



Independent Health and Aged Care Pricing Authority

Public Interest Disclosure Procedures

July 2025

CEO endorsement

I, Professor Michael Pervan, Chief Executive Officer and Principal Officer of the Independent Health and Aged Care Pricing Authority (IHACPA), establish these procedures under section 59 of the *Public Interest Disclosure Act 2013*.

These procedures support IHACPA's commitment to encouraging and facilitating the disclosure of suspected wrongdoing, supporting and protecting disclosers, and ensuring disclosures are effectively managed and investigated.

These procedures take effect upon signature.

A handwritten signature in black ink, appearing to read 'M. Pervan', is positioned above the date and name.

17 July 2025

Professor Michael Pervan
Chief Executive Officer
Independent Health and Aged Care Pricing Authority

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1. Overview

The *Public Interest Disclosure Act 2013* (Cth) (the PID Act) promotes integrity and accountability in the Commonwealth public sector.

The objectives of the PID Act are to:

- encourage the making of public interest disclosures (PIDs) by public officials and former public officials
- ensure that public officials and former public officials who make PIDs are supported and protected from any adverse consequences relating to the disclosures; and
- ensure that disclosures by public officials are properly investigated and dealt with expediently
- ensure that authorised officers refer serious or systemic corruption to the National Anti-Corruption Commission

Section 59(3) of the PID Act requires the Chief Executive Officer (CEO) (as IHACPA's Principal Officer) to establish, by instrument in writing, procedures for facilitating and dealing with PIDs relating to IHACPA.

These procedures assist in providing education to public officials about the PID Act by:

- explaining what a PID is
- how current and former employees (including contractors) can make a PID
- establishing appropriate processes for assessment, allocation and investigation of PIDs
- ensuring employees and those assisting with handling a PID are made aware of procedures and protections offered under the PID Act
- establishing processes for managing the risk of reprisal; and
- making officials aware of their roles and responsibilities.

A public interest disclosure is a disclosure by a public official of suspected wrongdoing in the Commonwealth public sector. Public officials include current or former Commonwealth public sector employees, contracted service providers and officers and employees of contracted service providers and other public officials including the members of the Pricing Authority, the CEO and IHACPA committee members.

IHACPA employees may make PIDs to their manager or supervisor, to an Authorised Officer, or in certain circumstances, to the Commonwealth Ombudsman. However, they are encouraged to make PIDs to an Authorised Officer in the first instance, rather than their supervisor or manager.

The CEO as Principal Officer is automatically considered an Authorised Officer. Additionally, the CEO can appoint other IHACPA employees as Authorised Officers. IHACPA's appointed Authorised Officer is the Executive Director, Legal and Corporate Services.

Authorised Officers are responsible for the management of PIDs in accordance with the PID procedures, including deciding whether any disclosures should be investigated or whether these disclosures should be referred to another agency for possible investigation.

Where the CEO is referred to in these PID Procedures, it should be understood as including a reference to the persons who may be delegated [powers of the Principal Officer](#) under the PID Act from time to time.

Officers with responsibilities under the PID Act also have obligations under the *National Anti-Corruption Commission Act 2022* (NACC Act). They must refer certain issues to the National Anti-Corruption Commission (NACC) so the Commissioner of the NACC (NACC Commissioner) can decide whether or not to investigate. These obligations are called

mandatory referral obligations. They are separate from the ability to make voluntary referrals under the NACC Act.

1.1 Review

These procedures will be reviewed at least every two years by the Executive Director, Legal and Corporate but may be reviewed more frequently if required.

2. Key Elements

2.1 What is a public interest disclosure?

A public interest disclosure (PID) is a disclosure by a current or former public official of suspected wrongdoing in the Commonwealth public sector. The PID Act recognises five types of public interest disclosures:

- a. internal disclosures
- b. external disclosures
- c. emergency disclosures
- d. legal practitioner disclosures
- e. certain NACC disclosures.

Internal disclosures are the focus of these procedures.

These procedures do not apply to external, emergency or legal practitioner disclosures, unless subsequently allocated to IHACPA. A person considering make a disclosure other than an internal disclose should consider seeking legal advice about the application of the PID Act to their circumstances, including whether the disclosure can be made in a way that attracts the protections of the PID Act.

A disclosure will be an **internal disclosure** if it meets the following requirements:

- a. it is made by a current or former 'public official'
- b. the information is disclosed to an appropriate person (generally, their supervisor or manager, CEO or the Authorised Officer)
- c. the information disclosed tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of 'disclosable conduct'; and
- d. the disclosure is not made in the course of performing the discloser's ordinary functions as a public official.

Under section 23 of the NACC Act, a person makes a **NACC disclosure** if the person:

- refers, or provides other information about, a corruption issue to the NACC Commissioner or the Inspector-General of Intelligence and Security (**IGIS**) under Part 5 of the NACC Act
- refers, or provides other information about, a NACC corruption issue to the Inspector under sections 202 or 203 of the NACC Act; or
- gives evidence or information, or produces a document or a thing, to the NACC Commissioner, the IGIS or the Inspector in relation to a corruption issue, a NACC Act process, a NACC corruption issue or a complaint made in relation to NACC.

In practice, a NACC disclosure may include:

- a person who voluntarily refers a corruption issue to the NACC Commissioner under section 32 of the NACC Act, regardless of whether the person is a public official

- agency heads who refer corruption issues to the NACC Commissioner or the IGIS under sections 33 or 34 of the NACC Act
- employees with functions under the PID Act such as Authorised Officers who refer corruption issues to the NACC Commissioner under section 35 of the NACC Act
- persons who provide evidence to the NACC Commissioner during a corruption investigation or public inquiry, whether voluntarily or in response to a notice to produce or a summons; and
- persons who make equivalent referrals, make complaints, or provide equivalent evidence to the Inspector in relation to NACC corruption issues, NACC corruption or complaint investigations.

A NACC disclosure will also be a PID in certain circumstances. Section 26(1A) of the PID Act provides that a disclosure of information is also PID if:

- the disclosure is made by a person who is, or has been, a public official; and
- 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; and
- the disclosure is a NACC disclosure.

2.2 Who is a public official?

The term 'public official' is defined in section 69 of the PID Act. Public officials include current or former Commonwealth public sector employees, contracted service providers and officers and employees of contracted service providers and other public officials including the members of the Pricing Authority, the CEO and IHACPA committee members.

An Authorised Officer can also determine, pursuant to section 70 of the PID Act, that an individual is deemed to be a public official for the purposes of the PID Act if they reasonably believe the individual has information that concerns disclosable conduct and the individual has disclosed, or proposes to disclose, the information to an Authorised Officer.

