Parliamentary Budget Office

Human Resources Policy

# Public Interest Disclosure Policy & Procedures

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# Foreword

1. I, Sam Reinhardt, Parliamentary Budget Officer, establish these procedures under section 59 of the *Public Interest Disclosure Act 2013*.

# Introduction

2. The Public Interest Disclosure Act 2013 (the PID Act) establishes a legislative scheme to investigate allegations of wrongdoing in the Commonwealth public sector and to provide robust protections for current or former public officials who make qualifying public interest disclosures under the scheme.
3. There are different types of Public Interest Disclosures (PIDs):
    - internal (most common),
    - external,
    - emergency,
    - PIDs made to legal practitioners and
    - National Anti-Corruption Commission (NACC) disclosure.

    A PID can also be made to the Commonwealth Ombudsman (the Ombudsman) or the Inspector-General of Intelligence and Security (the IGIS) for intelligence agencies.
4. The Parliamentary Budget Office (PBO) is committed to the highest standards of ethical and accountable conduct. We encourage the reporting of wrongdoing under the PID Act and will act on disclosures where appropriate. The PBO will also protect disclosers from any reprisals or threats of reprisals as a result of identifying suspected wrongdoing or making a disclosure.
5. These procedures reflect the *Public Interest Disclosure Standards Determination 2025* (the determination).

# Policy Outcome

6. This document constitutes the PBO's procedures for facilitating and dealing with internal PIDs that are made in accordance with the PID Act.

# Scope

7. These procedures deal only with internal PIDs relating to PBO employees or others in the course of their duties relating to the PBO. For more information about other types of PIDs refer to *Public Interest Disclosure Scheme – Reference Guide*, published by the Commonwealth Ombudsman.
8. This policy should be read in conjunction with the information provided by the Commonwealth Ombudsman. Information is available for Disclosers and Agencies on the Commonwealth Ombudsman website with helpful tools and resources available.

## Review

9. Per the PBO Governance Procedure the default review period for policy documents will be 4 years unless there is a legislative requirement for a different timeframe, or an operational risk created through the default period. Anytime this policy is reviewed, there must also be a review of the PBO PID intranet site and updates made to the PBO webpage.

## What are public interest disclosures?

10. It is important to note that not all disclosures of information made to the PBO will be PIDs for the purposes of the PID Act. A disclosure of information will only be a PID if it meets all the following requirements:

    - it is made by a current or former public official of the PBO or a person who has been deemed to be a public official;
    - the information tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of 'disclosable conduct' as defined by the PID Act; and
    - the disclosure is made to an appropriate person, such as an authorised internal recipient (see Authorised Officers).

    If all of the above-mentioned requirements are met, a disclosure made to the PBO will be covered by the PID Act and the discloser may benefit from the protections that it confers.

11. Disclosures about personal work-related conduct are not covered by the PID Act, unless:

    - the conduct constitutes reprisal action; or
    - the conduct is of such a significant nature it would undermine public confidence in, or has other significant implications for, the PBO.

12. Personal work-related conduct refers to conduct where one official engages in conduct that relates to another official's engagement, appointment or the exercise of their functions or powers, and the conduct has personal implications for that second official. This includes, but is not limited to, bullying and harassment, conduct relating to the terms and conditions of engagement and disciplinary action (such as Code of Conduct investigations).

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

### Public interest disclosures and the National Anti-Corruption Commission (the NACC)

14. As a Commonwealth agency, disclosures made to the PBO are covered by the National Anti-Corruption Commission Act 2022 (the NACC Act). Referrals made to the NACC are another type of PID.

15. The Parliamentary Budget Officer (PBOr), as a principal officer, and authorised officers have a mandatory referral obligation under the NACC Act. They must refer to the NACC a corruption issue concerning the conduct of an employee, when:

- in the course of exercising their functions or powers they handle an internal disclosure that raises a corruption issue under the NACC Act; and
- they suspect the issue could involve serious or systemic corrupt conduct.

16. When these criteria are met, an authorised officer must refer the corruption issue to the NACC as soon as reasonably practicable after becoming aware of the issue, unless a specified exception applies.
17. The NACC investigates allegations of corrupt conduct involving a public official if the conduct could be serious or systemic corrupt conduct. The Commissioner of the NACC determines whether corrupt conduct could be considered serious or systemic. The NACC may investigate following a referral, or on its own initiative. If the NACC cannot investigate an issue, it may choose to deal with it in other ways, such as by referring it to another agency.
18. The NACC can also issue stop action directions under the PID Act which:
    - prevent an agency from allocating a disclosure (under section 44B of the PID Act); or
    - prevent an agency from investigating or further investigating a disclosure (under section 50A of the PID Act).
19. If issued with a stop action direction, the PBO must inform the Ombudsman within 10 business days of receiving the stop action direction and keep a record of the details of the direction, including when the direction was made and ends.

