



# How to assess a potential **Public Interest Disclosure (PID)**

Timeframe: 14 days

# 1

## Receiving a potential internal PID

Upon receipt of a potential PID, the **authorised officer** should:

- advise the person making the disclosure of the process and available support (s 7 PID Standard)
- seek their consent to identify them to the Treasury Secretary (PID Acts 44(1)(d))
- make preliminary inquiries, where necessary (PID Acts 43(4))
- if verbal, make a written record of the disclosed information

# 2

## Assessing the potential PID

The **authorised officer** assesses the potential PID to establish:

- is the person making the disclosure a current or former public official (PID Acts 26(1)(a) & s 69) if not, is it appropriate to deem them a public official (PID Acts 70)
- was the information received by an authorised internal recipient (PID Acts 26 (Item 1, Column 2) & s 34)
- does the disclosed information (PID Acts 26 (Item 1, Column 3) & s 29):
  - reasonably tend to show disclosable conduct, or
  - does the person making the disclosure reasonably believe that it tends to show disclosable conduct

# 3

## Yes, it is a PID

The **authorised officer** must:

- consider where to allocate the internal PID (PID Acts 43(3) & s 43(6))
- allocate the PID (PID Acts 43(1))
- where practicable, notify the discloser (PID Acts 44(2) & s 44(4))
- notify the Treasury Secretary (PID Acts 44(1))
- notify the Ombudsman (PID Acts 44(1A))
- make a record (s 6 PID Standard)
- refer to reprisal officer for a risk assessment



## No, it is not a PID

The **authorised officer** must:

- where practicable, notify the person who made the disclosure and refer to other relevant processes (PID Acts 44(3), s 44(4) & s 43(2))
- make a record (s 6 PID Standard)

# 4

## Conducting a risk assessment

The **reprisal officer** should:

- conduct a risk assessment following the agency's reprisal risk management procedures (PID Acts 59(l)(a))
- assess the risk of reprisal and workplace conflict and identify mitigation strategies (PID Act ss 13, 19)
- take action to prevent or address harm (PID Acts 59(3)(a))
- monitor and review the assessment and actions, keeping appropriate records

# 5

## Investigating a PID

The **Treasury Secretary** (or their delegate) should:

- consider how to investigate and whether there are grounds to not investigate (PID Act ss 47(3) & 48)

Timeframe: 90 days

# 6

## Yes, investigate

The **Treasury Secretary** (or their delegate) should:

- notify the discloser (PID Acts 50(1)(a), s 50(1A), s 50(5) & s 9 PID Standard)
- conduct the investigation (PID Acts 47(2), s 47(3), s 52, s 53, s 54, Part 3, PID Standard)
- seek an extension of time if required (PID Acts 52(3))
- consider whether there are grounds to cease investigating (PID Acts 48)



## No, do not investigate

The **Treasury Secretary** (or their delegate) should:

- where practicable, notify the person who made the disclosure and refer to other relevant processes (PID Acts 44(3), s 44(4) & s 43(2))
- make a record (s 6 PID Standard)

# 7

## Finalising the investigation

The **Treasury Secretary** (or their delegate) should:

- finalise a report of the investigation (PID Acts 51, s 13 PID Standard)
- make redactions if appropriate (PID Acts 51(5))
- provide a copy to the discloser (PID Acts 51(4), s 51(6))
- take action in relation to any recommendations



## Notes

PIDs or enquiries about PIDs relating to Treasury can be emailed to Treasury's Authorised Officers at [Integrity@treasury.gov.au](mailto:Integrity@treasury.gov.au)

## Remember

A public official who has already made a disclosure can complain to the Ombudsman if they are unhappy with the agency's handling of the PID.

A public official who has already made an internal PID may be able to make an external disclosure about the same matter if that is not on balance contrary to the public interest and (PID Acts 26 Item 2):

- the PID investigation is not completed within the allowed time under the PID Act, or
- the discloser reasonably believes that:
  - the PID investigation was inadequate, or
  - the response to the PID investigation was inadequate.