Can someone who is not a public official make a disclosure?

If a person who is not, and has not been, a 'public official' wishes to make a disclosure relating to the IHACPA under the PID Act, they should contact an Authorised Officer of IHACPA to request that the Authorised Officer consider making a determination under section 70 of the PID Act.

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. If the Authorised Officer's decision is to decline the request to make a determination under section 70, they must also give the discloser the reason(s) for their decision.

2.1 Who are IHACPA's Authorised Officers

The following people are Authorised Officers of IHACPA

- the CEO (who is also the Principal Officer) and
- any IHACPA employee appointed in writing as an Authorised Officer for the purposes of the PID Act.

A list of Authorised Officers appointed by the CEO can be found at Appendix A.

2.2 What types of disclosable conduct can be reported?

Section 29 of the PID Act outlines the definition of disclosable conduct. In summary, disclosable conduct is conduct engaged in by an agency, a public official or by a contracted service provider for a Commonwealth contract (in connection with entering into, or giving effect to, that contract) that:

- contravenes a Commonwealth, state or territory law
- occurred in a foreign country and contravenes a law in force in that country that applies to that agency, public official or contracted service provider and that corresponds to a law in force in New South Wales.
- is corrupt
- perverts, or attempts to pervert, the course of justice or involves corruption of any other kind
- constitutes maladministration, including conduct that is based on improper motives, is oppressive or negligent
- is an abuse of public trust
- is fabrication, falsification, plagiarism or deception in relation to scientific research or misconduct in relation to scientific analysis, evaluation or advice
- results in waste of public money or public property or the money or property of a prescribed authority; or
- unreasonably endangers or increases the risk of danger to the health and safety of a person(s) or the environment.
- is prescribed by the PID Rules
- involves abuse of the public official's position or could, if proved, give reasonable grounds for disciplinary action resulting in the termination of the official's engagement or appointment.

If a disclosure includes information that tends to show (or that may tend to show) disclosable conduct, the disclosure is not prevented from being a PID only because:

- a. the disclosure includes other information, and
- b. the other information tends to show (or may tend to show) personal work-related conduct.

It does not matter whether:

- the disclosable conduct occurred before or after 15 January 2014 (which is the date of the commencement of section 29 of the PID Act). However, if the disclosable conduct has already been addressed via another process, the CEO may determine that an investigation under these procedures is not required, or
- 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. However, it is necessary that they carried out the conduct in connection with their position as a public official.

2.3 What is not disclosable conduct?

As set out in section 31 of the PID Act, conduct is not 'disclosable conduct' if it relates only to a disagreement with:

- a policy or proposed policy of the Commonwealth Government; or
- action that has, or is being, or is proposed to be, taken by a Minister, the Speaker of the House of Representatives, or the President of the Senate; or

- amounts, purposes or priorities of expenditure or proposed expenditure relating to such a policy or proposed policy, or such action or proposed action.

2.3.1 Personal work-related conduct

The PID Act provides that personal work-related conduct (section 29A) is not disclosable conduct. Personal work-related conduct is conduct engaged in by one public official in relation to another public official that has personal implications for the second official. The conduct must have occurred in relation to the second official's engagement or appointment and/or in the course of their employment or exercise of their functions and powers as a public official. It includes, but is not limited to, conduct relating to:

- interpersonal conflict such as bullying or harassment
- changing a person's duties
- disciplinary action
- adverse decisions about promotion or temporary acting arrangements
- terms and conditions of engagement or appointment
- suspension or termination
- actions that could be reviewed under section 33 of the *Public Service Act 1999* or comparable processes relating to terms or conditions of engagement or appointment.

Personal work-related conduct will be disclosable conduct where the conduct:

- amounts to reprisal action
- is of such a significant nature that it would undermine public confidence in an agency, or
- has other significant implications for an agency.

Excluding personal work-related conduct from the scope of disclosable conduct recognises that personal work-related conduct is often dealt with more effectively under other frameworks, as distinct from the PID Act, which is focused on significant integrity wrongdoing.

3. Making a Public Interest Disclosure

3.1 Making an internal disclosure to IHACPA

A PID relating to the IHACPA may be made

- verbally or in writing.
- anonymously or openly, and
- with or without the discloser asserting that the disclosure is made for the purposes of the PID Act – a PID may be made even without the discloser knowing about the PID Act.

IHACPA employees (including contractors) may make PID to their manager or their supervisor, or to an Authorised Officer, or in certain circumstances, to the Commonwealth Ombudsman (Ombudsman).

IHACPA employees are encouraged to make PIDs to an Authorised Officer in the first instance, rather than a supervisor or manager.

Where a disclosure is made to the discloser's supervisor, the supervisor is required to inform the discloser of the PID process and forward the disclosure to an Authorised Officer if the

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supervisor has reasonable grounds to believe that the information disclosed concerns, or could concern, disclosable conduct.

The information contained in a PID should be:

- clear, factual and avoid speculation (as much as possible), personal attacks and emotive language
- contain supporting evidence where that is available to the discloser and should, where possible, identify any witnesses to the disclosable conduct.

To help the Authorised Officer to determine whether the PID is an internal disclosure, the information provided by a discloser should include:

- a subject line that makes reference to it being a PID (if written)
- the discloser's name and contact details (this is optional)
- information that will assist the Authorised Officer to assess whether the discloser is a 'public official' (for example, that the discloser is a current or former employee of the IHACPA)
- any supporting documents and/or any information about witnesses
- details of the following matters:
 - the conduct the discloser believes amounts to the disclosable conduct identified
 - who was involved in the conduct
 - when and where the conduct occurred
 - any relevant background information, including whether the conduct has been investigated in another forum or previously
- whether the discloser or anyone else has done anything in relation to the described conduct
- whether anyone else is aware of the described conduct
- the type of 'disclosable conduct' the discloser wishes to disclose (that is, which of the categories of conduct set out in section 29 of the PID Act is relevant); and
- if the discloser considers the alleged wrongdoing could also be considered corrupt conduct.

A potential discloser should not investigate a matter themselves before making a disclosure, however a discloser has a responsibility to provide reasonable help as required during any investigation.

Once a PID has been made, it cannot be "withdrawn". However, 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 CEO. The CEO may nonetheless be required under the PID Act to investigate (or to continue investigating) the disclosure.

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.

A manager, supervisor or Authorised Officer who receives a disclosure of disclosable conduct from a current or former public official must deal with the disclosure in accordance with the PID Act, in accordance with the PID Standard and in accordance with these procedures.

