 48 is provided in the Ombudsman's ['Agency Guide to the Public Interest Disclosure Act 2013'](#).

Decision not to investigate

- 8.5 Where the Secretary or delegate decides under section 48 of the PID Act not to investigate a disclosure under Division 2 of Part 3 of the PID Act, the Secretary or delegate must, as soon as reasonably practicable, inform the Ombudsman of that decision, and of the reasons for that decision, by completing the Ombudsman's relevant form and sending it to the relevant contact in the Ombudsman's Office.
- 8.6 Where the Secretary or delegate decides under section 48 of the PID Act not to investigate a disclosure, and where they have been given the name and contact details of the discloser, the Secretary or delegate must, as soon as reasonably practicable, inform the discloser of that decision, of the reasons for that decision and of other courses of action that may be available to the discloser under other laws of the Commonwealth, by completing Form 4 and sending it to the discloser.

Decision to investigate

- 8.7 Where the Secretary or delegate has considered exercising the discretion under section 48 of the PID Act and has decided that they are required to investigate the disclosure, and where the Secretary or delegate has been given the name and contact details of the discloser, the Secretary or delegate must inform the discloser that they are required to investigate the disclosure, and inform the discloser of the estimated length of the investigation by completing Form 5 and sending it to the discloser.
- 8.8 If the Secretary or delegate decides to investigate the disclosure and starts to investigate the disclosure but then decides not to investigate the disclosure further under section 48, the Secretary or delegate must inform:
- a) the discloser of that decision, or the reasons for the decision and of other courses of action that might be available to the discloser under other laws of the Commonwealth by completing Form 4A and sending it to the discloser; and
 - b) the Ombudsman of that decision and the reasons by completing the Ombudsman's relevant form and sending it to the relevant contact in the Ombudsman's office.

9. Procedure for investigators

- 9.1 Where the Secretary or delegate has decided under paragraph 6.7 to commence an investigation into an internal disclosure, they may conduct the investigation as they think fit.
- 9.2 The Secretary 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 Secretary 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 Secretary 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 7.1 and 7.3, the Secretary or delegate, in conducting an investigation under these procedures, must comply with:
- a) the Ombudsman's Standard, and
 - b) to the extent they are relevant to the investigation:
 - I. the Commonwealth Fraud Control Framework
 - II. these procedures, and
 - III. 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 section 57 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, 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:

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.

Note: Paragraph 7.11 will not apply where the investigation does not make substantive findings or express adverse opinions but instead simply recommends or decides that further investigation 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.

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

- 9.14 The investigator has 90 days from the date the disclosure was allocated in which to complete the investigation.
- 9.15 It is possible to seek one or more extensions of time from the Ombudsman.
- 9.16 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 and an outline of action taken to progress the investigation.
- 9.17 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 investigator should comply with the PID Act, the Ombudsman's Standard 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 the department's response to those claims and that evidence

and, where relevant, a report must:

- a) identify whether there have been one or more instances of disclosable conduct
- b) identify any regulations, rules, administrative requirements, or similar matters to which the disclosable conduct (if any) relates
- c) explain the steps taken to gather evidence
- d) set out a summary of the evidence, and
- e) set out any recommendations made based on that evidence.

10.3 The investigator must, within a reasonable time of preparing a report of an investigation under the PID Act, give a copy of the report to the discloser.

10.4 Despite paragraph 8.3, the investigator 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 8.3, 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.

12. Record keeping

12.1 Where an Authorised Officer is required to keep a record under these procedures, the record may 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 Where a form is required to be sent under these procedures, a copy of the form should be kept.

12.3 All records made for the purposes of the PID Act in accordance with these procedures should be marked as prescribed in the department's Recordkeeping Policy and Recordkeeping Guidelines.

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 Secretary when requested.

- 13.2 The Secretary 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 policy, procedures and subsequent outcomes which will occur through a range of audit processes.

14. Protections available to the discloser

- 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 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).
- 14.3 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 reprisal may also be prosecuted under the PID Act with criminal penalties of two years imprisonment or 120 penalty units.
- 14.4 It is an offence to disclose the identity of an individual who makes a public interest disclosure.

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. Keeping in mind confidentiality arrangements, another officer with the requisite skills and experience to conduct and/or maintain the risk assessment may be assigned.
- 15.2 Consultation should occur with the discloser and, keeping in mind confidentiality arrangements, their supervisor or manager to help to ascertain where threats of reprisal may lie.
- 15.3 The Ombudsman's ['Agency Guide to the Public Interest Disclosure Act 2013'](#) 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.
- 15.7 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.
- 15.8 For further information about this policy email people@education.gov.au.

16. Further Information

- 16.1 The PID Act is available in its entirety online: [The Public Interest Disclosure Act 2013](#)
- 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:
- Recordkeeping Policy and Recordkeeping Guidelines
[The Commonwealth Fraud Control Framework](#)
[The Freedom of Information Act 1982](#)
[The Ombudsman's Agency Guide to the Public Interest Disclosure Act 2013](#)
[The Public Service Act 1999](#)
[The Work Health and Safety Act 2011](#)
- 16.4 You may also contact the Health and Performance Team for more information on the PID Act and these procedures through the People Inbox.

17. Document particulars

Policy Owner	People Branch
Document Status	Final
Point of Contact	Director, Health and Performance People Branch People, Parliamentary and Communication Division
Approver	Gemma Smith
Approval Authority	Assistant Secretary, People Branch Department of Education
Date of Approval	20 January 2023