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LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

OFFICE OF THE LEGISLATIVE ASSEMBLY



PUBLIC INTEREST DISCLOSURE PROCEDURE

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1. APPROVAL

1.1 This procedure has been approved by the Clerk of the Legislative Assembly and the Public Sector Standards Commissioner on 3 August 2017.

2. GLOSSARY

TERM	DEFINITION
Act	Public Interest Disclosure Act 2012
Commissioner	Public Sector Standards Commissioner established under the <i>Public Sector Management Act 1994</i>
Disclosure Officer	Officer designated by respective head of entity to be a decision-maker in relation to PIDs (see s 11 of the Act). The Clerk and the Director, Office of the Clerk, are disclosure officers for the Office of the Legislative Assembly
Detrimental action	Discriminating against a person (including threats) by treating the person unfavourably in relation to reputation, career, profession, employment or trade; or harassing or intimidating a person; or injuring a person; or damaging a person’s property (see s 39 of the Act).
Disclosable conduct	<p>any of the following:</p> <ul style="list-style-type: none"> (a) conduct of a person that could, if proved— <ul style="list-style-type: none"> (i) be a criminal offence against a law in force in the ACT; or (ii) give reasonable grounds for disciplinary action against the person; (b) action of a public sector entity or public official for a public sector entity that is any of the following: <ul style="list-style-type: none"> (i) maladministration that adversely affects a person’s interests in a substantial and specific way; (ii) a substantial misuse of public funds; (iii) a substantial and specific danger to public health or safety; (iv) a substantial and specific danger to the environment. <p>(see s 8 of the Act)</p>
Discloser	A person who makes a PID by providing information about wrongdoing or suspected wrongdoing. Any person may be a discloser.

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TERM	DEFINITION
Investigating entity	Means the head of an entity. Generally, the function of investigating a disclosure will be delegated, but it is important to recognise that ultimately, the head of an entity is responsible for the way a PID is handled.
MLA	Member of the Legislative Assembly
Protected information	Information about a person that is disclosed to, or obtained by, a person to whom section 44 of the Act applies because of the exercise of a function under the Act by the person or someone else (see s 44 of the Act).
Public Interest Disclosure (PID)	Means a disclosure of information about disclosable conduct (wrongdoing or suspected wrongdoing in the public sector)
Receiving officer	Means a person (e.g. supervisor or manager) who receives a PID, but is not necessarily a Disclosure Officer. Note that receiving officers are not decision makers in relation to PIDs

3. INTRODUCTION

- 3.1 The [Public Interest Disclosure Act 2012](#) (the PID Act) enables anyone to report serious or systemic wrongdoing (referred to as 'disclosable conduct') in an ACT public sector entity or Legislative Assembly entity.
- 3.2 Such a report is termed a public interest disclosure (PID).
- 3.3 The Office of the Legislative Assembly (the Office) encourages the reporting of suspected wrongdoing and will work to ensure that anyone who raises genuine concerns is protected from detrimental action.
- 3.4 This Public Interest Disclosure Procedure (the procedure) aims to provide information to facilitate matters being considered in accordance with the PID Act and to provide advice to persons wishing to make a public interest disclosure about the arrangements that apply.
- 3.5 In developing its procedures in this area, the Office has referred to the Public Sector Standards Commissioner's [Public Interest Disclosure Guidelines 2014](#) (the guidelines). These procedures should be read in conjunction with the guidelines and the PID Act.
- 3.6 The Office has also referred to [continuing resolution 5AA](#) of the Assembly, which establishes the Legislative Assembly Commissioner of Standards to investigate complaints made about the compliance of Members of the Legislative Assembly (MLAs) with the [Members' Code of Conduct](#) or the [rules relating to the registration or declaration of interests](#).
- 3.7 These procedures have been approved by the Clerk and the Public Sector Standards Commissioner under section 33 of the PID Act.