3.2 Anonymous disclosures

If preferred by the discloser, the matter may remain anonymous, or the discloser may be referred to by a pseudonym. Remaining anonymous means that the discloser does not identify themselves at any stage to anyone, including to the officer who receives the disclosure.

IHACPA will investigate disclosures made anonymously whenever possible. However, IHACPA retains the right not to investigate the matter if necessary information cannot be sought from an anonymous discloser.

Disclosers should consider identifying themselves to an Authorised Officer, or at least provide a means of contact to assist the Authorised Officer in carrying out an effective investigation of their disclosure, for the following reasons:

- the PID Act requires agencies to keep a discloser's identity confidential, subject to limited exceptions including the discloser's consent
- it will be difficult to ensure protection from reprisal if the agency does not know the discloser's identity
- a discloser who does not provide a means of contact cannot be updated on the progress of the matter, including the outcome of the investigation.

A discloser who has made an anonymous disclosure may come forward at any stage to disclose their identity and seek protections under the PID Act.

4. Support, protected information and reprisals

4.1 Support for disclosers and employees subject to an allegation

IHACPA encourages and supports the reporting of suspected wrongdoing by public officials in accordance with the PID Act.

IHACPA will take reasonable steps to support persons who have made a disclosure under the PID Act relating to IHACPA, and to protect them from detriment or threats of detriment relating to the disclosure. IHACPA will also take reasonable steps to support any employee who is the subject of a PID.

Support for disclosers and employees that are the subject of the allegations may include taking one or more of the following actions:

- providing information about their rights and obligations under the PID Act
- providing information about investigation procedures and any other relevant matter including (such as right to procedural fairness)
- providing updates on the progress of the investigation
- providing information on the availability of the Employee Assistance Program
- where there are concerns about their health and wellbeing, liaising with the Department of Health, Disability and Ageing's officers responsible for work health and safety
- transferring to a different area within the workplace or approving remote working (with their consent).

A support person may be appointed to the discloser. A support person would be somebody who is not the Authorised Officer or the investigator, and whose role may be to check in regularly on the discloser's wellbeing (with their consent). It is not expected that the support person will provide psychological counselling however they may help the person to identify other professional supports.

4.2 Protection of information and confidentiality

Confidentiality will be maintained as far as reasonably possible in the handling of disclosures by IHACPA.

Under the PID Act, a person commits an offence if they disclose or use information that is likely to enable the identification of the discloser as a person who has made a PID (that is, 'identifying information') unless the discloser consents or has acted in a way that is inconsistent with keeping their identity confidential, the identifying information has already been lawfully published, or the disclosure or use of the identifying information:

- is for the purposes of the PID Act;
- is required under another Commonwealth law or a prescribed State or Territory law; or
- is in connection with the Ombudsman's functions under section 5A of the *Ombudsman Act 1976* (Cth) or the IGIS's functions under section 8A of the *Inspector-General of Intelligence and Security Act 1986* (Cth).

The steps that IHACPA may take in order to protect a discloser's identity include:

- limiting the number of people who are aware of the discloser's identity or information that would tend to identify them
- reminding each person who has the information regarding the identity of the discloser that they should keep it confidential and that its unauthorised disclosure may be a criminal offence
- assessing whether anyone who is aware of the discloser's identity may have a motive to take reprisals against the discloser or impede the progress of the investigation, and monitor the situation; and
- ensuring the discloser can communicate with a support person, the Authorised Officer or investigator without alerting other employees.

Any investigation of a PID must be conducted in as confidential a manner as is possible. Any interviews conducted with the discloser should be conducted in private.

The CEO is authorised under the PID Act to provide information in relation to a disclosure to the Principal Officer of another agency if the information is considered to be relevant to the destination agency's functions. The sharing agency may delete any material from the information to be provided if the sharing agency considers it appropriate to do so. The discloser's name and contact details will not be provided to the recipient agency if the discloser does not consent.

Disclosers should also refrain from discussing the details of their disclosure under the PID Act with anyone who does not have a need to know. Discussions with these people will not be protected by the PID Act.

4.3 Protected information

IHACPA officials may be subject to statutory secrecy obligations under various pieces of legislation including, but not limited to:

- *National Health Reform Act 2011* (Cth)
- *Aged Care Act 1997* (Cth)

Secrecy provisions

Secrecy provisions generally restrict the use, disclosure or recording of information which a public official obtains in the course of their duties. A breach of statutory secrecy provisions may attract criminal penalties, including imprisonment.

Notwithstanding the above, the disclosure, recording or use of information which is the subject of a Commonwealth secrecy provision is permitted under certain circumstances as outlined in the section 75 of the PID Act, namely

- a. where the disclosure, recording or use of information is:
 - i. in connection with the conduct of a disclosure investigation
 - ii. for the purposes of the performance of the functions, or the exercise of the powers, conferred on a person by Part 3 or section 61 or 65 of the PID Act; or
 - iii. in connection with giving a person access to information for the purposes of, or in connection with, the performance of the functions, or the exercise of the powers, conferred on the person by Part 3 or section 61 or 65; and
- b. where the disclosure, recording or use is not:
 - i. contrary to a designated publication restriction; and
 - ii. in relation to information which is the subject of a secrecy provision which is enacted after the commencement of section 75 of the PID Act and expressed to take effect despite section 75 of the PID Act.

IHACPA officials or personnel who are involved in a PID process should consider the extent to which they are subject to a secrecy provision, and whether any disclosure, use, or recording of the information as part of a PID process is permitted under section 75 of the PID Act.

To the extent any use, disclosure or recording of information which is the subject of a secrecy provision does not fall within the circumstances in section 75 of the PID Act, individuals should:

- a. minimise the scope and extent of personal information used or disclosed to that information necessary to meet the requirements of the PID Act; and
- b. redact any information the disclosure, recording or use of which is prohibited by secrecy provisions.

4.4 Immunity from liability

A person who makes a PID, or a person who provides assistance in relation to PID, including witnesses are not subject to any civil, criminal or administrative liability (including disciplinary action).

Even if the disclosed information turns out to be incorrect, cannot be substantiated, or discretion is exercised not to investigate (or not to further investigate) the disclosed information, a discloser will receive the immunities under the PID Act.

This does not apply if a person who makes a PID or provides assistance in relation to a PID:

- knowingly making a false or misleading statement
- knowingly contravenes a designated publication restriction
- particular offences under the Criminal Code
- their own conduct (the immunity only relates to the act of providing assistance in relation to the PID).

The details of the immunity from liability for disclosers, persons that provide assistance including witnesses are set out in sections 10, 11, 11A and 12, 12A and 12B of the PID Act.

