

Public Interest Disclosure (PID) Procedure

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Purpose

The Bureau of Meteorology (the Bureau) is committed to the highest standards of ethical and accountable conduct. The Bureau encourages people to report suspected wrongdoing, and will ensure that those who report, or who are considering making a report, are properly supported and protected from any adverse consequences relating to the reporting.

These procedures set out formal procedure in place to deal with Public Interest Disclosure (PID) made by a public official under section 59 of the *Public Interest Disclosure Act 2013* (the PID Act).

Scope

This procedure applies to all current and former public officials of the Bureau, who make a PID report, in accordance with the provisions of this procedure and the PID Act.

All Bureau staff are directed to and must comply with this procedure as well as any legislative controls outlined under the PID Act. Failure to do so may result in Code of Conduct action, including termination of employment.

Procedures

In order to uphold the good reputation of the Bureau and to provide a safe and ethical workplace, public officials who are aware of wrongdoing in the Bureau (or elsewhere in the APS) are encouraged to report such instances in accordance with the provisions set out in these procedures.

Application of procedures

1. These procedures apply to internal disclosures that relate to the Bureau and are made by a current or former public official. An internal disclosure may be made to the supervisor of the discloser, an Authorised Officer of the Bureau, an Authorised Officer of another agency, or the Ombudsman (or the Inspector General of Intelligence and Security (IGIS) for intelligence related disclosures).
2. Where a disclosure has been allocated to the Bureau from another agency (including the Ombudsman or IGIS) and the Authorised Officer reasonably believes the disclosure to relate to the Bureau, the Authorised Officer will accept the allocation and deal with the disclosure in accordance with these procedures.
3. In circumstances where an individual discloses information that they had not obtained whilst a public official, the Authorised Officer may deem that person to be a public official for the purposes of the PID Act.
4. These procedures must be complied with when a supervisor or an Authorised Officer receives a disclosure. Other legislative obligations may apply in addition these procedures, for example, in relation to work health and safety.

5. A disclosure made to a person who is authorised to receive it under these procedures will not in itself be a breach of the provisions relating to unauthorised disclosure of information (see section 70 of the *Crimes Act 1914* and Public Service Regulation 2.1).

What is a public interest disclosure?

6. A PID is a disclosure by a current or former public official of suspected wrongdoing in the Commonwealth public sector. There are four different types of PIDs under the PID Act: internal disclosure, external disclosure, emergency disclosure and legal practitioner disclosure.
7. An internal disclosure is made when:
 - a) a person who is or has been a public official makes the disclosure to their supervisor or manager or an Authorised Officer; and
 - b) the information tends to show, or the discloser believes on reasonable grounds the information tends to show, one or more instances of disclosable conduct.
8. The elements of making a disclosure under the PID Act are summarised in the diagram at [Appendix A](#)
9. Internal disclosures, made about the Bureau, are the focus of these procedures. A flow chart summarising the internal disclosure process is set out in [Appendix B](#).

Support, Protection and Reprisals

10. The Bureau encourages and supports the reporting of wrongdoing by public officials in accordance with the PID Act and will take active steps to support and to protect persons who make disclosures under the PID Act.
11. The Bureau recognises it is important to have an effective system for reporting and investigating disclosable conduct. Some of the potential benefits of such a system are reducing the work health and safety risks to our workers, saving money and making our processes more efficient. Another potential benefit is increasing the confidence of our workers in the way the Bureau is managed.
12. The Bureau also recognises that a decision by the Bureau not to deal with a disclosure as a disclosure under the PID Act, when as a matter of law that is how the disclosure should have been dealt with, could be seriously detrimental to the discloser and to the effective operation and the good reputation of the Bureau.
13. Bureau employees who in good faith wish to make a PID report under the provisions of this procedure will receive the Bureau's full support and protection from any reprisals or threats of reprisal because of making a disclosure.

Protecting the discloser's identity

14. The PID Act provides protection for public officials, from adverse consequences of disclosing information that, in the public interest, should be disclosed.
15. A person commits an offence if they disclose or use information that is likely to enable the identification of the discloser unless the discloser consents, the identifying information has already been lawfully published, or the disclosure or use:
 - a) is for the purposes of the PID Act;
 - b) is required under another Commonwealth law or a prescribed State or Territory law; or

- c) is in connection with the Ombudsman's functions under section 5A of the Ombudsman Act 1976 or the IGIS's functions under section 8A of the *Inspector-General of Intelligence and Security Act 1986*.
16. In order to protect a discloser's identity, the Bureau will:
- a) limit the number of people who are aware of the discloser's identity or information that would tend to identify them;
 - b) remind each person who has the information that they should keep it confidential and that unauthorised disclosure may be a criminal offence;
 - c) assess 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
 - d) ensure the discloser can communicate with a support person, the Authorised Officer or investigator without alerting other staff.

Immunity from liability

17. A person who makes a PID is not subject to any civil, criminal or administrative liability (including disciplinary action) for making the disclosure.
18. No contractual or other remedy may be enforced, and no contractual or other right may be exercised, against a person on the basis of the PID. A contract to which the discloser is a party cannot be terminated because of the PID.
19. However, these immunities do not apply if the discloser:
- a) knowingly makes a statement that is false or misleading; or
 - b) makes a disclosure knowing that it contravenes a designated publication restriction and without a reasonable excuse for doing so.
20. Making a disclosure about matters that include a discloser's own wrongdoing does not protect them from liability for their wrongdoing.

Reprisals

21. A person who makes a PID will be protected from reprisal in the following ways:
- a) it is a criminal offence to cause detriment to a person because it is suspected or believe that they have made or will make a PID;
 - b) a discloser has the right to apply for an injunction to prevent a reprisal; and
 - c) a discloser has the right to apply for compensation for loss, damage or injury suffered from a reprisal.
22. The Bureau will take every allegation of reprisal seriously. Every allegation will be recorded and responded to. All staff involved in handling PIDs and aware of a discloser's identity, will monitor the work environment for signs of detriment and if necessary, take corrective action early.

What is reprisal?

23. Reprisal occurs if someone causes, by an act or omission, any detriment to another person because they believe or suspect that person, or anyone else, may have made or intends to make a PID.

24. 'Detriment' includes any disadvantage to a person, including dismissal, injury in their employment, discrimination between them and other employees or alteration of their position to their disadvantage.

What is not reprisal?

25. Administrative action that is reasonable to protect the discloser from detriment is not reprisal. For example, where a person has made a disclosure in relation to practices in their immediate work area, it may be appropriate to transfer them to another work area to ensure they are not harassed or victimised.
26. Making a disclosure does not exclude the discloser from reasonable management action for any unsatisfactory performance or wrongdoing on their part, such action is not a reprisal.