4. WHAT IS A PID?

- 4.1 A PID occurs where a person makes a disclosure in accordance with the PID Act relating to disclosable conduct. Disclosable conduct includes:
- maladministration that adversely affects a person's interests in a substantial and specific way;
 - a substantial misuse of public funds;
 - a substantial and specific danger to public health or safety;
 - a substantial and specific danger to the environment;
 - for a person, regardless of whether the person is a public official for a public sector entity—conduct of, or involving, the person that adversely affects, or could adversely affect, directly or indirectly, the honest and impartial exercise of a function of a public official or public sector entity;
 - for a public official for a public sector entity—conduct of, or involving
 - the exercise of the person's functions as a public official in a way that is not honest or is not impartial;

- a breach of trust as a public official;
- a misuse of information or material acquired in or in relation to the exercise of the person's functions as a public official whether the misuse is for the person's benefit or the benefit of someone else;¹ or
- A conspiracy to, or an attempt to, engage in certain types of conduct (See s 8 of the Act).

4.2 The sorts of conduct or actions that may constitute disclosable conduct include:

- **Unlawful activity**—for example, someone has broken a law or engaged in illegal activity.
- **Corruption**—for example, someone been involved in corrupt behaviour such as bribery, graft, extortion, political manipulation, kickbacks, misappropriation or theft, fraud, abuse of discretion, creating or exploiting a conflict of interest, nepotism or favouritism.
- **Misconduct**—for example, someone has breached section 9 of the [Public Sector Management Act 1994](#) in a way that has significant consequences for their organisation or a third party, or a widespread impact.
- **Maladministration**—for example, action (or inaction) of an entity or public official for an entity that is of a serious nature and is unjust, unreasonable, improperly discriminatory, involves dishonest or fraudulent decisions or is contrary to law, including an act, decision, advice or omission that:
 - does not comply with the law, is inconsistent with relevant legislation, or which violates administrative fairness; or
 - goes against the principles of equity, fairness or equity; or
 - is inconsistent with well established policies or procedures; or
 - demonstrates negligence, or the absence of proper care or attention; or
 - involves excessive use of authority or where authority is used to intimidate, harass or subject someone to unreasonable conditions.
- **Conduct that represents a danger to the health or safety of the community or environment**—for example where someone doing something that will adversely affect people's health or damage the environment?

4.3 A PID may relate to conduct which is suspected to have happened, is currently happening, or that will happen in the future.

5. WHAT IS NOT A PID?

5.1 Not all concerns a person might have will amount to a PID.

5.2 An allegation that is not based on a person's honestly held belief is not a PID (i.e. a false allegation is not a PID). Nor is the disclosure of information relating to a disagreement about a policy concerning amounts, purposes or priorities of public expenditure (see s 7(2) of the Act).

¹ In order to be disclosable conduct for a public official for a public sector entity, the conduct would need to be of such a character that, if proved, it would be a criminal offence against a law in force in the ACT; or give reasonable grounds for disciplinary action.

- 5.3 Matters that affect only the personal or private interests of an individual are unlikely to be a PID. Complaints relating to individual employment and industrial matters, individual allegations of bullying or harassment, personnel matters, individual performance management concerns and individual workplace health or safety concerns would not generally be considered a PID.
- 5.4 Public interest disclosure arrangements are not a mechanism for solving personal grievances. Certain matters may be more appropriately addressed through other complaint handling mechanisms such as internal review or grievance resolution procedures, a workplace inspection or sometimes the Fair Work Commission.
- 5.5 Examples of matters which may not be PID, include:
- industrial matters—for example, an issue relating to overtime, workload or working conditions;
 - individual instances of bullying, harassment or discrimination;
 - conduct of an individual where the consequences do not have a widespread impact;
 - issues relating to underperformance;
 - conduct relating to the exercise of a function or performance of a duty without reasonable care or skill where the consequences are localised; or
 - issues relating to the way performance is managed.

6. COMPLAINT HANDLING MECHANISMS

6.1 If a matter is not a PID, other complaints handling mechanisms are available. These are set out in the following table.

TABLE 1: COMPLAINT HANDLING MECHANISMS

Area	Further information is available from:
ACT Civil and Administrative Appeals Tribunal For reviews of reviewable decisions made under certain legislation	Ph: (02) 6207 1740 ACT Civil and Administrative Appeals Tribunal
ACT Human Rights Commission For complaints relating to children and young people, disability and community services, health services and human rights and discrimination	Ph: (02) 6205 2222 ACT Human Rights Commission
ACT Ombudsman For complaints about an ACT public entity administrative actions and decisions	Ph: 1300 362 072 ACT Ombudsman