The CEO, the Authorised Officer, a supervisor or manager are not liable to any civil, criminal or administrative liability (including disciplinary action), for or in relation to any act or matter done or omitted to be done, in good faith in the performance, or any function of s 78 of the PID Act.

A public official (or former public official) who makes a PID that is subsequently mandatorily referred to the NACC will not be protected under the NACC Act as the protections are for persons who make NACC disclosures. However, they will continue to be protected under the PID Act.

The situation is different for a public official (or former public official) who makes a voluntary referral to the NACC Commissioner. They will be shielded by the protections and immunities established by the NACC Act and the PID Act. This is because, under section 26(1A) of the PID Act, a NACC disclosure is a type of PID as long as it was made by a current or former public official and the information disclosed tends to show disclosable conduct. In this way, a person who makes a voluntary referral to NACC will be protected under both the NACC Act and the PID Act in respect of that disclosure, regardless of whether they make a PID internally or a NACC disclosure.

4.5 Protection against reprisal action

A key protection for disclosers under the PID Act is that it is an offence to take, or threaten to take, 'reprisal' action against a discloser (section 19 of the PID Act).

Reprisal is broadly defined in section 13 of the PID Act. Reprisal occurs if someone causes, by act or omission, any detriment to another person because they believe or suspect that person, or any other person, has made, may have made, proposes to make, or could make a PID. Reprisal also includes a threat to take reprisal action.

Detriment includes (without limitation) any of the following:

- negative professional consequences such as being dismissed, passed over for promotion or not having contracts for services renewed
- bullying, harassment or intimidation of a person
- harm or injury to a person, including psychological harm
- any other damage to a person such as to their reputation.

IHACPA will not tolerate any reprisal action against a person who makes a PID and every allegation of reprisal will be taken seriously, recorded and responded to.

Everyone involved in handling the PID who is aware of the discloser's identity for the purposes of the PID Act, will monitor the work environment for signs of detriment and if necessary, take early corrective action.

4.6 What is not a reprisal

Reasonable administrative action taken to protect a discloser from detriment is not a reprisal. In addition, managers and supervisors are not prevented from taking legitimate disciplinary or management action to address unsatisfactory performance in the workplace where that action is unrelated to the discloser having made a PID.

4.7 Managing the risk of reprisal

A reprisal risk assessment will be conducted for each disclosure allocated to IHACPA for handling. The assessment of reprisal risk assists in determining suitable strategies for controlling those risks and reasonable actions to be taken to protect public officials who belong to IHACPA from detriment or the threat of detriment relating to the disclosure. Further information in relation to the risk assessment is at Section 7.5 of these procedures.

5. Mandatory referral to the National Anti-Corruption Commissioner

5.1 When to refer a PID to the NACC

The CEO or an Authorised Officer or investigator, must refer a corruption issue to the NACC Commissioner if:

- they become aware of a corruption issue that concerns the conduct of a person who is, or was, a IHACPA employee while they were in that role; and
- they suspect that the corrupt conduct could involve corrupt conduct that is serious or systemic.

If a corruption issue becomes evident during a PID process, it does not need to be referred to the NACC Commissioner, if:

- the CEO believes the NACC Commissioner is already aware of the matter, or
- the NACC Commissioner has determined that referral is not required:
 - for the kind of corruption issue the PID involved, or
 - the circumstances in which the PID arose (section 37 of the NACC Act).

5.2 What is corrupt conduct?

Under the NACC Act, corrupt conduct includes:

- any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly:
 - the honest or impartial exercise of any public official's powers as a public official; or
 - the honest or impartial performance of any public official's functions or duties as a public official.
- any conduct of a public official that constitutes or involves a breach of public trust
- any conduct of a public official that constitutes, involves or is engaged in for the purpose of abuse of the person's office as a public official
- any conduct of a public official, or former public official, that constitutes or involves the misuse of information or documents acquired in the person's capacity as a public official.

The corrupt conduct may be undertaken by a person who is, or was an IHACPA employee, while that person is, or was, an IHACPA employee.

5.3 When is corrupt conduct 'serious or systemic'

The NACC can investigate corrupt conduct that it considers could be serious or systemic. Whether the conduct is serious or systemic is a matter of judgement and will depend on the nature of the conduct and the circumstances in which it occurred.

The terms serious and systemic are not defined in the NACC Act. Conduct may be considered to be serious if it is significant or worrying, not slight or negligible, but it does not have to be 'severe' or 'grave'. The conduct may include conduct where, if proven, it would constitute a criminal offence, such as bribery, abuse of office and related offences under Part 7.6 of the Criminal Code.

Conduct may be considered systemic if it relates to or affects a system (including an organisation) as a whole or it involves a pattern of conduct. Conduct may still be systemic whether it involves a single individual or multiple individuals, and whether or not it is coordinated.

For more information on what constitutes corrupt conduct see the guidance published by the NACC at www.nacc.gov.au

5.4 Timing and information requests

If the CEO is required to refer a corruption issue to the NACC Commissioner:

- the referral must be made as soon as reasonably practicable
- the referral notice must state the reasons why they suspect the matter could involve corrupt conduct that is serious or systemic
- the referral must include all information relevant to the corruption issue that is in their possession or control at the time the referral is made (see section 38 of the NACC Act)
- general secrecy provisions do not prevent information being included in a referral made to the NACC, except if the information is protected from disclosure under an 'exempt secrecy provision' within the meaning of section 7 of the NACC Act.

After a referral has been made to the NACC Commissioner, the CEO must:

- continue to follow the PID Procedures unless the NACC Commissioner issues a direction to IHACPA to stop taking action in relation to the PID
- give any further relevant information that is provided to the CEO, to the NACC Commissioner as soon as reasonably practicable after they become aware of it, unless otherwise directed by the NACC Commissioner (section 38 of the NACC Act)
- notify the PID discloser of the referral of the issue to the NACC as soon as reasonably practicable (section 35 of the NACC Act).

5.5 Stop action directions

After corrupt conduct has been reported to the NACC Commissioner, the NACC Commissioner may direct an agency head to stop the agency taking specified action in relation to a corruption issue that concerns the agency, unless the action is permitted by the NACC Commissioner (see section 43 of the NACC Act). Such a direction may require IHACPA to stop dealing with a PID or undertaking a Code of Conduct investigation.

If a PID is not allocated internally because a stop action direction has been received by the NACC Commissioner, the Authorised Officer must, as soon as reasonably practicable, give written notice to the Ombudsman of the following (as outlined in section 44B of the PID Act):

- the information that was disclosed
- the conduct disclosed
- if the discloser's name and contact details are known, and the discloser consents to the Ombudsman being informed, the discloser's name and contact details; and
- the stop action direction under the NACC Act that prevents allocation of some or all of the disclosure.