Support for disclosers

27. The Bureau will provide support for disclosers, including:
 - a) acknowledgment for having come forward with a report of wrongdoing;
 - b) an offer of support and information about what options are available; and
 - c) an assurance the Bureau will take all reasonable steps necessary to protect them.
28. A discloser who is finding the process stressful or concerning may also access the Employee Assistance Program (EAP).

Supporting and protecting a person against whom a disclosure has been made

29. The Bureau will provide support to a person who is subject to an allegation made in a PID. The person will also be accorded procedural fairness. This can include the following actions:
 - a) providing the person information about their rights and obligations under the PID Act;
 - b) providing the person information about the Bureau's investigation procedures and any other relevant matter; including informing them of the progress of any investigation;
 - c) ensuring the identity of the person is protected as much as reasonably practicable; and
 - d) advising them of the availability of the EAP.

The Disclosure Process

Making a disclosure

30. Under the PID Act, there is no required format for the making of a disclosure:
 - a) a PID may be made anonymously or openly;
 - b) a PID may be made orally or in writing; and
 - c) where a public official makes a PID, they do not have to state or intend that they are doing so under the PID Act.

31. The information contained in a disclosure should be clear and factual, and should avoid speculation, personal attacks and emotive language. It should contain supporting evidence where that is available to the discloser and should identify any witnesses to the disclosable conduct, where possible.

Who can a disclosure be made to?

32. A PID may be made anonymously or openly and orally or in writing.
33. Where a public official makes a PID they do not have to state or intend that they are doing so under the PID Act. Public officials who are considering making a disclosure should, in the first instance, contact one of the Bureau's Authorised Officers to obtain information about making a PID under the PID Act.
34. Bureau staff may make a disclosure of disclosable conduct to their supervisor, or to an Authorised Officer or, in certain circumstances, to the Ombudsman (refer [Appendix A](#)).
35. Where possible, staff should make their PID to an Authorised Officer rather than their supervisor. Authorised Officers in the Bureau have been trained in receiving PIDs and they can provide information about how to make a PID and about the protections given to disclosers under the PID Act. This does not prevent a staff member from making a disclosure to their supervisor.
36. In making a disclosure, the discloser should consider providing the following information to assist the Authorised Officer and/or Principal Officer to decide how the disclosure should be handled:
 - a) their name and contact details;
 - b) the nature of the suspected wrongdoing;
 - c) who they think committed the wrongdoing;
 - d) when and where the suspected wrongdoing occurred;
 - e) relevant events surrounding the issue;
 - f) if they did anything in response to the suspected wrongdoing;
 - g) whether others know about the suspected wrongdoing and have allowed it to continue;
 - h) whether they believe their information is a PID under the PID Act; and
 - i) if they are concerned about possible reprisal as a result of making a disclosure.
37. It is important that a potential discloser does not investigate a matter themselves before making a disclosure. A person who knowingly makes a false or misleading disclosure will not have any protections under the PID Act.
38. Once a PID is made, it cannot be withdrawn. A discloser may however state they do not wish the disclosure to be investigated and they may refuse to consent to their name and contact details being provided to the Principal Officer and/or delegate. If a discloser requests that a matter not be investigated, this should be a consideration that is taken into account in determining whether to exercise the discretion not to investigate or investigate further. The Bureau can however still choose to investigate the disclosure.

39. Upon receiving a disclosure of disclosable conduct from a public official, a supervisor or Authorised Officer must deal with the disclosure in accordance with the PID Act and these procedures.

Anonymous Disclosures

40. All persons, including public officials, persons who have been public officials and others, are encouraged to make disclosures in an anonymous way if they wish to do so.
41. A discloser is anonymous if the identity of the discloser is not revealed and if no contact details for the discloser are provided. It is also anonymous if the discloser does not disclose their name but does provide anonymous contact details (like a non-identifying email address).
42. Where a supervisor receives an anonymous disclosure, they must refer it to an Authorised Officer as soon as is reasonably practicable.
43. Where an Authorised Officer receives an anonymous disclosure, they must consider whether to exercise the power in section 70 of the PID Act to determine on their own initiative that a person who has disclosed information to them is a public official in relation to the making of the disclosure. However, if the Authorised Officer cannot contact the discloser, no determination can be made because the Authorised Officer must be able to give written notice of the determination to the individual under section 70 (1) of the PID Act.
44. It is anticipated that an Authorised Officer would make this decision having regard to whether it is in the public interest, in the Bureau's interest and in the discloser's interest to have the disclosure dealt with as a disclosure under the PID Act.
45. Where the discloser requests the Authorised Officer to make this determination, the Authorised Officer must make a decision on this request and must inform the discloser accordingly, and if the Authorised Officer's decision is to decline the request to make a determination under section 70, they must also give the discloser reasons for their decision.
46. Where an Authorised Officer decides to make a determination under section 70 of the Act has effect as if the individual had been a public official, the Authorised Officer should seek assistance from the Bureau's Legal Section on the drafting of the written notice.
47. The written notice must be given to the individual. A copy of the determination notice should also be given to the Principal Officer or their nominated delegate.

Reasons why a discloser may consider identifying themselves

48. There are a variety of reasons why a discloser may decide to identify themselves to an Authorised Officer, or at the very least provide a means of contact, including:
 - a) the PID Act requires agencies to keep a discloser's identity confidential, subject to limited exceptions including the discloser's consent. The person's identity may nonetheless become apparent if an investigation is commenced. If the person's identity needs to be disclosed or is likely to become apparent, the Authorised Officer should discuss this with them;
 - b) it will be difficult to ensure protection from reprisal if the Authorised Officer does not know the discloser's identity;

- c) the Authorised Officer who receives an anonymous report must have reasonable grounds to suspect the disclosable conduct has occurred in order to allocate the matter for investigation. If they cannot contact the person to seek necessary further information, the matter may not proceed;
 - d) it may also be difficult to conduct an investigation if the discloser cannot be contacted for further information. An investigator has the discretion not to investigate, or investigate further, if the discloser does not provide their name and contact details or is unable to give the investigator further information and assistance if needed; and
 - e) a discloser who does not provide a means of contact cannot be updated on the progress of the matter, including on the outcome of the investigation.
49. A person who has made an anonymous disclosure may come forward at a later stage to disclose their identity and seek the protections of the PID Act.

Procedures for Supervisors

50. Where a Bureau staff member discloses information to their supervisor and that supervisor has reasonable grounds to believe that the information concerns, or could concern, disclosable conduct, they must follow the below procedures.