Area	Further information is available from:
<p>Public Sector Standards Commissioner</p> <p>For a wide range of issues, especially matters related to <i>the Public Sector Management Act 1994</i> (e.g. ACT entity responsibilities for public servants, administrative actions and decisions)</p>	<p>Ph: (02) 620 50358</p> <p>ACTPublicSectorStandardsCommissioner@act.gov.au</p>
<p>Fair Work Commission</p> <p>In respect of dispute resolution of provisions in the Enterprise Agreement and Unfair Dismissal</p>	<p>Ph: 1300 799 675</p> <p>Fair Work Commission</p>
<p>Fair Work Ombudsman</p> <p>For complaints about contraventions of workplace laws, including enterprise agreements</p>	<p>Ph: 13 13 94</p> <p>Fair Work Ombudsman</p>
<p>Human Rights and Equal Opportunity Commission</p> <p>For complains of discrimination and breaches of human rights</p>	<p>Ph: 1300 656 419</p> <p>Human Rights and Equal Opportunity Commission</p>
<p>Legislative Assembly Commissioner of Standards via the Clerk of the Assembly</p> <p>Complaints relating to compliance with the Members' Code of Conduct or declaration of members' interest requirements by MLAs should be referred to the Commissioner of Standards pursuant to continuing resolution 5AA of the Assembly.</p> <p>Any complaint should be directed to the Clerk in the first instance who will pass on the complaint to the Commissioner.</p>	<p>See continuing resolution 5AA, Standing Orders and continuing resolutions of the Assembly</p> <p>Ph: (02) 62050191</p> <p>tom.duncan@parliament.act.gov.au</p> <p>Clerk PO BOX 1080 Legislative Assembly for the ACT Canberra ACT 2601</p>
<p>Office of the Australian Information Commissioner</p> <p>For complaints about breaches of privacy</p>	<p>Ph: 1300 363 992</p> <p>Office of the Australian Information Commissioner</p>

7. WHO CAN MAKE A PID?

- 7.1 Any person that has a reasonable basis for suspecting that disclosable conduct has occurred is encouraged to make a PID. This includes ACT public sector employees, contractors and others who work with ACT public sector entities, and members of the public.
- 7.2 A person may make a PID even if they are not able to identify a particular person who they believe is responsible for the disclosable conduct.

ANONYMOUS OR IN-CONFIDENCE DISCLOSURES

- 7.3 While the chance of an outcome will be more likely where the identity of a discloser is known, a PID can be made anonymously; for example, via an anonymous phone call or letter.
- 7.4 Where a disclosure is made anonymously, it will not be possible for the decision maker to seek clarification, so it is essential that as much information is provided as possible. In weighing the veracity of any anonymous complaint, decision makers will have regard to the extent to which the allegations made can be independently verified. If enough information is provided, anonymous reports may be inquired into, however it will not be possible to keep the discloser protected or informed about that status of their disclosure.
- 7.5 A disclosure can also be made *in-confidence*, where the discloser asks that they not be revealed as the source of the disclosure. Where a disclosure is made in-confidence, the discloser's identity will not be revealed without that person's consent unless required by law.
- 7.6 However, in some circumstances a discloser's identity may be required by law, for example for a witness of an assault in a workplace. Under Section 21 of the Act, an entity must refer a disclosure to the chief police officer if satisfied on reasonable grounds that the subject of the disclosure involves, or could involve, an offence.
- 7.7 Should an anonymous disclosure be received by an employee of the Office, the employee is required to pass on the disclosure, including the date and time the disclosure was received, to the Disclosure Officer (see paragraph 7.4 below), after which time their role in the process ceases (See s 15 (c) of the Act).

8. HOW SHOULD A PID BE MADE?

- 8.1 A PID may be made orally or in writing—there is no prescribed form.
- 8.2 In making a disclosure, a discloser should provide a level of detail that is sufficient to enable investigation of the matter that is alleged. This would typically include the main facts, dates and times, and steps already taken to resolve the problem.
- 8.3 While disclosures can be made over the phone, in order that all relevant information is properly considered, disclosers are encouraged to provide the details of a matter in a letter or email.
- 8.4 The Office has two Disclosure Officers who have special responsibility for dealing with PIDs. These are:
- the Clerk of the Legislative Assembly—02 6205 0191; and
 - the [Director, Office of the Clerk](#)—02 6205 0018.
- 8.5 PID matters can be presented to the Office by:

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- email (via the Office's central email): pid@parliament.act.gov.au;
- phone (02 6205 0191 or 02 6205 0018);
- mail (via the general mail address): Public Interest Disclosure Officer, GPO Box 1020, Civic Square ACT 2602; or
- contacting an Office staff member, including one of the Disclosure Officers, in person.