If the disclosure cannot be investigated or further investigated because of a stop action direction issued by the NACC Commissioner, the CEO must give written notice to the discloser as soon as reasonably practicable of the halt in investigations.

If the disclosure is no longer subject to a stop action direction, the CEO must, as soon as practicable, inform the discloser if they recommence investigations or further investigate that disclosure.

As outlined in section 50A(4) of the PID Act, if a stop action direction has been received by the NACC Commissioner, that prevents the CEO from investigating, or further investigating, the CEO must give written notice to the Ombudsman of the stop action direction.

6. Procedures for managers and supervisors

6.1 Role of managers and supervisors

Where a public official in IHACPA discloses information to their manager or supervisor and that person has reasonable grounds to believe that the information concerns, or could concern, disclosable conduct, the manager or supervisor must be careful to observe confidentiality requirements and inform disclosers of the PID process, including:

- that their disclosure could be treated as an internal PID
- the next steps in the PID process - referring their disclosure to the Authorised Officer, the potential allocation of the PID, and investigation of the PID
- the circumstances in which a PID must be referred to an agency, or other person or body, under another law of the Commonwealth
- the civil and criminal protections the PID Act provides to disclosers, and those assisting with the handling of a PID
- whether their internal disclosure requires mandatory referral to the NACC and, if so, an explanation of the information sharing process with the NACC and that this may include their identity; and
- if their internal disclosure requires mandatory referral to the NACC, they will remain protected under the PID Act.

The manager or supervisor must as soon as practicable, give the information to an Authorised Officer at IHACPA.

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. The person to whom the disclosure has been made must ask the discloser to sign the record of the disclosure, where this is practicable.

At the time the manager or supervisor gives information to the Authorised Officer, they must also give the Authorised Officer their written assessment of any risks of reprisal action that might be taken against the discloser. Further information is located at section 4 of these procedures.

Managers and supervisors should also understand the requirements of the NACC Act, including that corruption issues need to be referred to the NACC Commissioner.

Any employees, including supervisors and managers can also make a voluntary referral to NACC in respect to any issues of corruption. The standard of proof for a voluntary referral does not require a supervisor (or any public official or member of the public) to know or suspect the issue involves serious or systemic corrupt conduct. Rather, the supervisor need merely report the issue to be “about” corruption and can make the referral anonymously.

The obligation to refer certain issues to the NACC Commissioner must be complied with regardless of whether a voluntary referral can or is otherwise made.

7. Procedures for Authorised Officers

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

Where:

- 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, and
- the Authorised Officer has reasonable grounds to believe that the person may be unaware of the consequences of making the disclosure, and
- the Authorised Officer is aware of the contact details of the person,

the Authorised Officer must:

- inform the person that the disclosure could be treated as an internal disclosure for the purposes of the PID Act; and
- explain to the person what the PID Act requires for a disclosure to be an internal disclosure; and
- inform the person about the CEO's powers to decide not to investigate the disclosure or decide not to investigate the disclosure further; and
- advise the person about the circumstances (if any) in which a PID must be referred to an agency, or another person or body under another law of the Commonwealth; and
- advise the person of any orders or directions that may affect disclosure of the information to another agency, person or body under another law of the Commonwealth.

Authorised Officers also have strict obligations under the NACC Act and must, as soon as reasonably practicable after they become aware of a corruption issue, refer an issue to the NACC Commissioner if:

- they become aware that the corruption issue concerns the conduct of a person who is, or was, employed by IHACPA while they were in that role; and
- they suspect that the corrupt conduct could involve corrupt conduct that is serious or systemic.

7.1 Initial consideration and allocation

When an Authorised Officer receives a PID, they will consider the information disclosed and decide whether there are reasonable grounds on which the disclosure could be considered to be an internal 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.

If the Authorised Officer is satisfied, on reasonable grounds, that the conduct disclosed would be more appropriately investigated under another law or power, the Authorised Officer must, as soon as reasonably practicable, take reasonable steps to refer the conduct disclosed, or to facilitate its referral, for investigation under another law or power.

The Authorised Officer must use their best endeavours to decide on the allocation of the disclosure within 14 days after the disclosure is received by the Authorised Officer or 14 days after:

- a. if the decision is made, following the reconsideration of a previous decision about the allocation in response to a recommendation by the Ombudsman or the IGIS under section 55, the day the CEO receives the recommendation under that section;

- b. if a stop action direction under the NACC Act prevented the allocation of the disclosure - the day when the Authorised Officer becomes aware that the direction no longer applies.

7.2 Deciding not to allocate a disclosure

Where an Authorised Officer decides that a disclosure is not to be allocated, they must advise the discloser (where it is reasonably practicable to do so) in writing of:

- the reasons why the disclosure has not been allocated; and
- any steps taken, or proposed to be taken to refer the disclosure for investigation under another law or power, the other law or power and the agency or other person who has the conduct, or will be referred to; or
- any other course of action that may be available under other laws of the Commonwealth.

The Authorised Officer must keep appropriate records of whether the discloser was informed of the decision not to allocate the disclosure. If it is not reasonably practicable to provide the notification to the discloser, the Authorised Officer must record why they chose not to allocate the disclosure, along with a record of the matters set out in the paragraph above.

If the Authorised Officer decides not to allocate a disclosure to an agency, they must inform the Ombudsman of this decision in writing.

If the Authorised Officer does not allocate the disclosure because of a stop action direction issued by the NACC Commissioner, the Authorised Officer must give written notice to the Ombudsman of the following (section 44B(3) of the PID Act):

- the information that was disclosed to them by the discloser
- the suspected disclosable conduct (if any)
- if the discloser's name and contact details are known to the Authorised Officer, and the discloser consents to the Ombudsman being informed—the discloser's name and contact details; and
- the stop action direction issued under the NACC Act that prevents allocation of the disclosure.

7.3 Deciding to allocate a disclosure

If the Authorised Officer is satisfied that there is a reasonable basis on which the disclosure could be considered to be an internal disclosure under the PID Act, they must allocate the disclosure for handling by the agency.

The Authorised Officer must decide whether to allocate all or part of the disclosure to either IHACPA and/or another agency, having regard to the matters set out in section 43(5) of the PID Act.

An Authorised Officer must obtain the consent of an Authorised Officer in another agency before allocating an internal disclosure for handling by that agency.

The Authorised Officer may, after making a decision allocating the disclosure, decide to reallocate the disclosure to one or more agencies (which may be an agency to which the disclosure had previously been allocated). Sub-sections 43(5) to (12) and section 44 apply in relation to a decision under this section, in the same way they apply in relation to the original decision.