Receiving disclosures

51. The supervisor must make a written record of the fact of the disclosure, and if the disclosure is not in writing, make a written record of the substance of the disclosure and the time and date of the disclosure. The person who received the disclosure must ask the discloser to sign the record of the disclosure, where practicable, to ensure accurate representation and understanding of disclosure.

Notifying and Authorised Officer

52. The supervisor must, as soon as reasonably practicable, give the information to a Bureau Authorised Officer.
53. At the time a supervisor gives disclosure information to an Authorised Officer, they must also give the Authorised Officer their written assessment of any risks that reprisal action might be taken against the person who disclosed the information to the supervisor considering the risk assessment found in [Appendix C](#).
54. Where a supervisor has given disclosure information to an Authorised Officer, and where the supervisor is able to contact the discloser, they must inform the discloser that they have given the information to an Authorised Officer and advise the discloser of the name and contact details of that Authorised Officer.
55. Further information for supervisors can be found in [Appendix D](#).

Procedures for Authorised Officers

56. Authorised Officers are public officials who have been appointed by the Principal Officer to receive PIDs. Under the PID Act, Authorised Officers have the responsibility for receiving, assessing and allocating PIDs.
57. The Bureau's Authorised Officers are:
- a) Group Executive Enterprise Services; and

- b) General Manager Organisational Development.
58. Note: The Principal Officer is also an Authorised Officer for the purposes of the PID Act.
59. Authorised Officers can be contacted via confidential email PID@bom.gov.au or directly to the Authorised Officer's individual email address.
60. An Authorised Officer must advise disclosers and potential disclosers of the provisions of the PID Act. Where:
- a) a person discloses, or is proposing to disclose, information to an Authorised Officer which the Authorised Officer has reasonable grounds to believe may be disclosable conduct; and
 - b) the Authorised Officer has reasonable grounds to believe that the person may be unaware of what the PID Act requires for the disclosure to be an internal disclosure; and
 - c) the Authorised Officer is aware of the contact details of the person.
61. The Authorised Officer must:
- a) inform the person that the disclosure could be treated as an internal disclosure for the PID Act; and
 - b) explain to the person what the PID Act requires for a disclosure to be an internal disclosure; and
 - c) advise the person of any orders or directions that may affect disclosure of the information.

Receiving disclosures

62. Where a public official makes a disclosure of disclosable conduct directly to an Authorised Officer, the Authorised Officer must make a written record of the fact of the disclosure and, if the disclosure is not in writing, they must make a written record of the substance of the disclosure and of the time and date of the disclosure.
63. The Authorised Officer must ask the discloser to sign the written record of the disclosure, where this is practicable, to ensure accurate representation and understanding of disclosure.

Allocating disclosures

64. Where a disclosure has been given to or made to an Authorised Officer, the Authorised Officer must:
- a) use their best endeavours to decide on the allocation of the disclosure **within 14 days** after the disclosure is given to or made to the Authorised Officer; or
 - b) decide whether they are satisfied, on reasonable grounds, that there is no reasonable basis on which the disclosure could be an internal disclosure.
65. The bases on which an Authorised Officer could decide not to allocate are set out in the PID Act, and include:

- a) that the disclosure has not been made by a person who is, or was, a public official;
 - b) that the disclosure was not made to an authorised internal recipient or supervisor;
 - c) that the disclosure is not about disclosable conduct;
 - d) that the person who is alleged to have carried out the disclosable conduct was not a public official at the time they are alleged to have carried out that conduct; or
 - e) that the disclosure is not otherwise a PID within the meaning of the PID Act.
66. Where an Authorised Officer receives a disclosure, they may obtain information and may make such inquiries as they think fit, for the purposes of deciding the allocation of the disclosure, including for the purposes of deciding whether the disclosure is an internal disclosure or not.

Obtaining discloser's consent to use information

67. Where the Authorised Officer is aware of the contact details of the discloser, they must, as soon as practicable after receiving the disclosure and before allocating the disclosure, ask the discloser whether the discloser:
- a) consents to the Authorised Officer giving the discloser's name and contact details to the Principal Officer and delegates; and
 - b) wishes the disclosure to be investigated.
68. The Authorised Officer must make a written record of the discloser's responses (if any) to the above questions.
69. Where a discloser does not respond **within 7 days** to the questions referred to above the discloser is taken not to have consented to the disclosure of their name and contact details to the Principal Officer and their delegates, and the discloser is taken to wish the disclosure to be investigated.

Where Authorised Officer decides not to allocate an internal disclosure

70. Where an Authorised Officer decides that a disclosure that has been made to them is not to be allocated, they must, where the discloser's contact details are known to the Authorised Officer, advise the discloser in writing of:
- a) the reasons why the disclosure is not to be allocated; and
 - b) any other courses of action that might be available to the discloser under other laws of the Commonwealth.

Where Authorised Officer allocates an internal disclosure

71. An Authorised Officer must obtain the consent of an Authorised Officer in another agency before the first Authorised Officer can allocate an internal disclosure to that agency.
72. Where an Authorised Officer in the Bureau allocates a disclosure to an agency, they must inform the Principal Officer of that agency of:
- a) the allocation to the agency;

- b) the information that was disclosed to the Authorised Officer;
 - c) the suspected disclosable conduct; and
 - d) if the discloser's name and contact details are known to the Authorised Officer, and the discloser consents to the Principal Officer being informed – the discloser's name and contact details.
73. If the Authorised Officer allocated a disclosure to an agency, that is not the Ombudsman, the IGIS or an intelligence agency, they will inform the Ombudsman of this in writing by completing and submitting [Form 1 - notification of allocation](#). If the disclosure is allocated to an intelligence agency, the Authorised Officer will inform the IGIS of this in writing.
74. Where the Authorised Officer is aware of the contact details of the discloser the Authorised Officer must inform the discloser, in writing, of the allocation and the information that has been provided to the Principal Officer of the relevant agency.

Record of allocating the handling of a disclosure

75. When an Authorised Officer allocates the handling of a disclosure to one or more agencies, he or she must keep an appropriate record of:
- a) the decision (including the name of each agency to which the disclosure is to be allocated);
 - b) the reasons for the decision; and
 - c) the consent provided by the Authorised Officer of the agency to which the allocation is made.
76. The Authorised Officer must also keep appropriate records of whether the discloser was informed of the allocation decision and, if so, of:
- a) the day and time the discloser was notified; and
 - b) the means by which the discloser was notified; and
 - c) the content of the notification.
77. These records should be kept confidential.