8.6 A PID may be referred to another ACT public sector entity with an investigative function if the Clerk considers that the PID is more appropriately managed (or investigated) by that entity.

9. OTHER DISCLOSURE OFFICERS

9.1 Where a PID matter relates to an ACTPS entity (that is, the public service, a territory authority, a territory owned corporation, a subsidiary of a territory-owner corporation; a territory instrumentality; a statutory office-holder), a disclosure can be made to the following disclosure officers:

- the Public Sector Standards Commissioner;
- the Head of Service;
- the Auditor-General;
- the Ombudsman;
- the head of an ACTPS entity; or
- Disclosure Officers for ACTPS entities.

9.2 Where a PID matter relates to a Legislative Assembly entity (that is, an MLA, the Office of the Legislative Assembly, a person employed under the [Legislative Assembly \(Members' Staff\) Act 1989](#); an Officer of the Assembly), a disclosure can be made to the following disclosure officers:

- the Clerk of the Legislative Assembly;
- the Auditor-General;
- the Ombudsman;
- a Disclosure Officer of the Office of the Legislative Assembly (see paragraph 7.4), or the Audit Office, or the Electoral Commissioner.

10. AN INADVERTENT PID

10.1 A disclosure may be made without the discloser asserting that the disclosure is made under the PID Act. For example, a disclosure may be made inadvertently during a casual conversation without the person claiming that the information is provided as a disclosure (see s 16(1)(c) of the Act).

10.2 Even though Office staff may not be directly involved, nonetheless they may have inadvertently overheard or witnessed wrongdoing. In these instances, Office staff must report these matters to a supervisor or a Disclosure Officer.

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10.3 Staff, supervisors and managers of the Office to whom possible PIDs are reported are receiving officers. Receiving officers are not responsible for making a decision on a PID. However, they must pass the information on to a Disclosure Officer.

11. PROTECTION FOR A DISCLOSER

11.1 Under the Act, a person who acts honestly and reasonably in making a disclosure (the discloser) receives protection from reprisal that results from the disclosure (reprisal is called **detrimental action** in the Act).

11.2 Under the Act, all ACT public sector employees (employees) are required to report any fraudulent, corrupt or maladministration that comes to their attention. An employee, a contractor, employee of a contractor, volunteer exercising a function of the entity, or a person prescribed by regulation who makes a disclosure is not liable under the Act to administrative action, including disciplinary action or dismissal due to a disclosure having been made.

11.3 If a person makes a disclosure, they will not incur civil or criminal liability only because of the making of the disclosure. A disclosure is not:

- a breach of confidence; or
- a breach of professional etiquette or ethics; or
- a breach of a rule of professional conduct; or
- if the disclosure is made in relation to a member of the Legislative Assembly—a contempt of the Assembly.

11.4 If a person retaliates against the discloser by directly or indirectly punishing them for reporting information, they will be held accountable for their behaviour.

11.5 There can be serious consequences for reprisals. Under s 40 of the Act, a person who takes detrimental action has committed an offence punishable by fine and/or imprisonment for up to one year. This person may also be pursued for damages in court (s 41).

11.6 Examples of detrimental action include:

- intimidating or harassing the discloser;
- damaging or taking the discloser's property;
- disadvantaging the discloser in relation to their career, employment, trade or business;
- threats of any of the above; or
- deliberately causing financial loss to the discloser.

11.7 If a disclosure is made in good faith but turns out to be untrue, the discloser is still entitled to protection under the Act.

11.8 Vexatious disclosures may be investigated. However, where a person makes a disclosure vexatiously, they may lose the protections provided in the Act.

11.9 A person who believes they have suffered detrimental action because of a public interest disclosure may refer the matter to the Office's Disclosure Officer. As a general rule, the Office will refer details of the alleged detrimental action to the Public Sector Standards Commissioner in accordance with Part 6 of the PID Act.

12. PUBLIC INTEREST DISCLOSURES RELATING TO LEGISLATIVE ASSEMBLY ENTITIES

12.1 The Act defines Legislative Assembly Entities as:

- a Member of the Legislative Assembly;
- the Office of the Legislative Assembly;
- a person employed under the [Legislative Assembly \(Members' Staff\) Act 1989](#); and
- an officer of the Assembly (currently the Auditor-General and the ACT Electoral Commission).