7.4.1 Requesting consent from discloser

Where the Authorised Officer is aware of the contact details of the discloser, they should ask the discloser to advise in writing within 7 days whether the discloser consents to the Authorised Officer giving the discloser's name and contact details to the CEO..

Where a discloser does not respond within 7 days, the discloser is taken **not** to have consented to the sharing of the disclosers name and contact details and care should be taken in relation to information that identifies them.

7.4.2 Informing relevant persons of allocation

Informing the receiving agency and other relevant bodies

Where an Authorised Officer allocates a disclosure to another agency they must inform the Principal Officer of that agency of the information and conduct that was disclosed.

If the Authorised Officer allocates a disclosure to an agency, that is not the Ombudsman, the IGIS or an intelligence agency, they must inform the Ombudsman of the allocation in writing. If the disclosure is allocated to an intelligence agency, the Authorised Officer must inform the IGIS of this in writing.

Informing the discloser

As soon as reasonably practicable after allocation, the Authorised Officer must inform the discloser (where it is reasonably practicable to do so), in writing, of

- the allocation of the disclosure and the information that has been provided to the Principal Officer of the relevant agency, including a copy of the allocation notice to the Ombudsman; and
- if the disclosure has been allocated to IHACPA – the CEO's decision on whether or not to investigate the PID (refer to section 8.1 of these procedures).

7.4.3 Record of allocating the handling of a disclosure

When an Authorised Officer allocates the handling of a disclosure to one or more agencies, they must keep an appropriate record of:

- the decision (including the name of each agency to which the disclosure is to be allocated)
- the reasons for the decision; and
- the consent provided by the Authorised Officer of the agency (other than IHACPA) to which the allocation is made.

The Authorised Officer must also keep appropriate records of whether the discloser was informed of the allocation decision.

If it is not reasonably practicable to provide the notification to the discloser, the Authorised Officer must keep a record to indicate why the disclosure was referred to one or more agencies, along with a record of the matters set out above.

7.4 Reprisal risk assessment

7.5.1 Conducting a risk assessment

Where an Authorised Officer allocates for a disclosure to be handled by IHACPA, they must conduct a risk assessment on the likelihood that reprisals may be taken against the discloser.

The risk assessment must be undertaken 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. A checklist of relevant risk factors includes:

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- the likelihood of the discloser being identified
- the number of people implicated in the disclosure
- the subject matter of the disclosure
- the number of people who are aware, or likely to become aware, of the disclosure
- the culture of the workplace
- whether any specific threats against the discloser have been received
- whether there is a history of conflict between the parties
- whether the disclosure can be investigated while maintaining confidentiality
- the likely outcome if the conduct disclosed is substantiated
- whether the discloser is isolated
- whether the discloser is employed on a full time, part time or casual basis; and
- the positions of the parties.

In conducting the risk assessment, the Authorised Officer will adopt the following four steps:

- Identifying: *Whether there are reprisals or related workplace conflict problems in the workplace, or there is a potential for such problems?*
- Assessing: *What is the likelihood and consequence of reprisals or related workplace conflict?*
- Controlling: *What strategies should be put in place to prevent or contain reprisals or related workplace conflict?*
- Monitoring and reviewing: *Have the strategies been implemented and were they effective?*

Further information on how the risk assessment should be conducted is available in the Department of Health, Disability and Ageing's Guide to Managing Public Interest Disclosures, available on the dedicated [PID intranet site](#).

Where a reprisal risk assessment has been conducted or updated and an assessment is made that the risk of reprisal is either a complex matter or that the risk needs close monitoring and control, it may be deemed appropriate to appoint a Reprisal Manager.

A Reprisal Manager will generally be independent to the assessment and investigation of the PID and will provide support and assistance to those at risk of reprisal. They will also assess, on an ongoing basis, the risk of reprisal and workplace conflict in connection with a PID, including a PID that is also a NACC disclosure.

7.5.1 Developing a risk mitigation plan

Where the risk level is assessed as anything greater than low, a risk management strategy must be developed for mitigating the risk of reprisals being taken against the discloser.

This strategy may include some or all of the support measures set out at section 4 of these procedures.

The Authorised Officer or Reprisal Manager (as applicable) should monitor and review the risk assessment and any mitigation plan as necessary throughout the investigation process.

8. Procedures for the CEO

8.1 Deciding whether or not to investigate

As soon as practicable after a PID is allocated to the CEO for consideration (usually within 14 days), the CEO must inform the discloser in writing that the following options are available to the CEO in considering their PID:

- decide not to investigate the PID further; or
- decide to investigate the PID under a separate investigated power; or
- decide to investigate the PID under another law or power; or
- decide to investigate the PID.

The discloser must also be informed of the grounds on which that decision can be taken. Ordinarily, this information will have been provided to the discloser by the Authorised Officer at the time of allocation.

The CEO must, as soon as practicable after receiving an allocation of a disclosure from an Authorised Officer, consider whether to exercise the discretion under section 48 of the PID Act not to investigate the disclosure.

The CEO may decide not to investigate if:

- the discloser is not, and has not been a public official (and a determination has not been made under section 70 of the PID Act)
- the information does not concern serious disclosable conduct
- the PID is frivolous or vexatious
- the information is the same or substantially the same as a disclosure that has been investigated under the PID Act; and
 - a decision was previously made under to not investigate the earlier disclosure, or not to investigate the earlier disclosure further; or
 - the earlier disclosure has been, or is being, investigated as a disclosure investigation; or
- the conduct disclosed, or substantially the same conduct, is being investigated under another law or power, and the CEO is satisfied, on reasonable grounds, that it would be inappropriate to conduct an investigation under the PID Act at the same time; or
- the conduct disclosed, or substantially the same conduct, has been investigated under another law or power, and the CEO is satisfied, on reasonable grounds, that there are no further matters concerning the conduct that warrant investigation; or
- the CEO is satisfied, on reasonable grounds, that the conduct disclosed would be more appropriately investigated under another law or power (but not only because the conduct disclosed raises a corruption issue); or
- the discloser, an Authorised Officer of the agency, or a Principal Officer or Authorised Officer of another agency has informed the CEO that the discloser does not wish investigation of the internal disclosure to be pursued, and the CEO is satisfied on reasonable grounds that there are no matters concerning the disclosure that warrant investigation;
- or it is impracticable to investigate the disclosure because:
 - the discloser's name and contact details have not been disclosed; or

- o the discloser has refused or has failed or is unable to give the investigator the information or assistance the investigator has requested; or
- o of the age of the information.