Risk assessment

78. Where an Authorised Officer allocates a disclosure, they must conduct a risk assessment on whether reprisals may be taken against the discloser based on a checklist of risk factors outlined in [Appendix C](#) and having regard to any assessment of risk provided under these procedures by the discloser's supervisor.
79. In conducting the risk assessment, Authorised Officers will adopt the following framework which entails four steps:
- a) Identifying – are reprisals or related workplace conflict problems in the workplace, or do they have the potential to be problems?
 - b) Assessing – what is the likelihood and consequence of reprisals or related workplace conflict?
 - c) Controlling – what strategies should be put in place to prevent or contain reprisals or related workplace conflict?

- d) Monitoring and reviewing – have the strategies been implemented and were they effective?
80. Authorised Officers conducting a reprisal risk assessment must ensure that they:
- a) act promptly and confidentially to conduct the reprisal risk assessment;
 - b) inform themselves of the risk of reprisal or workplace conflict by making appropriate inquiries including by talking to the discloser;
 - c) broaden their assessment to look at others who may be at risk, including supervisors and colleagues;
 - d) communicate with the discloser to monitor their wellbeing;
 - e) mitigate harm and nominate a support person if appropriate;
 - f) reassess the risk throughout the PID process and apply further support and mitigations as necessary (e.g. when key witnesses are interviewed);
 - g) take proactive action to prevent or address reprisal or workplace conflict;
 - h) adhere to the PID Act confidentiality and secrecy requirements.
81. The Commonwealth Ombudsman's [Agency Guide to PID Act 2013 \(Version 2, 2016\)](#) provides advice on conducting risk assessments, including the [PID Information Sheet Managing The Risk of Reprisal](#) and [Assessing and Managing the risk of reprisal](#).
82. Further information about the role of Authorised Officers can be found in [Appendix D](#) and [Appendix E](#).

Procedures for Principal Officer

83. The Principal Officer has specific responsibilities, that include establishing PID Act procedures, investigating and providing reports on disclosures, and ensuring that appropriate action is taken in relation to any recommendations arising from a PID Act investigation.
84. The Principal Officer is able to delegate any or all of these functions or powers to another public official in the Bureau.

The Bureau's Principal Officer delegates are:

- a) CEO and Director of Meteorology;
 - b) Group Executive Enterprise Services and Chief Operating Officer;
 - c) General Manager Organisational Development;
 - d) Manager People Services; and
 - e) Assistant Manager, Employee and Industrial Relations.
85. The Principal Officer must investigate a disclosure that has been allocated for investigation unless the PID Act allows otherwise. References to the Principal Officer in this section include references to their delegates, including an investigator.
86. The Principal Officer must, as soon as practicable after receiving an allocation of a disclosure from an Authorised Officer (whether from within or outside the Bureau)

consider whether to exercise the discretion under section 48 of the PID Act not to investigate the disclosure under the PID Act. In broad terms, the Principal Officer may decide not to investigate (or may decide to discontinue an investigation already begun) if:

- a) the discloser is not a current or former public official (and a determination has not been made under section 70 of the PID Act);
- b) the information does not to any extent concern serious disclosable conduct;
- c) the disclosure is frivolous or vexatious;
- d) the disclosure is substantially the same as a disclosure that has previously been investigated under the PID Act;
- e) the disclosure is substantially the same as a disclosure that has already been investigated, or is currently being investigated, under another law of the Commonwealth, and
 - i. it would be inappropriate to conduct another investigation at the same time.
 - ii. the Principal Officer is reasonably satisfied that there are no matters that warrant further investigation.
- f) the discloser has informed the Principal Officer that they do not wish the disclosure to be pursued and the Principal Officer is reasonably satisfied that there are no further matters concerning the disclosure that warrant investigation;
- g) it is impracticable to investigate the disclosure because:
 - i. the discloser has not revealed their name and contact details.
 - ii. the discloser has refused or has failed or is unable to give the investigator the information they requested.
 - iii. of the age of the information.

87. Guidance on factors that might go towards the exercise of the power in section 48 is provided in the Commonwealth Ombudsman's [Agency Guide to PID Act 2013 \(Version 2, 2016\)](#).

88. Further information about the role of the Principal Officer or delegate can be found in [Appendix D](#) and [Appendix F](#).

Decision not to investigate

89. Where the Principal Officer or delegate decides under section 48 of the PID Act not to investigate a disclosure under Division 2 of Part 3 of the PID Act, the Principal Officer should as reasonably practicable or within 10 working days of the decision to exercise discretion under s 48 of the PID Act:

- a) inform the Ombudsman of that decision by completing and submitting [Form 2 - notification of decision not to investigate](#) including the reasons for that decision,

- b) where they have been given the name and contact details of the discloser, inform the discloser of that decision, of the reasons for that decision and of other courses of action that may be available to the discloser under other laws of the Commonwealth.

Decision to investigate

- 90. Where the Principal Officer or delegate has considered exercising the discretion under section 48 of the PID Act and has decided that they are required to investigate the disclosure, and where the Principal Officer has been given the name and contact details of the discloser, the Principal Officer must inform the discloser that they are required to investigate the disclosure and inform the discloser of the estimated length of the investigation.
- 91. If the Principal Officer or delegate decides to investigate the disclosure and starts to investigate the disclosure but then later decides not to investigate the disclosure further under section 48, the Principal Officer must inform:
 - a) the discloser of that decision, or the reasons for the decision and of other courses of action that might be available to the discloser under other laws of the Commonwealth; and
 - b) the Ombudsman of that decision and the reasons for that decision.

Procedures for Investigators

- 92. Where the Principal Officer or delegate has decided to commence an investigation into an internal disclosure, they may conduct the investigation as they think fit.
- 93. The Principal Officer or delegate must be independent and unbiased in the matter. They must ensure that they do not have an actual or perceived conflict of interest. They may, for the purposes of the investigation, obtain information from such persons, and make such inquiries, as they think fit.
- 94. When conducting an investigation, they must ensure that a decision whether evidence is sufficient to prove a fact is made on the balance of probabilities. In conducting an investigation under these procedures, the Principal Officer must also comply with:
 - a) the Ombudsman's Standard, and
 - b) to the extent they are relevant to the investigation:
 - i. the Commonwealth Fraud Control Guidelines;
 - ii. the Australian Government Investigation Standards;
 - iii. these procedures;
 - iv. the procedures established under section 15(3) of the *Public Service Act 1999*.