## What is not a public interest disclosure

20. Disclosable conduct by a public official must be in connection with their position as a public official. Therefore, conduct that is wholly private and has no bearing on their position as a public official is generally not disclosable conduct.
21. Conduct that is not disclosable conduct, and therefore cannot be the subject of a PID, includes:
    - Conduct which the person disagrees with and which relates to:
        - a government policy or proposed policy;
        - action or proposed action taken by a Minister, the Speaker of the House of Representatives, or the President of the Senate;
        - expenditure or proposed expenditure related to a policy, proposed policy, action or proposed action;
    - in relation to courts and tribunals;
        - the conduct of a judicial officer;
        - the exercise of judicial functions and powers by court staff
        - the conduct of tribunal members and the exercise of powers by tribunal staff;
        - any other conduct of a court or tribunal, unless the conduct is of an administrative nature and does not relate to the management or hearing of matters before the court or tribunal; and

- conduct of an intelligence agency or its public officials in the proper performance of its functions and exercise of its powers.

### Senators, members and their staff

22. The following are not public officials:
    - a judicial officer;
    - a member of a Royal Commission;
    - a member of Parliament; and
    - a person employed under the Members of Parliament (Staff) Act 1984.
23. A discloser should note that parliamentary privilege may exclude some matters from being dealt with by the PID Act. Where matters relate to proceedings in parliament, such as advice or support provided by a public official to a parliamentarian or a committee, parliamentary privilege may prevent the matter being dealt with under the PID Act. Also note that the release of unpublished proceedings in parliament (such as in camera committee evidence), including documents in support of a PID, is not permitted and may be dealt with as a contempt.

## Principal and Authorised Officers

24. The PBO has two 'authorised officers' for the purposes of the PID Act. The Parliamentary Budget Officer (PBOr) is both the principal officer and an authorised officer under the PID Act. The PBOr has also appointed the Chief Operating Officer (COO) as an authorised officer. A PID can be made to the PBOr or the COO if the PID relates to the PBO or the discloser belongs, or last belonged to, the PBO.

### Principal Officer's Obligations

25. The establishment of these procedures facilitates the PBOr's obligations as a principal officer to ensure that the PBO:
    - takes reasonable steps to assess the risk of, and deal with, reprisal against disclosers and witnesses
    - provides confidentiality for the investigation process
    - ensures that appropriate action is taken in relation to a report of an investigation
    - makes training and education relating to PID, integrity and accountability available to employees, including training for authorised officers, and
    - complies with the PID Act and determination.

### Disclosure to a manager

26. If a public official discloses information to a manager and the manager has reasonable grounds to believe that the information concerns, or could concern, disclosable conduct, the manager must give the information to an authorised officer of the PBO as soon as reasonably practicable. A fact sheet published by the Ombudsman titled: *Supervisors and the PID Act* provides further information about a manager's obligations.

## Protecting confidentiality

27. The authorised officers and the PBOr will take all reasonable steps to protect the identity of a public official who has made a PID from the time the disclosure is made.
28. Only individuals directly involved in dealing with the PID (such as the authorised officer and the PBOr) may be advised of the details of the PID. These individuals must not disclose the identity of the discloser or any information which is likely to reveal the identity of the discloser without the consent of that person.
29. It is an offence for a public official to disclose information that is likely to enable the identification of a person as a person who has made a public interest disclosure other than in accordance with the PID Act. It is also an offence for an official to disclose information to another person or use information in a way that is not in accordance with the PID Act.
30. Similarly, it is an offence for a person to disclose or use information, which they obtained in the course of conducting a disclosure investigation or in connection with performing functions or exercising powers under the PID Act, in a way that is not in accordance with the PID Act.
31. Identifying information about a discloser will not be shared with a court or tribunal except where necessary to give effect to the PID Act.

### Protections for disclosers and witnesses

32. Public officials are protected from reprisal that is taken because a person believed or suspected that they have made, may have made, propose to make or could make a public interest disclosure.
33. Reprisal includes harassment or intimidation, harm or injury to a person, and any damage to a person (including their property, reputation or business or financial position), in addition to employment-related harm. It includes conduct that causes detriment as well as direct and indirect threats.
34. Witnesses who assist with PID investigations have comparable protections to disclosers, including protection against reprisal and immunity from civil, criminal and administrative liability.

## Procedures for receiving and allocating a disclosure

35. The steps to making a disclosure are described in this section and summarised in the table provided at **Attachment A**.

### Step 1: Consideration by an authorised officer

36. When an authorised officer receives a disclosure of information, they will consider whether there are reasonable grounds on which the disclosure could be considered an internal disclosure made in accordance with the PID Act.
37. The authorised officer may also be contacted by another agency for the purpose of considering whether to accept the allocation of a PID concerning the PBO.

38. The authorised officer may obtain further information and make inquiries for the purpose of making a decision about the allocation of the disclosure. However, this should be distinguished from conducting a PID investigation.