The CEO, in addition to Authorised Officers, must also consider whether a disclosure must be referred to the NACC.

8.2 Notifying the discloser and the Ombudsman

8.2.1 Decision not to investigate (or further investigate)

Where the CEO decides under section 48 of the PID Act not to investigate (or further investigate) a disclosure, they must:

- a. if reasonably practicable, give written notice to the discloser that they have decided not to investigate (or further investigate) the disclosure, identifying:
 - i. the reasons for the decision not to investigate; and
 - ii. if the CEO decides that the disclosure would be more appropriately investigated under another law or power, details of:
 - the other law or power;
 - the agency or other person or body to which the conduct has been, or is to be, referred, and
 - the steps taken or proposed to be taken for the conduct to be referred or to facilitate referral

The CEO may delete from the reasons any reasons that would cause the document:

- iii. to be exempt for the purposes of Part IV of the *Freedom of Information Act 1982*
- iv. to have or to be required to have a national security or other protective security classification
- v. to contain intelligence information.
- b. give written notice to the Ombudsman of the decision not to investigate (or further investigate) and the reasons for that decision. If the CEO decides that the disclosure would be more appropriately investigated under another law or power the CEO must provide the Ombudsman with details of:
 - i. the other law or power;
 - ii. the agency or other person or body to which the conduct has been or will be referred;
 - iii. the steps taken or proposed to be taken for the conduct to be referred or to facilitate referral.

8.2.2 Where the disclosure is to be investigated

If the CEO decides that the discretion in section 48 of the PID Act does not apply to the PID, they are required to inform the discloser as soon as reasonably practicable that they are required to investigate the PID, unless there is a stop action direction under NACC.

8.2.3 Stop action direction from the NACC

The NACC Commissioner can direct IHACPA to stop taking action in relation to a corruption issue. This is called a stop action direction. A stop action direction can prevent IHACPA from taking particular action in relation to the issue, or from taking any action at all.

Where the CEO cannot investigate, or further investigate, the disclosure because of a stop action direction under the NACC Act, the CEO must give written notice to the Ombudsman and the discloser as soon as reasonably practicable.

If a disclosure is no longer subject to a stop action direction under the NACC Act, CEO must, as soon as reasonably practicable, give written notice to the discloser if the CEO investigates, or further investigates, the disclosure.

The NACC Commissioner will consult with the CEO prior to issuing any direction to stop taking action in relation to a PID.

9. Conducting the investigation

Investigation activities are highly specialised, and must only be undertaken by appropriately qualified, trained and experienced personnel. As IHACPA does not have these skills in house, it would outsource this under the guidance of the Department of Health, Disability and Ageing's PID Management Unit.

If the CEO decides to investigate, they will investigate whether one or more instances of disclosable conduct has occurred.

The CEO may conduct the investigation as they see fit, provided it is not inconsistent with the PID Standards. This may include appointing an investigator to assist them to conduct the investigation.

9.1 General principles of investigations

The following general principles apply to the conduct of investigations:

- the discloser and any witnesses should be provided with an [Australian Privacy Principle Notice 5](#).
- maintaining the confidentiality of the identity of the discloser will be paramount when conducting the investigation (see section 4 of these procedures)
- a decision on whether evidence is sufficient to prove a fact must be determined on the balance of probabilities
- the CEO must be independent and unbiased in investigating the matter
- the CEO may, for the purposes of the investigation, obtain information from such persons, and make such inquiries, as they think fit.

Additional procedures required in particular circumstances

Investigations under these procedures, must also comply with:

- the PID Act and PID Standard
- the NACC Act (and any directions made by the NACC Commissioner)
- any rules relating to fraud that are made for the purposes of the *Public Governance, Performance and Accountability Act 2013* (Cth) and the Australian Government Investigation Standards (AGIS) (if relevant)
- the Department of Health, Disability and Ageing's procedures for determining breaches of the APS Code of Conduct, established under s 15(3) of the *Public Service Act 1999* (Cth) (if relevant).

As part of the investigation, the CEO may consider whether a different investigation should be conducted by IHACPA or another body under another law of the Commonwealth. In particular if the suspected disclosable conduct relates to fraud or breaches of the APS Code of Conduct.

The CEO may, for the purposes of the investigation, adopt a finding set out in the report of an investigation or inquiry under another law or power, or another investigation under the PID Act.

Notifying police

If, during an investigation into a PID, the CEO suspects on reasonable grounds that some or all of the information disclosed or obtained during the investigation is evidence of an offence against a law they may give the information to a member of the Australian police force responsible for the investigation of the offence

If the offence is punishable by a period of imprisonment of at least two years, the CEO **must** give the information to an Australian police force responsible for the investigation of the offence, unless the investigator suspects on reasonable grounds that the relevant information raises a corruption issue and the corruption issue has already been referred or which the NACC or IGIS is already aware.

Procedural fairness

The requirement of procedural fairness may vary depending on the circumstances. Generally it requires:

- a. the decision-maker to act fairly and without bias
- b. at the point of an investigation where an adverse finding is likely to be made about a person's conduct:
 - i. the person must be provided with the substance of the allegations and any evidence against them in writing; and
 - ii. the person must be given a reasonable opportunity to respond to the allegations and any evidence against them.

9.2 Interviewing witnesses

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 that person is informed of the following matters:

- the identity and function of each person conducting the interview, and
- the process of conducting an investigation, and
- the authority of the investigator under the PID Act to conduct an investigation, and
- the protections provided to the witnesses under section 12A of the PID Act, and
- whether an audio or visual recording of the interview will be made, and
- the interviewee's duty which is as follows:
 - to assist the investigator in the conduct of the investigation under the PID Act (subject to the public official's privilege against self-incrimination or exposing themselves to a penalty); and
 - not to take or threaten to take reprisal action against the discloser; and
 - subject to the PID Act, not to disclose the identity of the person who made the disclosure.

At the end of any interview, the interviewee must be given an opportunity to make a final statement or comment or express an opinion. This comment or statement must be included in the investigator's record of interview.

Any interviews conducted with the discloser should be conducted in private.

9.3 Timeframe for completion of an investigation

An investigation must be completed within 90 days after the day:

- a disclosure was initially allocated; or
- a disclosure was reallocated; or
- the CEO decided to reinvestigate the relevant disclosure; or
- the CEO becomes aware that a stop action direction under the NACC Act no longer applies.

The investigation is completed when the CEO has prepared the report of the investigation.

It is possible to seek one or more extensions of time from the Ombudsman.

Extension applications must be made at least 10 days before the 90-day period expires. The Ombudsman cannot grant an extension after the 90-day deadline has passed.