Interviewing witnesses

95. Subject to any restrictions imposed by a law of the Commonwealth other than the PID Act, the investigator must ensure that, if a person is interviewed as part of the investigation of an internal disclosure, that person is informed of:
- a) the identity and function of each person conducting the interview;
 - b) the process of conducting an investigation;
 - c) the authority of the investigator under the PID Act to conduct an investigation;
 - d) the protections provided to the person by section 57 of the PID Act;
96. An Investigator should also inform the person of their duty:
- i. if they are a public official – to use their best endeavours to assist the investigator in the conduct of an investigation under the PID Act (subject to the public official's privilege against incriminating themselves or exposing themselves to a penalty);
 - ii. not to take or threaten to take reprisal action against the discloser;
 - iii. subject to the PID Act, not to disclose the identity of the person who made the disclosure.
97. Where the investigator conducts an interview as part of an investigation, at the end of the interview, the interviewee must be given an opportunity to make a final statement or comment or express a position. The investigator must include any final statement, comment or position in the record of the interview.
98. Where the investigator is aware of the discloser's identity and considers that it is necessary to reveal the discloser's identity to a witness, the investigator must consult with the discloser, where practicable, before proceeding.

Procedural fairness

99. Procedural fairness does not require that a person against whom allegations are made must be advised as soon as the disclosure is received or as soon as an investigation is commenced.
100. Procedural fairness may require that the discloser's identity be revealed to the person who is the subject of the disclosure.
101. Where the investigator in preparing the report of their investigation proposes to:
- a) make a finding of fact, or
 - b) express an opinion that is adverse to the discloser, to a public official who is the subject of the disclosure.
102. The investigator must give the person who is the subject of that proposed finding or opinion a copy of the evidence that is relevant to that proposed finding or opinion. The person must then be given a reasonable opportunity to comment.
103. Where it appears that the proposed finding or opinion would affect adversely the rights or interests of someone other than the discloser or a public official who is subject of the

disclosure, then the investigator may discuss with the Bureau Employee and Industrial Relations Team whether that person should be given the opportunity to comment.

104. The above will not apply where the investigation does not make substantive findings or express adverse opinions but instead simply recommends or decides that further investigation action should or should not be taken or will or will not be taken.
105. The investigator must ensure that the evidence relied on in an investigation is relevant and that a finding of fact in a report of an investigation under the PID Act is based on logically-probative evidence.

Time limits

106. The investigator has **90 days** from the date the disclosure was allocated in which to complete the investigation. It is possible to seek one or more extensions of time from the Ombudsman.
107. A request to the Ombudsman for an extension of time must be made where an investigation has not been completed **within 70 days** of the date the disclosure was allocated.
108. The [Form 3 - request for extension of time](#) should be completed and submitted including reasons why the investigation cannot be completed within the time limit, the views of the discloser and an outline of action taken to progress the investigation.
109. An investigation that is not completed within time does not become invalid.

Confidentiality

110. The investigation of the disclosure should be conducted in as confidential a manner as is possible. The identity of both the discloser and the person alleged to have engaged in the disclosable conduct should not be revealed except where this is reasonably necessary for the effective investigation of the disclosure (including because of the need to afford procedural fairness).
111. Any interviews conducted by an Authorised Officer or delegates (including investigators) should be conducted in private.
112. Any interviews with the discloser should be arranged to avoid the identification of the discloser by other Bureau staff.

Reports of Investigations

113. In preparing a report of an investigation under the PID Act investigator must comply with the PID Act, the PID Standard and these procedures.
114. A report of an investigation under the PID Act must set out:
 - a) the matters considered during the investigation, and
 - b) the duration of the investigation, and
 - c) the investigator's findings (if any), and
 - d) the action (if any) that has been, is being or is recommended to be taken, and
 - e) any claims made about, and any evidence of, detrimental action taken against the discloser, and the Bureau's response to those claims and that evidence

115. Where relevant, a report must:

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

116. Where an investigator has completed a report of an investigation under the PID Act, and where they have been given the discloser's contact details, the investigator must, as soon as practicable, advise the discloser in writing:

- a) that the report has been completed, and
- b) whether the report was completed within the time limit provided for by the PID Act.

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

Additional considerations

118. The investigator may delete from the copy of the report given to the discloser any material:

- a) that is likely to enable the identification of the discloser or another person, or
- b) the inclusion of which would result in the copy being a document:
 - i. that is exempt for the purposes of Part IV of the *Freedom of Information Act 1982*, or
 - ii. having, or being required to have, a national security or other protective security classification, or
 - iii. containing intelligence information.

119. The investigator must delete from the copy of a report given to the discloser any material which would result in the report contravening a designated publication restriction.

Record-keeping, Monitoring and Evaluation

Record-keeping

120. Where an Authorised Officer is required to keep a record under these procedures, the record may be kept in hard copy or in an electronic form or in both. Access to these records must be restricted to the Authorised Officers, delegates (including investigators) or other staff in the Bureau who require access to perform some function under the PID Act or for the purposes of another law of the Commonwealth (for example, under the *Work Health and Safety Act 2011* or the *Public Service Act 1999*).

121. All records made for the purposes of the PID Act in accordance with these procedures must be marked as 'in-confidence' and hard copies stored in the appropriate storage container. Where a form is required to be sent under these procedures, a copy of the form must be kept.
122. Any email correspondence between supervisors, Authorised Officers and Principal Officers or delegates that contains identifying information should be clearly marked in the subject line 'For Addressee Eyes Only – Public Interest Disclosure'. This alerts any support staff who may have access to emails that this email is not to be opened.
123. Where a person will cease being an Authorised Officer in the Bureau (including because of resignation or movement to another agency), their PID records must be transferred to another Authorised Officer in the Bureau.

Monitoring and evaluation

124. Authorised Officers provide a regular report to the Principal Officer specifying the number of PIDs received and the nature of the disclosable conduct for each disclosure. The report must also include any disclosures that have been allocated to the Bureau by another agency's Authorised Officer.
125. The Principal Officer or delegate will collate the Bureau's report to the Ombudsman on disclosures made during the financial year.
126. Each investigator must advise the Principal Officer of every decision made by the investigator to investigate a disclosure during the financial year.
127. Each delegate of the Principal Officer who takes action in response to a recommendation made in an investigation report must make a report of this action to the Principal Officer.
128. The Principal Officer will send the Bureau's report to the Ombudsman within the time requested by the Ombudsman or as otherwise agreed with the Ombudsman.