12.2 Discloser officers for Legislative Assembly entities are:

- the Clerk of the Legislative Assembly;
- the Auditor-General;
- the Ombudsman; or
- disclosure officers declared by the head of a Legislative Assembly Entity.

12.3 A public interest disclosure that is directed to the Office of the Legislative Assembly and which relates to: a Member of the Legislative Assembly²; a staff member of an MLA; or the Office of the Legislative Assembly will be assessed by the Clerk of the Legislative Assembly.

12.4 The Clerk must do one of the following:

- Investigate the disclosure (see s 12 of the Act);
- if the Clerk reasonably believes that the public interest disclosure is more appropriately investigated by a public sector entity that has a function or power to investigate, the disclosure may be referred to that entity; or
- decide not to investigate the public interest disclosure.

12.5 Where a public interest disclosure is made in relation to alleged disclosable conduct on the part of the Clerk, the disclosure may be referred to the Head of Service.

² The Legislative Assembly has appointed a Commissioner of Standards to investigate complaints about a Member's compliance with the Members' Code of Conduct (See [continuing resolution 5](#)). A person wishing to provide information about a matter may wish to consider whether the Assembly Commissioner of Standards is an appropriate alternative to the PID process.

Details about the Commissioner of Standards can be found at [continuing resolution 5AA of the Standing orders and continuing resolutions of the Assembly](#).

13. DECISION NOT TO INVESTIGATE A PUBLIC INTEREST DISCLOSURE

13.1 In the following circumstances, the Clerk may decide not to investigate a public interest disclosure:

- If the Clerk reasonably assesses that the matter giving rise to a disclosure relates to a Member's compliance with the Members' Code of Conduct or requirements relating to the declaration of members' interests, the Clerk may refer the disclosure to Legislative Assembly Commissioner of Standards pursuant to [continuing resolution 5AA](#) of the Legislative Assembly. **Where this occurs the matter will, from that point forward, no longer be treated as a public interest disclosure under the Act, but as a matter falling within the jurisdiction of the Assembly.** A discloser will be notified where the Clerk determines to refer a disclosure to the Commissioner of Standards.
- the discloser has withdrawn the public interest disclosure and the Clerk is reasonably satisfied that there are no further matters in the disclosure that warrant investigation; or
- the discloser has not provided their name and contact details and the Clerk is reasonably satisfied that the lack of information makes it impracticable to investigate the disclosure; or
- the Clerk is reasonably satisfied that the disclosed information is wrong in a material way and investigation of the disclosure is not warranted; or
- the Clerk is reasonably satisfied that the age of the disclosed information makes it impracticable for the disclosure to be investigated; or
- the Clerk is reasonably satisfied that the substance of the disclosure has already been investigated under the PID Act or another law in force in the ACT; or
- the Clerk is reasonably satisfied that an investigation would infringe the privileges of the Legislative Assembly; or
- there is a more appropriate way reasonably available to deal with the disclosable conduct described in the disclosure.

13.2 Additionally, the Clerk may decide not to investigate a public interest disclosure if:

- the Clerk asks the discloser for assistance to investigate the disclosure; and
- the discloser fails, without reasonable excuse, to give the assistance; and
- the Clerk is reasonably satisfied that the lack of assistance makes it impracticable to investigate the disclosure.

13.3 The Clerk must refer the disclosure to the Chief Police Officer for the ACT if satisfied on reasonable grounds that the disclosable conduct that is the subject of the disclosure involves, or could involve, an offence.

13.4 Where the Clerk has referred a public interest disclosure to another entity, that investigating entity must keep the Clerk informed of actions associated with the public interest disclosure.³ This includes:

- if the investigating entity decides not to investigate the disclosure, or to end the investigation of the disclosure:
 - the grounds for the decision; and
 - the reasons for making the decision on each ground.
- if the investigating entity has decided to investigate the disclosure, the progress and outcome of the investigation.

3.1 The Clerk must tell the discloser about:

- the referral of the public interest disclosure to the Legislative Assembly Commissioner of Standards or another public sector entity for investigation;
- any decision not to investigate the public interest disclosure, or to end the investigation, including being advised of the:
 - ground(s) for the decision; and
 - reasons for making the decision on each ground;
- the progress of the investigation of the public interest disclosure at least once every three months;
- the outcome of the investigation; and
- the referral of the public interest disclosure to the Chief Police Officer for the ACT.