9.4 Privacy of witnesses

Where practicable, IHACPA should provide witnesses (including the discloser, where relevant) the option to be anonymous or to use pseudonymous during an investigation.

Where, as part of an investigation, IHACPA is otherwise required to collect or disclose personal information (as defined in the *Privacy Act 1988* (Cth)), IHACPA should only collect or disclose the minimum amount of personal information necessary to effectively carry out the investigation.

With respect to a PID which has been mandatorily referred to the NACC as a NACC disclosure, the Authorised Officer is required to disclose all information which is relevant to the disclosure and is within their possession and control at the time of the referral. Relevantly, if the information before them at the time of referral includes the discloser's identity, then the discloser's identity (and the identify of any named witnesses etc) may be 'relevant information' that needs to be provided to NACC as part of the referral. This may be necessary even where the disclosure of identifying information is otherwise prohibited under the PID Act because the obligation to make a referral to the NACC applies despite any secrecy provision other than exempt secrecy provisions.

The NACC Commissioner can also protect a witness or responder to a notice to produce from intimidation or harassment by, if necessary, making arrangements with the Minister, Australian Federal Police Commissioner or the police force (section 116 of the NACC Act).

Accuracy and correction of personal information

Where personal information has been found to be inaccurate, incomplete, irrelevant, or not up to date, the investigator should not use or disclose the personal information, unless required to do so under the PID Act.

Having regard to the purpose for which the personal information is held, the CEO must:

- ensure that personal information in a record of a PID is corrected where the CEO becomes aware that the information is inaccurate, out of date, incomplete, irrelevant or misleading; and
- ensure that requests for the correction of personal information in a record of a PID are implemented.

If a PID has been disclosed to another agency, the CEO must notify relevant agencies of the correction of personal information.

10. Report of investigation

In preparing a report of a PID investigation, the investigator must comply with the PID Act, the PID Standard and these procedures. A report of an investigation conducted under the PID Act must set out:

- the matters considered in the course of the investigation
- an explanation of the steps taken to gather evidence
- the duration of the investigation
- a summary of evidence
- the CEO's findings (if any) including whether there have been one or more instances of disclosable conduct established; and
- if disclosable conduct is established, the report must set out the regulations, rules, administrative requirements or similar matters to which the disclosable conduct relates;
- the action (if any) that has been, is being or is recommended to be taken; and
- claims of any reprisal taken against the discloser, or any other person, that relate to the matters considered in the course of the investigation, together with any related evidence; and IHACPA's response to those claims and that evidence.

Where the CEO has completed a report of an investigation under the PID Act, within a reasonable time after preparing the report, they must give a copy of the report to the discloser (where reasonably practicable), and the Ombudsman.

The CEO may delete from the copy of the report given to the discloser any material:

- that is likely to enable the identification of the discloser or another person, or
- would be exempt for the purposes of Part IV of the *Freedom of Information Act 1982* (Cth), would require a national security or other protective security clearance, contains intelligence information or contravenes a designated publication restriction as defined in the PID Act.

The CEO may delete from the copy of the report given to the Ombudsman any material:

- that is likely to enable the identification of the discloser or another person; or
- the inclusion of which would contravene a designated publication restriction.

11. Records management, monitoring and evaluation

11.1 Records management

The Authorised Officer is required to keep a records relating to PIDs, in an electronic form and securely stored in TRIM.

Access to PID records must be restricted to the Authorised Officer, the CEO and other employees in IHACPA who require access in order to perform some function under the PID Act or for the purposes of another law of the Commonwealth.

Where a person will cease being an Authorised Officer at IHACPA (including because of resignation or movement to another agency), their PID records must be transferred to another Authorised Officer at IHACPA.

Records must only be disposed of in a manner consistent with the General Records Authority 39 2016/00471400.

11.2 Monitoring and evaluation

For the purposes of assurance and tracking that IHACPA is complying with its obligations under the PID Act, regular updates on the progress of PIDs will be provided to the IHACPA Executive Committee.

Authorised Officers may need to consider if they are required to inform the Department of Health, Disability and Ageing's PID Management Unit, when:

- they receive a potential PID
- when they make a decision regarding the PID and the outcome of that decision
- when they are notified that a PID has been allocated to IHACPA.

11.3 Information and assistance to the Ombudsman

The CEO must provide a report on disclosures received by IHACPA for the purpose of preparing the Ombudsman's six-monthly report and annual report under the PID Act.

12. Freedom of information requests

Documents associated with a PID are not exempt from the operation of the FOI Act. Requests for access to documents under the FOI Act should be considered on a case by case basis. A range of exemptions may apply to individual documents or parts of documents, particularly in relation to material received in confidence, personal information, operation of agencies and law enforcement.

13. Key legislation and policy

The following documents directly relate these procedures and must be reviewed in context to this document:

- [Commonwealth Ombudsman's Agency Guide to the PID Act](#)
- [Public Interest Disclosure Act 2013](#)
- [Public Interest Disclosure Standard 2013](#)
- [National Anti-Corruption Commission Act 2022](#)
- [Public Governance, Performance and Accountability Act 2013](#)
- [Public Governance, Performance and Accountability Act Rule 2014](#)
- [Commonwealth Fraud and Corruption Control Framework 2024](#)
- [Australian Government Investigation Standards 2022](#)
- [Public Service Act 1999](#)

Appendix A Contact Details

Chief Executive Officer (Principal Officer)

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Email: PID_IHACPA@ihacpa.gov.au

Authorised Officer

Name: Olga Liavas
Title: Executive Director, Legal and Corporate Services
Postal Address: PO Box 483 Darlinghurst NSW 1300
Telephone: 02 7232 6063
Email: PID_IHACPA@ihacpa.gov.au

National Anti-Corruption Commission

Reporting of serious or systemic corrupt conduct within the Commonwealth public service can be made in writing, online or by telephone
Online form: <https://www.nacc.gov.au/reporting-and-investigating-corruption/report-corrupt-conduct>
Telephone: 1300 489 844 (8.30am – 6pm [AEST] Monday to Friday)
Postal Address: GPO Box 605, Canberra, ACT 2601

Commonwealth Ombudsman

Complaints to the Commonwealth Ombudsman can be made in writing or by phone. Details can be found on the Ombudsman's website at
<https://www.ombudsman.gov.au/complaints/public-interest-disclosure-whistleblowing>
Commonwealth Ombudsman: 1300 362 072
PID information line: 02 6276 3777 (9am – 5pm [AEST] Monday to Friday)
Email: PID@ombudsman.gov.au
Postal Address: GPO Box 442, Canberra, ACT 2601