Responsibilities

All Staff

129. All Bureau staff members have a responsibility to familiarise themselves with the PID Act. Staff must be aware of what is a PID, what action to take if they suspect wrongdoing, how disclosures will be dealt with and the protections that are available to them if they report suspected disclosable conduct.
130. All staff have an obligation to report serious wrongdoing by another public official during, or in connection with, their APS employment. They must make this report based on information that they believe on reasonable grounds may provide evidence of behaviour that is disclosable conduct.
131. All staff must assist the Principal Officer in the conduct of an investigation. They must also use their best endeavours to assist the Ombudsman, the Inspector-General of Intelligence and Security (IGIS) or the investigative agency in their functions under the PID Act.
132. Beyond those specific responsibilities, all Bureau staff members have responsibility to ensure the PID Act works effectively, which includes:

- a) reporting matters where there is evidence that shows or tends to show disclosable conduct;
- b) identifying areas where there may be opportunities for wrongdoing to occur because of inadequate systems or procedures, and proactively raising those with management;
- c) supporting staff who they know have made PIDs;
- d) keeping the identity of a discloser and anyone against whom an allegation has been made confidential, if they become aware of those matters.

Employee and Industrial Relations

133. The Employee and Industrial Relations team within the People Services Section supports the Bureau's legal and ethical standards of conduct by:

- a) assisting managers and staff with concerns raised about the workplace conduct and behaviour of staff;
- b) conducting preliminary inquiries and assessments of allegations made about the conduct and behaviour of staff members and makes recommendations to the delegates for APS Code of Conduct matters about any further action that may be required in the circumstances;
- c) closely liaising with all areas of the Bureau and other Commonwealth agencies (including the Australian Public Service Commission and the Merit Protection Commissioner) in relation to APS Code of Conduct and ethical behaviour issues;
- d) providing education, guidance and advice to employees and managers regarding the APS Code of Conduct and PIDs, to promote integrity in the performance of employees' duties, in Bureau processes and procedures and in the use of the Bureau's resources and Information and Communications Technology (ICT) systems;
- e) reporting on trends and systemic policy, process and/or procedural deficiencies identified during investigations to positively assist with the Bureau's working culture and strategic direction.

134. If a public official decides not to make a PID, they should consider whether there is another process for them to raise their workplace concerns. There are other avenues for advice and action, and staff can seek confidential advice from the Employee and Industrial Relations team.

Enquires

135. Authorised Officers can be contacted via confidential email PID@bom.gov.au.

136. Any enquiries in relation to this procedure should be directed to the Bureau Employee and Industrial Relations team via email EmployeeRelations@bom.gov.au.

Definitions

Authorised Officer: has the meaning given by section 36 of the PID Act. A public official appointed by the agency head to receive, assess and allocate internal PIDs; or the Principal Officer of an agency. For the purpose of these procedures, an Authorised Officer in the Bureau is:

- a) The CEO and Director of Meteorology (as Principal Officer under the PID Act); or
- b) A Bureau staff member appointed, in writing, by the Principal Officer as an Authorised Officer for the purposes of the PID Act.

Disclosable conduct: The full definition disclosable conduct is set out in section 29 of the PID Act. That definition applies for these procedures.

In summary, disclosable conduct is conduct engaged in by an Agency, public official (in connection with their position), or a contracted service provider (or their staff) in connection with the contract, that:

- a) contravenes a law of the Commonwealth, a State or a Territory; or
- b) occurs in a foreign country and contravenes a law in force in that country that applies to the agency or public official and that corresponds to a law in force in the Australian Capital Territory; or
- c) constitutes maladministration, including conduct that:
 - i. is based on improper motives
 - ii. is unreasonable, unjust or oppressive, or
 - iii. is negligent, or
- d) is an abuse of public trust; or
- e) is fabrication, falsification or deception in relation to scientific research, or misconduct in relation to scientific work; or
- f) results in the wastage of public money or public property or of the money or property of an authority covered by the PID Act; or
- g) unreasonably results in a danger to the health and safety of a person or unreasonably results in or increases the risk of a danger to the health and safety of a person; or
- h) results in a danger to the environment or results in or increases the risk of a danger to the environment; or
- i) is prescribed by the PID Rules; or
- j) is engaged in by a public official that: involved abuse of the public official's position, or
- k) could, if proved, give reasonable grounds for disciplinary action against the public official.

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

It does not matter whether the public official who carried out the alleged conduct has ceased to be a public official since the time the conduct is alleged to have occurred, but it is necessary that they carried out the conduct in connection with their position as a public official.

Principal Officer: has the meaning given by section 73. For the purpose of the PID Act the Principal Officer of the Bureau is the Chief Executive Officer (CEO) and Director of Meteorology.

Public Official: A person must be a current or former ‘public official’ to make a disclosure. This broad term includes Australian Government public servants, statutory office holders and staff of Commonwealth contracted service providers. An Authorised Officer can also deem an individual to be a public official if they reasonably believe the individual has information about wrongdoing and proposes to make a disclosure.

This definition of public officials includes all Bureau staff (both ongoing and non-ongoing) as well as contractors or service providers (in connection with a Commonwealth contract).

Public interest disclosure: has the meaning given by section 26 of the PID Act. That definition applies for the purposes of this policy and procedure. Broadly speaking, a PID is a disclosure of information, by a public official, that is:

- a) a disclosure to anybody within government, to an authorised internal recipient or a supervisor, concerning suspected or probable illegal conduct or other wrongdoing (referred to a disclosable conduct);
- b) a disclosure to anybody, if an internal disclosure of the information has not been adequately dealt with, and if wider disclosure satisfies the public interest requirements;
- c) a disclosure to anybody if there is a substantial and imminent danger to health or safety;
- d) a disclosure to an Australian legal practitioner for purposes connected with the above matters.

However, there are limitations to consider the need to protect intelligence information. Refer to [Appendix A](#) for further information on what is a PID.