39. If the authorised officer is satisfied the disclosure could be an internal disclosure in accordance with the Act, they will allocate the disclosure to one or more agencies for further handling and investigation in accordance with the process outlined in Step 2.

40. If the authorised officer decides not to allocate the disclosure because it could not be considered an internal disclosure, or the conduct disclosed would more appropriately be investigated under another law or power, the authorised officer must inform the discloser as soon as reasonably practicable of whichever of the following are relevant:

    - why the disclosure will not be allocated to an agency
    - the referral/proposed referral of the disclosure under the other law or power, and
    - any other course of action that might be available to the discloser under other laws of the Commonwealth.

    However, the requirement to contact the discloser does not apply if contacting the discloser is not reasonably practicable.

41. The authorised officer will keep appropriate records of their decision to not allocate a matter for investigation (refer Step 4).

42. Where the person making the disclosure was not a public official, and the authorised officer believes on reasonable grounds that the person has information that concerns disclosable conduct, the authorised officer may make a determination to deem the person to be a public official. The authorised officer must inform the person, in writing, that they have been taken to be a public official for the purposes of the PID Act. The authorised officer should then proceed to Step 2.

## Step 2: Allocate the disclosure

43. The authorised officer will use their best endeavours to decide the allocation within 14 days after the disclosure is made.

44. In deciding the agency or agencies to which a disclosure will be allocated; the authorised officer will have regard to:

    - the principle that an agency, other than the Ombudsman and IGIS, should only deal with disclosures that relate to that agency;
    - if the agency is an investigative agency, the investigative agency has the power to investigate the disclosure otherwise than under the PID Act; and
    - such other matters as the authorised officer considers relevant.

45. The authorised officer can allocate a disclosure to another Parliamentary Agency if the authorised officer considers that the other agency would be better able to handle the disclosure. This is subject to the consent of the other agency and the considerations relating to allocations noted in the PID Act.

46. A written record must be made of the consent provided by the agency that accepted the allocation.

## Step 3: Make a record of the allocation decision

47. The authorised officer must ensure the allocation decision is made and recorded in accordance with the determination's minimum record-keeping requirements, which should include the decision, reasons, and any consent required for the allocation.

48. When an authorised officer allocates the handling of a disclosure to one or more agencies, an appropriate record must be made of:

- the decision (including the name of each agency to which the disclosure is to be allocated);
- the reason for the decision; and
- the consent provided by the authorised officer of the agency to which the allocation is made.

49. If a decision is made to not allocate the disclosure, an appropriate record must be made of:

- the decision not to allocate the disclosure and the reasons for the decision; and
- if the authorised officer is satisfied that the conduct would be more appropriately investigated under another law or power the details of the action taken or proposed to be taken to facilitate its referral; and
- if the authorised officer has not taken or proposed to take action to facilitate its referral, any courses of action that might be available to the discloser under another law or power.

### Record of communication of the decision to the discloser

50. In addition, the authorised officer must keep appropriate records of:

- the content of the notification;
- whether notice of the decision, or a copy of a notice, was given to the discloser, and if not, why not;
- if notice of the decision, or a copy of a notice, was given to the discloser:
  - the day and time the discloser was notified; and
  - the means by which the discloser was notified.
- if notice of a stop-action direction has been issued by the NACC, whether it is reasonably practicable or appropriate for the discloser to be given a copy of that notice.

These records should be kept confidential.

## Step 4: Inform relevant persons of the allocation

### Informing the receiving agency

51. When the authorised officer allocates the handling of a disclosure to an agency, including the PBO, the authorised officer will inform the principal officer of that agency of:

- the allocation to the agency;
- the information that was disclosed to the authorised officer;

- the suspected disclosable conduct; and
- if the discloser's name and contact details are known to the authorised officer, and the discloser consents to the principal officer being informed – the discloser's name and contact details.

### Informing the discloser

52. As soon as reasonably practicable after the allocation has occurred, and if contacting the discloser is reasonably practicable, the authorised officer will also inform the discloser of the allocation and of the information that has been provided to the principal officer of that agency.

### Informing other relevant bodies

53. The authorised officer must inform the Ombudsman (or IGIS where the matter relates to an intelligence agency, the IGIS or ACIC) of decisions relating to the allocation of disclosures.
54. Notification to the Ombudsman must include all mandatory content specified in the determination, including: details of the disclosure, allocation decisions, investigation progress, stop-action directions, outcomes and reasons, and any adverse action information. Notification to the Ombudsman should be done using the relevant forms provided by the Ombudsman's office[1].
    - *Form 1 – Notification of allocation or reallocation*
    - *Form 4 – Notification of decision not to allocate*
    - *Form 6 – Notification of a stop action direction*