13.5 Exceptions to these requirements are if the discloser remains anonymous or has asked in writing not to be kept informed about actions taken in relation to the public interest disclosure.

14. TAKING ACTION

14.1 Where the Clerk believes on reasonable grounds that disclosable conduct has occurred, is likely to have occurred or is likely to occur, the Clerk must taken action to:

- prevent the disclosable conduct continuing or occurring in the future; and
- if the investigation of the public interest disclosure has been completed—discipline any person responsible for the disclosable conduct (See s 24 of the Act).

14.2 The Clerk must tell the discloser about any action taken or proposed to be taken.

³ This does not apply in relation to matters referred to the Legislative Assembly Commissioner of Standards.

15. WHAT CAN A DISCLOSER DO IF THEY THINK THEIR PID HAS NOT BEEN HANDLED PROPERLY

15.1 If a discloser is dissatisfied with the outcome of an investigation, the Public Sector Standards Commissioner is able to review an investigation or any aspect of the handling of a PID. Additionally, the Ombudsman may look into any matter dealt with under the PID Act.

16. PUBLIC INTEREST DISCLOSURES RELATING TO OTHER PUBLIC SECTOR ENTITIES

16.1 A public interest disclosure relating to a public sector entity that does not relate to a MLA, a person employed under the Legislative Assembly (Members' Staff) Act, or the Office of the Legislative Assembly is to be investigated by the head of the entity to which the disclosure relates. However, there are exceptions.

16.2 If a public interest disclosure relating to a public sector entity other than the Office is received by the Disclosure Officer, as soon as possible a copy of the disclosure must be given to:

- the head of the public sector entity to which the disclosure relates;
- the Public Sector Standards Commissioner; and
- for a disclosure that relates to an administrative unit—the Head of Service.

16.3 If the disclosure relates to the Head of Service, a Disclosure Officer must, as soon as possible, give a copy of the disclosure to the Ombudsman.

16.4 If the disclosure relates to the Clerk, a Disclosure Officer must, as soon as possible, give a copy of the disclosure to the Head of Service.

16.5 A Disclosure Officer need not give a copy of the public interest disclosure to the person if doing so is likely to adversely affect a person's safety or an investigation relating to the disclosure. However, this does not apply where the referral of a disclosure to the Chief Police Officer is required pursuant to s 21 of the PID Act.

16.6 The Office will liaise with the entity to which the disclosure relates on the conduct and outcome of the investigation, and will inform the Public Sector Standards Commissioner of that advice.

17. CONFIDENTIALITY OF INFORMATION

- 17.1 As a matter of practice, appropriate management of the information in a disclosure is an important way of limiting the possibility of detrimental action against a person making the disclosure.
- 17.2 The Office will take appropriate steps to maintain the confidentiality of information concerning a public interest disclosure, including information about the identity of the person who has made a disclosure, or against whom a disclosure has been made.
- 17.3 All relevant documentation and files will be classified, stored and filed as 'Sensitive' in the Office's records and information management system (OLARIS) with restricted access controls applied.

18. WHEN CAN A PID BE MADE TO A JOURNALIST OR MEMBER OF THE LEGISLATIVE ASSEMBLY?

- 18.1 A discloser may make a PID to a journalist or a Member of the ACT Legislative Assembly, under the following circumstances:
- where the entity to which a PID is made refuses or otherwise fails to look into a PID;
 - where the entity agrees someone has acted inappropriately but the entity does not act to address the problem; or
 - when the discloser has not been told about progress of their PID within the statutory timeframe.
- 18.2 Disclosures made in this way, under these specific circumstances, will be provided with protections under the Act. Where the Office of the Legislative Assembly fails in its duty to manage a PID according to the requirements of the PID Act, a person may be entitled to make their PID public. However, a discloser should be aware that should the disclosure fail to constitute a PID, they will not be provided with the protections available under the PID Act.
- 18.3 If a person considers that the conduct involves many people or is so deeply embedded in the culture of the Office and for this reason making an internal PID may be detrimental to a discloser's health or wellbeing, they should inform the Public Sector Standards Commissioner or the ACT Ombudsman.

19. OVERVIEW OF THE PROCESS

19.1 Below is an outline of the PID process

Table 2: Outline of the PID process.