Related requirements

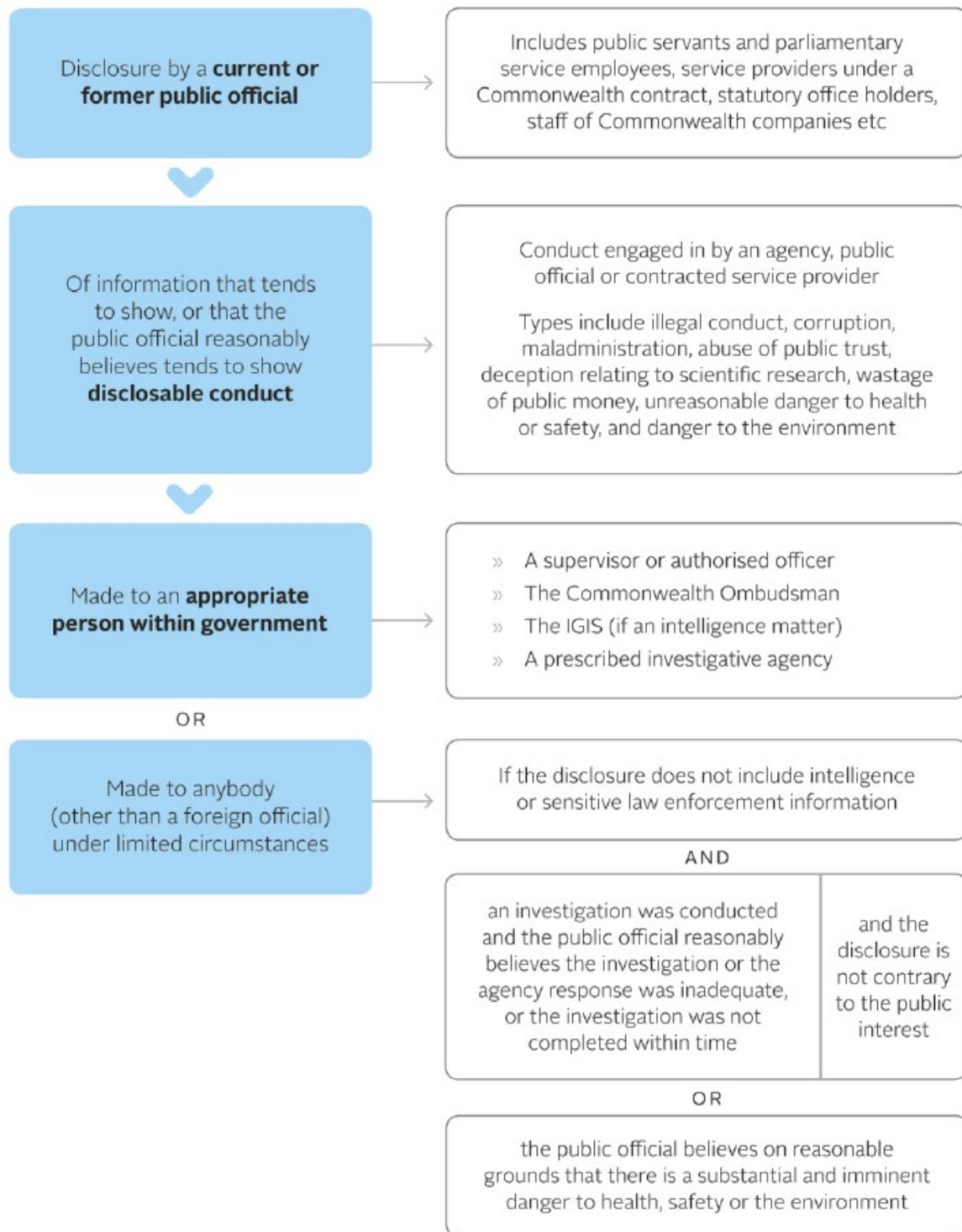
Supersedes	Public Interest Disclosure (PID) Policy and Procedure V1.0 – January 2014
Legislation	Public Interest Disclosure Act 2013
Government policies	Commonwealth Fraud Control Framework APS Code of Conduct Commonwealth Ombudsman's Agency Guide to the PID Act (Version 2, 2016) Review of Actions Framework
Standards/Instruments	Public Interest Disclosure Standard 2013 Bureau of Meteorology Enterprise Agreement 2018 Authorisations and Delegations

Bureau policies	People Policy
Bureau procedures	Suspected Breaches of the APS Code of Conduct procedure Code of Conduct Guidelines Fraud Control Plan Review of APS Employment Related Decisions procedure

Document control

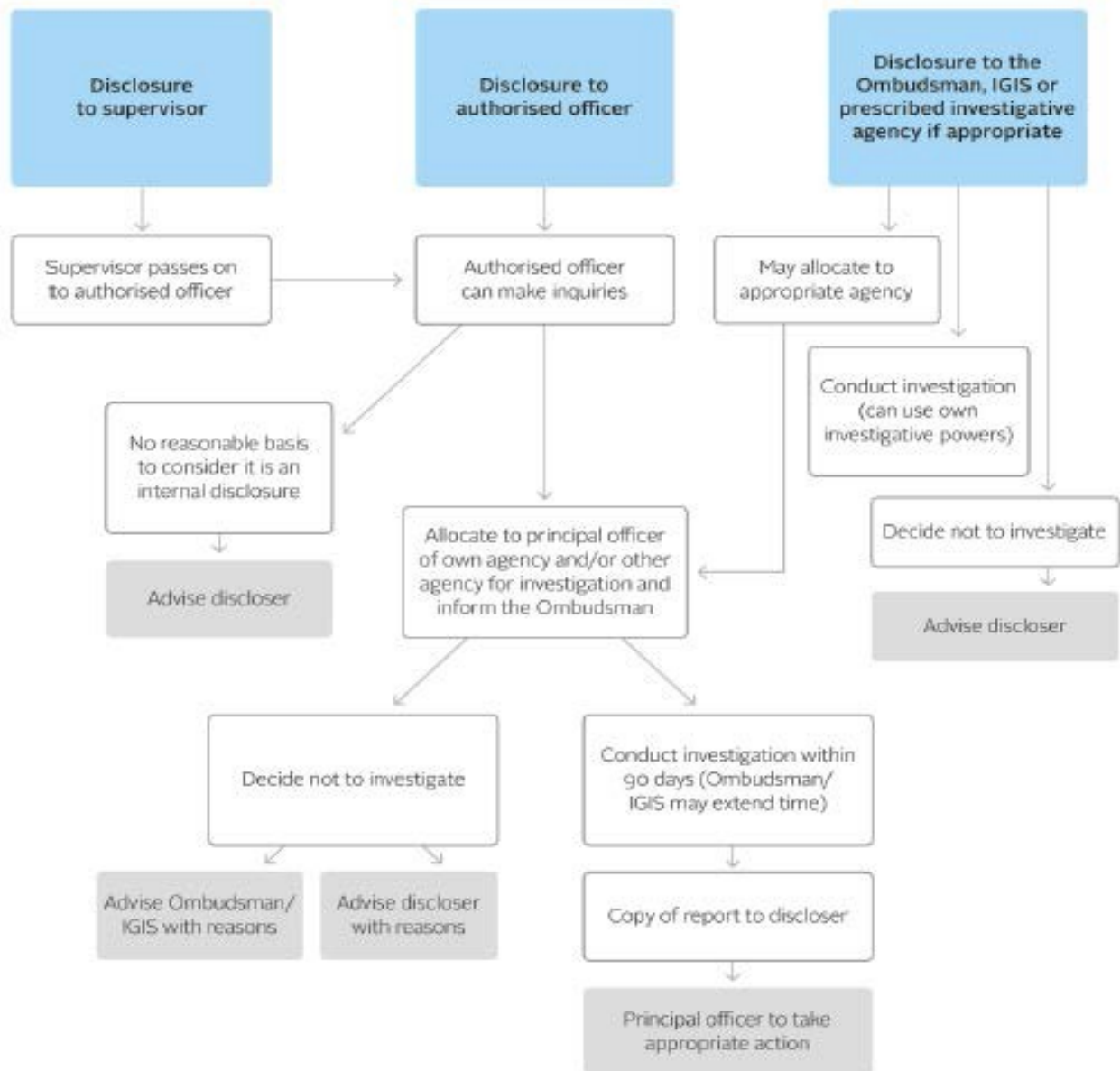
Version No.	Version date	Status	Author	Reviewed by	Review / change details
1.0	January 2014	Initial Release	G Milner T Blakiston		
1.1	April 2018	Draft	D. Sousa	J. Rika	Updated legislation, hyperlinks and inclusion of definitions.
1.2	October 2018	Draft	D. Sousa	S. Jarash	New template and deleting sections related to policy and process (to be included in separate documents)
1.3	October 2018	Draft	D. Sousa		Reviewed and updated including hyperlinks to forms, the disclosure process, internal disclosure flow chart and reviewed against APSC PID procedure.
1.4	November 2018	Draft	D. Sousa	C. Ward B. Jenkins	Reviewed legislation and agreed to retain disclosure process and responsibilities in the procedure.
1.5	November 2018	Draft	D. Sousa	A. Heward	Minor editorial updates to wording and formatting following Legal feedback.
1.6	April 2019	Draft	D. Sousa	A. Hall	Minor editorial updates to wording and formatting.
1.7	June 2020	Draft	D. Sousa	A. Hall	Minor grammatical update following staff consultation feedback. Amendment to Authorised Officers.
2.0	July 2020	Final	D. Sousa	A. Hall S. Keenan P. Goodwin	Approved.