# Risk Assessment

## Conduct a risk assessment

55. When the PBOr receives a PID that has been allocated to the PBO, the PBOr will assess the risk associated with reprisals relating to the disclosure. The assessment should include risks of reprisal against the discloser, others who may be suspected of making the disclosure, witnesses and those who are the subject of the disclosure.
56. The risk assessment must be conducted as soon as practicable after allocation, documented on file, and monitored and updated as circumstances change to manage the risk of reprisal.
57. In assessing the risk of reprisals, the PBOr may use a risk matrix to evaluate and treat the risk. A risk matrix that the PBOr may use when assessing a risk of reprisal is at

[1] The use of forms and guides published by the Office of the Commonwealth Ombudsman is encouraged to ensure that relevant information is provided for the Ombudsman's consideration. Using the forms also ensures that information provided, and the reporting method complies with obligations under the *PID Act* and the *Public Interest Disclosure Standards Determination 2025*.

**Attachment B**. The PBOr may also refer to the Ombudsman's *Guide to Assessing and Managing the Risk of Reprisal*.

### Criteria for assessing the likelihood of potential reprisals

58. When considering the likelihood of a reprisal being taken against a discloser, the PBOr may take into account all relevant factors, including:
    - the likelihood of the discloser being identified, which may involve a consideration of: o the size of the work area in which the discloser is located; and
        - the number of people who are aware of the information leading to the disclosure;
        - the number of people implicated in the disclosure;
        - the subject matter of the disclosure;
        - the number of people who are aware of the disclosure or are likely to become aware of the disclosure (for example, through participation in the investigation as witnesses);
    - the culture of the workplace;
    - whether any specific threats against the discloser have been made;
    - whether there are circumstances that will make it difficult for the discloser not to discuss the disclosure in the workplace;
    - whether there are allegations about individuals in the disclosure;
    - whether there is a history of conflict between the discloser and the subject of the disclosure; and
    - whether the disclosure can be investigated while maintaining confidentiality.

### Criteria for assessing the likely seriousness of potential reprisals

59. In considering the likely seriousness of any potential reprisal against a discloser, the PBOr should take into account all relevant factors, including:
    - the significance of the issue being disclosed;
    - the likely outcome if the conduct disclosed is substantiated;
    - the subject matter of the disclosure;
    - whether the discloser is isolated;
    - whether the discloser is employed on a full-time, part-time or non-ongoing basis;
    - whether the alleged wrongdoing that is the subject of the disclosure was directed at the discloser; and
    - the relative positions of the discloser and the person whose alleged wrongdoing is the subject of the disclosure.
60. When conducting the risk assessment, where consistent with protecting the discloser's confidentiality, the PBOr may ask the discloser why they are reporting the wrongdoing and who they might fear reprisal from and may also speak to the discloser's manager or relevant Assistant Parliamentary Budget Officer.

### Develop a risk mitigation strategy

61. Where the risk level is assessed as anything greater than low, the PBOr will develop a risk mitigation strategy for managing the risk of reprisals being taken against the discloser. This strategy may include some or all of the support measures noted below and, in appropriate circumstances could include raising the matter with employees by reminding them that it is a criminal offence to take or threaten to take reprisal action against a discloser.

62. Reasonable action taken to protect the discloser from detriment or threats of detriment will not constitute reprisal. Additionally, reasonable action taken against the discloser in response to their own wrongdoing or improper conduct will not constitute reprisal.

### Monitor and review risks

63. The PBOr should monitor and review the risk assessment as necessary throughout the investigation process.

64. For more information about managing the risk of reprisal, refer to the information sheet titled: *Managing The Risk Of Reprisal* developed by the Ombudsman.

## Investigations

65. If a PID is allocated to the PBO, the PBOr must investigate the PID unless the PBOr considers that:

    - the discloser is not and has not been a public official;
    - the information does not, to any extent, concern serious disclosable conduct;
    - the disclosure is frivolous or vexatious;
    - the information is the same or substantially the same as disclosable conduct that has been or is currently being investigated as part of another disclosure investigation;
    - the information concerns disclosable conduct that is the same or substantially the same as disclosable conduct that is being investigated under a law of the Commonwealth or the executive power of the Commonwealth, and:
        - it would be inappropriate to conduct another investigation at the same time; or
        - the PBOr is reasonably satisfied that there are no further matters concerning the disclosure that warrant investigation;
    - the discloser has informed the PBOr that they (the discloser) do not wish for the investigation of the disclosure to be pursued and the PBOr is reasonably satisfied that there are no matters concerning the disclosure that warrant investigation;
    - it is impracticable for the disclosure to be investigated because:
        - the discloser's name and contact details have not been disclosed;
        - the discloser refuses, fails or is unable to give such information or assistance as requested by the person investigating the PID; or
        - the age of the information makes this the case.

66. Regardless of the PBOr's decision on investigating the disclosure under the PID Act, the PBOr may decide to refer the matter for further consideration under another relevant policy or procedure.

