

January 2014

## The role of authorised officers

The principal officer of each agency may appoint an appropriate number of authorised officers to undertake key responsibilities under the *Public Interest Disclosure Act 2013* (PID Act), which include receiving disclosures.

### HOW MANY AUTHORISED OFFICERS SHOULD BE APPOINTED?

The principal officer must ensure that a sufficient number of authorised officers are 'readily accessible' to public officials who 'belong to the agency' (s 59 (3) (b)). The term 'belong to the agency' includes a contracted service provider and staff of contracted service providers to the agency. In appointing 'readily accessible' authorised officers, the principal officer should consider such factors as:

- » the size of the agency
- » the geographical location of staff
- » the risk that requiring reports to be made to a particular area or particular authorised officer may not encourage certain staff to be forthcoming or may raise a conflict of interest.

The principal officer is also an authorised officer for the purposes of the PID Act.

### HOW ARE AUTHORISED OFFICERS APPOINTED?

The principal officer *appoints* authorised officers in writing.

### HOW DOES A PUBLIC OFFICIAL KNOW WHO IS AN AUTHORISED OFFICER?

The principal officer must ensure that public officials who belong to the agency are aware of the identity of each authorised officer in the agency. The contact details of authorised officers should be easy to find, for example, on the agency's intranet or in staff bulletins (other arrangements may be required for contracted service providers who do not have access to those means). Provided there are avenues for making oral disclosures, an agency may also set up an online system for receiving written disclosures or use a generic email address such as 'pid@agencyname.gov.au'.

Because public interest disclosures may be made by former public officials or current public officials in other agencies, the principal officer also needs to ensure that effective means are in place for disclosers to find out how they may contact authorised officers located in the agency (e.g. by making contact details publicly available on the agency's website). This could be a generic contact email address or phone number rather than a list of individual officers' details.

### WHAT SKILLS AND EXPERIENCE DO AUTHORISED OFFICERS NEED?

Authorised officers need to be very familiar with the PID Act requirements, as they have important responsibilities under the legislation (as discussed below). They should also be experienced and skilled in dealing with sensitive matters such as whistleblowing or complaint handling.

## WHAT DO AUTHORISED OFFICERS DO?

Authorised officers have a range of decision-making, notification and other responsibilities under the PID Act, including:

- » receiving disclosures from current or former public officials about disclosable conduct
- » deeming a person to be a public official to facilitate the making of a public interest disclosure
- » informing a person who may be unaware of the PID Act requirements that information that the authorised officer reasonably believes could concern disclosable conduct could be treated as an internal disclosure, explaining the requirements of the PID Act and advising the person of any designated publication restrictions that may affect disclosure
- » assessing reported information to determine if there are no reasonable grounds to believe the information could be considered to be a public interest disclosure
- » making any preliminary inquiries necessary to make an allocation decision
- » allocating all or part of the disclosure to the principal officer of their agency and/or another agency (with that agency's consent) and use their best endeavours to make a decision on allocation within 14 days of receiving the disclosure
- » informing the principal officer of each relevant agency, and the Ombudsman or IGIS as appropriate, of allocation decisions and associated information
- » informing the discloser of the allocation decision
- » consenting to the allocation of a disclosure by an authorised officer of another agency
- » advising the discloser of a decision not to allocate, the reasons why and any other course of action that may be available under Commonwealth law.

An individual may have decided to make a disclosure or may want to first seek advice about the process or the protections available to them, and an authorised officer should be prepared to explain what the PID Act requires in order for the discloser to be treated as an internal discloser.

The principal officer also needs to put in place procedures to assess the risks of a reprisal against a person who makes a disclosure. Unless the disclosure is first made to the person's supervisor or manager and they conduct a risk assessment, an authorised officer will usually be the appropriate person to do this.

In addition to the statutory requirements, agencies should consider whether authorised officers or staff in another area should be a contact point in the agency for general advice about the operation of the PID Act.

Agencies may wish to appoint from amongst the group of authorised officers a central coordinating officer to manage their interactions with other agencies, including allocation of disclosures and consenting to receive allocated disclosures.

## FURTHER INFORMATION

A growing central resource of PID materials is available on the Ombudsman's website at [www.pid.ombudsman.gov.au](http://www.pid.ombudsman.gov.au).

## CONTACT THE COMMONWEALTH OMBUDSMAN 1300 362 072

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<b>PID INFORMATION LINE</b>	02 6276 3777
<b>FAX</b>	02 6276 0123
<b>EMAIL</b>	<a href="mailto:PID@ombudsman.gov.au">PID@ombudsman.gov.au</a>
<b>WEB</b>	<a href="http://www.pid.ombudsman.gov.au">www.pid.ombudsman.gov.au</a>
<b>POST</b>	GPO Box 442, Canberra ACT 2601

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