Appendix A - What is a Public Interest Disclosure?



Source: [Commonwealth Ombudsman's Agency guide to the Public Interest Disclosure Act 2013 \(Version 2, 2016\)](#)

Appendix B - Internal Disclosure Flow Chart



Appendix C - Indicators of a higher risk of reprisals or workplace conflict

<p>Threats or past experience</p>	<ul style="list-style-type: none"> • Has a specific threat against the discloser been received? • Is there a history of conflict between the discloser and the subjects of the disclosure, management, supervisors or colleagues? • Is there a history of reprisals or other conflict in the workplace? • Is it likely that the disclosure will exacerbate this?
<p>Confidentiality unlikely to be maintained</p>	<ul style="list-style-type: none"> • Who knows that the disclosure has been made or was going to be made? • Has the discloser already raised the substance of the disclosure or revealed their identity in the workplace? • Who in the workplace knows the discloser's identity? • Is the discloser's immediate work unit small?* • Are there circumstances, such as the discloser's stress level, that will make it difficult for them to not discuss the matter with people in their workplace? • Will the discloser become identified or suspected when the existence or substance of the disclosure is made known or investigated? • Can the disclosure be investigated while maintaining confidentiality?
<p>Significant reported wrongdoing</p>	<ul style="list-style-type: none"> • Are there allegations about individuals in the disclosure? • Who are their close professional and social associates within the workplace? • Is there more than one wrongdoer involved in the matter? * • Is the reported wrongdoing serious?* • Is or was the reported wrongdoing occurring frequently?* • Is the disclosure particularly sensitive or embarrassing for any subjects of the disclosure, senior management, the agency or government? • Do these people have the intent to take reprisals – for example, because they have a lot to lose? • Do these people have the opportunity to take reprisals – for example, because they have power over the discloser?
<p>Vulnerable discloser</p>	<ul style="list-style-type: none"> • Is or was the reported wrongdoing directed at the discloser?* • Are there multiple subjects of the disclosure? • Is the disclosure about a more senior official?* • Is the discloser employed part-time or on a casual basis?* • Is the discloser isolated – for example, geographically or because of shift work? • Are the allegations unlikely to be substantiated – for example, because there is a lack of evidence?* • Is the disclosure being investigated outside your organisation?*

Extract from the [Commonwealth Ombudsman's Agency guide to the PID Act 2013 \(Version 2, 2016\)](#)

Appendix D - Further Information

The below documents have been developed by the Commonwealth Ombudsman to provide Agencies with further information about the PID Scheme:

- [PID - Frequently asked questions](#)
- [PID Scheme – Reference Guide](#)
- [PID - About the Public Interest Disclosure Act 2013](#)
- [PID - How to make a public interest disclosure](#)
- [PID - Managing the risk of reprisal](#)
- [PID – Supervisors and the PID scheme](#)
- [PID - Role of Authorised Officers](#)
- [PID - Responsibilities of Principal Officers](#)
- [Form 1 - Notification of allocation](#)
- [Form 2 - Notification of decision not to investigate](#)
- [Form 3 - Request for extension of time](#)

Appendix E - The role of the Authorised Officer

14 DAYS

Receiving a potential internal PID

Upon receipt of a potential PID, the **Authorised Officer** should:

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

Assessing the potential internal PID

The **Authorised Officer** assesses the potential PID to establish:

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



Yes, it is a PID

The **Authorised Officer** must:

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

No, it is not a PID

The **Authorised Officer** must:

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

Conducting a risk assessment

The **Authorised Officer** should:

- conduct a risk assessment following the agency's reprisal risk management procedures (s 59(1)(a))
- assess the risk of reprisal and workplace conflict and identify mitigation strategies (ss 13 & 19)
- take action to prevent or address harm (s 59(3)(a))
- monitor and review the assessment and actions, keeping appropriate records

Appendix F - The Role of the Principal Officer

90 DAYS

Investigating a PID

The **Principal Officer** (or their delegate) should:

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

Yes, investigate

The **Principal Officer** (or their delegate) must:

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

No, do not investigate under the PID Act

The **Principal Officer** (or their delegate) must:

- consider whether other action is appropriate to investigate or respond to the disclosed information (s 48(2))
- notify the discloser (ss 50(1)(b), 50(2) & 50(5))
- notify the Ombudsman (s 50A(1))

Finalising the investigation and taking action

The **Principal Officer** (or their delegate) must:

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

Remember

A person who has made a disclosure can complain to the Ombudsman if they are unhappy with the agency's handling of the PID. A public official who has already made an internal PID may be able to make an external disclosure about the same matter if that is not on balance contrary to the public interest and (s 26 Item 2):

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