## Provide initial information to disclosers

67. Where it is reasonably practicable to do so, within 14 days of the PBO being allocated a PID, the PBOr will advise the discloser that:

    - the PBOr is required to investigate the disclosure;
    - the PBOr has decided not to investigate, or not to investigate the disclosure further under sections 48 and 49 of the PID Act; or
    - the PBOr cannot investigate, or further investigate, the disclosure because of a stop action direction under the NACC Act.

68. If it is not reasonably practicable to provide this information to the discloser within 14 days, it will be provided as soon as practicable.

69. This information may be provided at the same time the allocation decision is communicated to the discloser.

## Notifying the discloser and Ombudsman if the disclosure will not be investigated

70. If the PBOr decides not to investigate a disclosure, the PBOr will:

    - inform the discloser of the decision not to investigate the disclosure, if reasonably practicable to do so, identifying:
        - reason/s for the decision not to investigate; and
        - any actions that might be available to the discloser under other laws of the Commonwealth; and
    - inform the Ombudsman of the decision not to investigate, including the reasons for that decision, including:
        - all findings provided to the discloser
        - any reprisals identified (including suspected, alleged, or actual)
        - compliance steps taken to protect participants
        - whether any secondary investigations or referrals will occur
        - whether the report relied on findings from external investigation.

      The following form published by the Ombudsman's office should be used: *Form 2 – Notification of decision not to investigate OR not to investigate further*.

71. In providing the reasons for a decision not to investigate the PID to the discloser, the PBOr may delete information contained in the document that would cause the document:

    - to be exempt for the purposes of Part IV of the Freedom of Information Act 1982;
    - to have, or be required to have, a national security or other protective security classification; or
    - to contain intelligence information.

## Conducting an investigation

72. If the PBOr investigates the disclosure, the PBOr will, as soon as reasonably practicable, inform the discloser:
    - that the PBOr is required to investigate the disclosure; and
    - of the estimated length of the investigation.
73. If the PBOr decides to investigate, the PBOr will investigate whether there are one or more instances of disclosable conduct.

### General principles

74. The following general principles will apply to the conduct of investigations:
    - maintaining the confidentiality of the identity of the discloser is paramount when conducting the investigation;
    - the formality of the investigation should be commensurate with the seriousness and nature of the alleged disclosable conduct and the importance of the particular evidence.;
    - the investigation be carried out in accordance with the principles of procedural fairness;
    - a decision that evidence is sufficient to prove a fact be determined on the balance of probabilities;
    - findings of fact must be based on evidence that is relevant and logically probative (that is, material that tends logically to prove or disprove a fact in issue and makes the existence of that fact more or less probable); and
    - a person who is the subject of the investigation be provided with a reasonable opportunity to respond or to provide evidence in relation to the allegations.
75. Aside from compliance with these principles, the PBOr is free to conduct the investigation as they see fit. The way in which the investigation is conducted may vary depending on the alleged conduct which is being investigated. The investigation may include consideration of whether a different or further investigation should be conducted by the PBO or another body under another law of the Commonwealth and protections under the PID Act will still apply. In circumstances where the PBOr considers that the nature of the disclosure is such that the outcome of the investigation is likely to be referred for investigation under another policy or procedure, the investigation under these procedures may appropriately be conducted in a limited way.

### Additional procedures required in particular circumstances

76. If a disclosure relates to one or more instances of fraud, the investigation must comply with any rules relating to fraud that are made for the purposes of the *Public Governance, Performance and Accountability Act 2013*.
77. If the PBOr considers that information disclosed by a PID may be appropriately dealt with under another policy or procedure of the PBO, the PBOr may recommend in the investigation report that this occur and refer the matter to the relevant part of the PBO.

### Obtaining information

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

79. During the investigation, the PBOr may, for the purposes of the investigation, obtain information from such persons and make such inquiries as the PBOr sees fit.

80. When being interviewed as part of an investigation, an interviewee will be informed of:

    - the identity and function of each individual conducting the interview;
    - the process of conducting an investigation;
    - the authority of the PBOr under the PID Act to conduct the investigation; and
    - the protections provided to witnesses under the PID Act.

81. The PBOr will ensure:

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

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

### Referral of information to police and others

83. If during the course of the investigation, the PBOr 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 PBOr may disclose the information to a member of an Australian police force. If the information relates to an offence that is punishable for a period of imprisonment of at least two years, the PBOr must disclose the information to a member of an Australian police force.

## Preparing an investigation report

84. Once the PBOr has completed the investigation, the PBOr will prepare a report of the investigation. The Ombudsman will receive a copy of all investigation reports and may make recommendations about investigation reports without a complaint having been made.

85. The PBOr must complete the investigation report within 90 days after the disclosure was allocated to the PBO unless this period is extended by the Ombudsman. If the period is extended, the PBOr will inform the discloser of the progress of the investigation.

86. To request an extension to complete the investigation report, the following form should be used to ensure all relevant information is provided to the Ombudsman's office for

consideration: *Form 3 – Extension of time to investigate a PID*. This form should be completed at least 10 business days prior to the 90-day reporting period expiring.