<p>Receive</p>	<ul style="list-style-type: none"> • Discloser formally makes disclosure to discloser officer; or • Disclosure officer formally receives disclosure from a receiving officer (receiving officer must provide the disclosure to the Disclosure Officer immediately). • Disclosure officer must notify discloser within three months after the day the disclosure was made whether the disclosure will be investigated or dealt with under the PID Act 	<p>Receiving or Disclosure Officer</p>
<p>Acknowledge</p>	<ul style="list-style-type: none"> • Disclosure officer sends letter of acknowledgement 	<p>Disclosure officer/Clerk</p>
<p>Initial assessment</p>	<ul style="list-style-type: none"> • Refer—where the Disclosure Officer believes the disclosure is better handled by another ACTPS entity, the matter should be referred. • Assess—the Disclosure Officer decides where the disclosure is a PID. IF the disclosure is assessed to be a PID, it must be investigated. If not, this decision ends the process. • Investigate—If the disclosure is assessed to be a PID, the Disclosure Officer determines whether they should investigate internally or oversee an external investigation. • Not investigate—in certain circumstances the Disclosure Officer may decide not to investigate a PID (s 20). This decision ends the process. • Manage the process—The Disclosure Officer must also track and manage the process from problem to solution, and to notify parties 	
<p>Investigate</p>	<ul style="list-style-type: none"> • Once the discloser has been notified that an investigation will be undertaken, the Disclosure Officer must update them about the progress of the investigation every three months. 	
<p>Final decision</p>	<ul style="list-style-type: none"> • The Clerk or their delegate makes a decision about what to do in response to the disclosure, based on the recommendation of the investigation. The Office must take action (s 24). The Disclosure Officer must document the decision. 	
<p>Report</p>	<ul style="list-style-type: none"> • Relevant information is compiled for the Office’s annual report 	<p>Commissioner</p>
<p>Review (where required)</p>	<ul style="list-style-type: none"> • The Public Sector Standards Commissioner can review any action taken or proposed to be taken in relation to a PID and may review the decision by an investigating entity to refuse to investigate a PID or end an investigation 	

[Text alternative for “Outline of the PID process”](#)

20. REPORTING

20.1 The Office will include in its annual report the following information:

- number of PIDs made;
- number of investigations carried out;
- number of investigations completed; and
- average time taken for completed investigations.

APPENDIX

ALTERNATIVE TEXT FOR *OUTLINE FOR PID PROCESS*

Each stage below includes the responsible officer and the tasks undertaken.

1. Receive

Receiving or Disclosure Officer

- Discloser formally makes disclosure to discloser officer; or
- Disclosure officer formally receives disclosure from a receiving officer (receiving officer must provide the disclosure to the Disclosure Officer immediately).
- Disclosure officer must notify discloser within three months after the day the disclosure was made whether the disclosure will be investigated or dealt with under the PID Act

2. Acknowledge

Disclosure officer/Clerk

- Disclosure officer sends letter of acknowledgement

3. Initial assessment

Disclosure officer/Clerk

- Refer—where the Disclosure Officer believes the disclosure is better handled by another ACTPS entity, the matter should be referred.
- Assess—the Disclosure Officer decides where the disclosure is a PID. IF the disclosure is assessed to be a PID, it must be investigated. If not, this decision ends the process.
- Investigate—If the disclosure is assessed to be a PID, the Disclosure Officer determines whether they should investigate internally or oversee an external investigation.
- Not investigate—in certain circumstances the Disclosure Officer may decide not to investigate a PID (s 20). This decision ends the process.
- Manage the process—The Disclosure Officer must also track and manage the process from problem to solution, and to notify parties

4. Investigate

Disclosure officer/Clerk

- Once the discloser has been notified that an investigation will be undertaken, the Disclosure Officer must update them about the progress of the investigation every three months.

5. Final decision

Disclosure officer/Clerk

- The Clerk or their delegate makes a decision about what to do in response to the disclosure, based on the recommendation of the investigation. The Office must take action (s 24). The Disclosure Officer must document the decision.

6. Report

Relevant information is compiled for the Office's annual report

7. Review (where required)

Commissioner

- The Public Sector Standards Commissioner can review any action taken or proposed to be taken in relation to a PID and may review the decision by an investigating entity to refuse to investigate a PID or end an investigation

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