### Content of report

87. The report must set out:

- the matters considered in the course of the investigation;
- the duration of the investigation;
- the PBOr's findings;
- the actions that have been, are being or are recommended to be taken; and
- any claims made about, and any evidence of, detrimental action taken against the discloser, and the PBO's response to those claims and that evidence; and

*where relevant:*

- identify whether there have been one or more instances of disclosable conduct;
- any regulations, rules, administrative requirements or similar matters relating to the disclosable conduct;
- the steps taken to gather evidence; and
- a summary of the evidence, as well as any findings and recommendations made based on that evidence.

### Provide the report to the discloser

88. If it is reasonably practicable to contact the discloser, the PBOr will provide them with a copy of the report within a reasonable time after preparing the report. However, the PBOr may delete any material that:

- is likely to enable the identification of the discloser or another person;
- would result in the copy being exempt for the purposes of Part IV of the Freedom of Information Act 1982;
- would result in the copy having, or being required to have, a national security or other protective security clearance;
- would result in the copy containing intelligence information; or
- would contravene a designated publication restriction as defined in the PID Act.

### Provide a copy of the report to the Ombudsman

89. The PBOr, or authorised officer, as appropriate will provide a copy of the report, along with *Form 5 – Notification of a finalised PID investigation*, to the Ombudsman.

### Record decisions to or not to investigate a disclosure

90. Written records must be made for each decision/action. Records must be made as soon as practicable after the decision/action and records must be stored securely and handled to protect confidentiality. The table below provides a summary of section 10 from the

determination which relates to the requirements for recording a decision to, or not to, investigate a disclosure.

| Decision/ Action | Minimum required information | Record owner | Storage location |
|---|---|---|---|
| Allocate/reallocate a PID (including allocating to the PBO) | Decision and date; agency/agencies allocated to; reasons; consent from receiving agency (where required); any relevant conditions/limitations. | Authorised officer | Secure PID case file (restricted access) |
| Decision *not* to allocate | Decision and date; reasons; if referral/action under another law or power—details of action taken/proposed; if no referral/action—other courses of action potentially available to the discloser. | Authorised officer | Secure PID case file (restricted access) |
| Notify discloser about allocation decision (or decision not to allocate) | Whether notice was given (or why not); date/time and method; copy of notice or summary of content; any key attachments provided. | Authorised officer | Secure PID case file (restricted access) |
| Notify Ombudsman / IGIS of allocation, reallocation, decision not to allocate | Date sent and method; copy of completed form/notice (e.g., *Form 1 – Notification of allocation or reallocation* or *Form 4 – Notification of decision not to allocate*) and information provided; any supporting documents. | Authorised officer | Secure PID case file (restricted access) |
| Receive / issue stop-action direction (NACC-related, if applicable) | Direction details; date received/made; date it ends/ended (if known); actions taken; whether/when Ombudsman was notified (incl. copy of *Form 6 – Notification of a stop action direction* or equivalent). | PBOr (or delegate/ authorised officer) | Secure PID case file (restricted access) |
| Decision to:<br>– investigate;<br>– not investigate;<br>– not investigate further; or<br>investigate under other power | Decision and date; reasons; any action under another law/power; required notifications issued (discloser and Ombudsman) and copies/summaries. | PBOr (or delegate/ authorised officer) | Secure investigation case file (restricted access) |
| Risk assessment and updates | Date completed; identified risks (including reprisal risks); risk rating; mitigation measures; review dates and changes over time. | PBOr (or delegate/ authorised officer) | Secure investigation case file (restricted access) |
| Investigation report and provision | Final report (including required content); date finalised; copy provided to discloser (redacted copy, if applicable); copy provided to | PBOr (or delegate/ | Secure investigation case file |

| | | | |
|---|---|---|---|
| | Ombudsman; any extensions (request and approval). | authorised officer) | (restricted access) |

# Support mechanisms

## Support principles

91. The PBO's approach to support is guided by the following principles:

- Safety first: preventing, mitigating and responding to any risk of reprisal or detriment.
- Respect and fairness: ensuring that all individuals involved are treated with dignity and procedural fairness.
- Confidentiality: protecting information in accordance with the PID Act and privacy obligations.
- Transparency (where possible): keeping individuals informed while maintaining necessary confidentiality.
- Well-being focus: recognising that PIDs may create stress or uncertainty and providing proactive well-being support.

## Support for disclosers

92. The PBO is committed to ensuring that public officials who make a disclosure are supported, protected from detriment, and able to participate safely and confidently in the disclosure process. Consistent with the PID Act and the determination, the PBOr, as principal officer, will take all reasonable steps to:

- Protect the discloser from detriment or threats of detriment
  This includes mitigating risks identified through the risk assessment process, ensuring staff understand that reprisals are unlawful, and promptly addressing any concerns raised by the discloser.
- Maintain regular and appropriate communication
  The discloser will be informed, where reasonably practicable, about:
  - receipt of the disclosure;
  - the PBO's obligations and available actions;
  - allocation decisions;
  - the progress of the investigation; and
  - the outcome of the investigation, subject to confidentiality requirements.
- Ensure access to support services
  The discloser will be advised of the availability of:
  - the Employee Assistance Program (EAP);
  - the Parliamentary Workplace Support Service (PWSS); and
  - any additional well-being or HR support deemed appropriate based on the risk assessment.

- Assign a support person
  Where appropriate, a support person may be nominated to provide regular check-ins, assist the discloser in understanding processes, and act as a point of contact for well-being concerns.
- Implement protective workplace measures
  With the discloser's consent, the PBOr may implement adjustments to working arrangements, including temporary relocation or modified reporting lines, where these are necessary to reduce risks of reprisal or workplace conflict.
- Maintain confidentiality
  The identity of the discloser and information that may identify them will be protected in accordance with the *PID Act*, and will only be disclosed where permitted or required by law.

## Support for a person against whom a disclosure has been made

93. Recognising that being the subject of allegations can also affect well-being and workplace relationships, the PBOr will take reasonable steps to ensure that employees who are the subject of a PID are treated fairly and supported. These measures may include the following.
    - Providing clear information – the employee will be informed of:
      - their rights and obligations under the PID Act;
      - the principles of procedural fairness;
      - the investigation process; and
      - the availability of support services.
    - Ensuring confidentiality by maintaining the identity of the employee as confidential as reasonably practicable, consistent with investigation needs and legal obligations.
    - Providing access to well-being support for the employee including advising of the availability of the employee assistance program (EAP), the Parliamentary Workplace Support Service, (PWSS), and HR support at any stage of the process.
94. Where concerns arise, the PBOr may liaise with HR to monitor the well-being and workplace impacts, and implement appropriate measures to maintain a safe, respectful workplace environment.
95. With the employee's consent, the PBOr will consider options for adjustments to working arrangements such as temporary changes to duties, work location, or reporting structures to support well-being and reduce the risk of conflict.

## Support for witnesses and other participants

96. Persons involved in a PID process, including witnesses, are also entitled to support and protection. The PBOr will ensure that witnesses are:
    - informed of the protections available under the PID Act;
    - provided with contact points for information and support;
    - protected from reprisal or detriment arising from their participation; and

- able to access EAP, PWSS and HR support as required.

## Further information

97. For further information about these procedures, contact the Chief Operating Officer on (02) 6277 9520 or at pid@pbo.gov.au or Human Resources at hr@pbo.gov.au.

## Legislation

- Public Interest Disclosure Act 2013
- National Anti-Corruption Commission Act 2022
- Public Interest Disclosure Standards Determination 2025

## Related Policies and Documents

- FACT SHEET – Supervisors and the PID Act
- Form 1 – Notification of an allocation or reallocation
- Form 2 – Decision not to investigate or not further investigate
- Form 3 – Extension of time to investigate a PID
- Form 4 – Notification of decision not to allocate
- Form 5 – Notification of a finalised PID investigation
- Form 6 – Notification of a stop action direction
- Human Resources Delegations

## Approval history

| Date | History/Description | Policy Owner | Approval |
|---|---|---|---|
| 12/10/2026 | V1 – First draft | Chief Operating Officer | |

# Attachment A - Processes for identifying an internal PID, assessing and allocating a PID, and conducting an investigation.

**Table 1 – What is an internal public interest disclosure (PID)?**

| Element | Description |
|---|---|
| Who can make a PID? | A current or former public official of the Parliamentary Budget Office, or a person deemed to be a public official by an authorised officer. |
| To whom is it made? | An authorised internal recipient (PBOr, Chief Operating Officer). Managers must pass on potential PIDs to authorised officers. |
| What information must it contain? | Information that tends to show, or is reasonably believed to show, one or more instances of disclosable conduct. |
| What qualifies as disclosable conduct? | Wrongdoing connected to a public official's duties, such as corruption, maladministration, or abuse of position. Does not include policy disagreements or wholly private conduct. |
| What is *not* usually a PID? | Personal work-related conduct unless involving reprisal or serious implications; conduct by MPs or their staff; judicial conduct; government policy or expenditure; intelligence agencies acting within proper functions. |
| Protections for disclosers | Confidentiality, protection from reprisals, immunity from civil/criminal liability, and access to support services (Employee Assistance Program (EAP), Parliamentary Workplace Support Service (PWSS)). |
| PBO obligations | Assess, allocate, notify relevant parties, record decisions, investigate (unless excluded grounds apply). |
| Purpose of an internal PID | To report wrongdoing within the Parliamentary Budget Office and ensure accountable, compliant investigation under the PID Act. |

**Table 2 – Summary of steps for an internal PID process**

| Step | Summary of Actions |
|---|---|
| Step 1 – Consideration by an authorised officer | Officer assesses whether the disclosure could be an internal PID, may seek further information, and determines whether to allocate it. If not allocated, the discloser is advised (where practicable). |

| | |
|---|---|
| Step 2 – Allocation | Officer allocates the disclosure to one or more appropriate agencies within 14 days, considering relevance and capability. Consent from the receiving agency must be recorded. |
| Step 3 – Recordkeeping | Officer records the allocation decision, reasons, agency consent, and details of communication with the discloser (if contacted). Records must remain confidential. |
| Step 4 – Notification | Officer informs the receiving agency's principal officer, the discloser (where practicable), and the Ombudsman/IGIS using the approved forms. |
| Step 5 – Risk assessment | Officer assesses risks of reprisals against the discloser, witnesses, or subjects of the disclosure, uses a risk matrix, and develops mitigation strategies as needed. Risks must be monitored throughout the investigation. |
| Step 6 – Investigation decision | PBOr investigates unless exclusion grounds apply (e.g., frivolous, already investigated, not reasonably practicable). If not investigating, the PBOr must notify the discloser (if possible) and the Ombudsman. |
| Step 7 – Investigation process | Investigation must maintain confidentiality, follow procedural fairness, and be conducted efficiently. PBOr may gather information, interview witnesses, adopt findings from other investigations, and refer evidence of offences to police. |
| Step 8 – Investigation report | Must be completed within 90 days unless extended. Includes findings, actions taken or recommended, evidence summary, and any reprisal claims. Report is provided to the discloser (with required redactions) and the Ombudsman. |
| Support measures | PBOr provides well-being supports to disclosers and employees subject to allegations: support person, updates, EAP/PWSS access, possible temporary transfer, and liaison with HR. |

More information for agencies about handling public interest disclosures (PID) is available from the Ombudsman's website.

# Attachment B – Risk assessment indicators and matrix for assessing the risk of reprisals

| Indicators of higher risk of reprisal or workplace conflict | |
|---|---|
| Threats or past experience | • Has a specific threat against the discloser been made?<br>• Is there a history of conflict between the discloser and the subjects of the disclosure, management, supervisors or colleagues?<br>• Is it likely that the disclosure will exacerbate this? |
| Confidentiality unlikely to be maintained | • Who knows that the disclosure has been made or was going to be made?<br>• Has the discloser already raised the substance of the disclosure or revealed their identity in the workplace?<br>• Who in the workplace knows the discloser's identity?<br>• Is the discloser's work unit small?<br>• Are there circumstances, such as the discloser's stress level, that will make it difficult for them to not discuss the matter with people around the workplace?<br>• Will the discloser become identified or suspected when the existence or substance of the disclosure is made known or investigated?<br>• Can the disclosure be investigated while maintaining confidentiality? |
| Significant reported wrongdoing | • Are there allegations about individuals in the disclosure?<br>• Who are their close professional and social associates?<br>• Is there more than one wrongdoer involved in the matter?<br>• Is the reported wrongdoing serious?<br>• Is the disclosure particularly sensitive or embarrassing for any subjects of the disclosure, senior management, PBO or government?<br>• Is the team more susceptible to media attention or political sensitivity?<br>• Do these people have the motivation to take reprisals – for example, because they have a lot to lose?<br>• Do these people have the opportunity to take reprisals – for example, because they have power over the discloser? |
| Vulnerable discloser | • Is or was the reported wrongdoing directed at the discloser?<br>• Are there multiple subjects of the disclosure?<br>• Is the disclosure about a more senior officer? Is there a power imbalance between the parties?<br>• Is the discloser employed part-time or on a casual basis? |

| | |
|---|---|
| | • Is the discloser isolated – for example, geographically or because of shift work?<br>• Are the allegations unlikely to be substantiated – for example, because there is a lack of evidence?<br>• Is the disclosure being investigated outside PBO? |

Likelihood of reprisal being taken

Likely Seriousness of Reprisal

| | Insignificant | Minor | Moderate | Major | Catastrophic |
|---|---|---|---|---|---|
| **Almost Certain** | Low | Moderate | Significant | High | High |
| **Likely** | Low | Moderate | Significant | Significant | High |
| **Possible** | Low | Low | Moderate | Significant | Significant |
| **Unlikely** | Low | Low | Low | Moderate | Significant |
| **Highly Unlikely** | Low | Low | Low | Moderate | Significant |

Example of the seriousness of reprisal:
**Insignificant**: Unlikely to occur, but if action is taken, would have minimal to no effect on discloser
**Minor:** Occasional or one-off action that is likely to have a relatively minor adverse effect on the discloser
**Moderate:** Repeated action which is likely to have an adverse effect on the discloser
**Major:** Sustained or one-off action which has significant impact on the discloser
**Catastrophic:** Action which will have a severe impact on the discloser