

Public Interest Disclosure scheme

The *Public Interest Disclosure Act 2013* (the PID Act) commenced on 15 January 2014. The Act established the first comprehensive disclosure-protection scheme for current and former public officials that belong to Australian Government agencies.

The Commonwealth Ombudsman and the Inspector-General of Intelligence and Security (IGIS) have an oversight and awareness-raising role under the PID Act. The Act, however, places responsibility on Australian Government agencies to have procedures in place to proactively manage, investigate and resolve disclosures, and to support and protect public officials from reprisal action as a result of making a disclosure. It also places obligations on public officials to help agencies conduct an investigation, and assist the Ombudsman and IGIS in the performance of their functions under the Act.

In the lead-up to the start of the Act we undertook a significant body of work to help prepare agencies to implement the PID scheme effectively. We developed a set of legislated PID Standards, which provide additional guidance to agencies in the operation of the scheme. We also developed a suite of guidelines, fact sheets, frequently asked questions and notification forms to help agencies and disclosers navigate the new legislative framework.

In the first six months of the scheme we focused on helping and supporting agencies to implement the Act, so they were well placed to handle and take ownership of any reported wrongdoing.

We delivered a large number of presentations to agencies about the operation and application of the Act. We also handled a significant number

of enquiries from agencies and individuals seeking guidance in relation to the Act. This included holding a number of meetings with agencies to discuss and help them with implementation issues.

Overview of the PID scheme

The PID scheme aims to remove barriers that might otherwise prevent officials working within the Commonwealth public sector from reporting suspected wrongdoing that impacts on public administration. It aims to promote integrity and accountability within the Commonwealth public sector by:

- placing responsibility on Australian Government agencies to proactively manage public interest disclosure issues
- encouraging and facilitating disclosure of suspected wrongdoing in the public sector
- ensuring that public officials who make public interest disclosures are supported and protected from adverse consequences
- ensuring that disclosures by public officials are properly investigated and dealt with.

Under the Act, responsibility rests with Australian Government agencies to ensure that suspected wrongdoing is appropriately investigated and, to the extent possible, resolved. The Act requires that agencies effectively facilitate reporting of wrongdoing; receive, allocate and investigate PIDs; support and protect disclosers; and comply with a set of notification and reporting requirements.

Overview of the PID scheme

Internal PIDs managed by agencies

- Clear organisational commitment to the PID scheme
- Facilitating reporting – focus on internal reporting and handling of disclosures
- Allocating and investigating PIDs
- Support and protection for disclosers
- Notifications and reporting to the Ombudsman and IGIS.

Protections

- Immunity from liability for making the disclosure
- Offence for a person to take, or threaten to take, reprisal action
- Recourse to court for remedy if reprisal action taken, including compensation, reinstatement of position, injunctions, apologies and other orders.

Oversight by the Ombudsman and IGIS

- Providing assistance, education and awareness
- Receiving, allocating and investigating PIDs
- Receiving notifications and making decisions on extensions of time
- Determining PID standards
- Preparing annual reports
- Investigating under the Ombudsman Act and IGIS Act.

Role of the Ombudsman

The PID Act identifies a number of roles for the Ombudsman including:

- setting standards relating to:
 - procedures for principal officers of agencies to follow when dealing with internal disclosures
 - conducting investigations under the Act
 - preparing reports of investigations under the Act
 - agencies providing information and assistance to the Ombudsman
 - keeping records.
- providing assistance to principal officers, authorised officers, public officials, former public officials and IGIS
- conducting awareness and education programmes for agencies and public officials
- receiving, allocating and investigating disclosures about other agencies
- receiving notifications of allocations and decisions not to investigate, or not investigate further
- determining extensions of time for the investigation of disclosures, following requests from agencies and informing disclosers of our decision where we have decided to grant an extension
- reporting annually to the Minister for tabling of the report in the parliament on the operation of the scheme.

The Ombudsman can also investigate complaints concerning an agency's investigation of a PID and conduct own-motion investigations under the Ombudsman Act. The Ombudsman is also required to handle disclosures made about its own public officials.

A specialist Public Interest Disclosure team was established within the Ombudsman's

office to support this allocation, coordination, monitoring and assistance role.

Role of IGIS

IGIS performs a similar role to the Ombudsman in respect of the six intelligence agencies that are prescribed under the *Inspector-General of Intelligence and Security Act 1986*. These roles include:

- providing assistance to principal officers, authorised officers, public officials, former public officials and the Ombudsman
- conducting awareness and education programmes for intelligence agencies and their public officials
- receiving, allocating and investigating disclosures about intelligence agencies
- receiving notifications of allocations and decisions not to investigate, or not investigate further in relation to the intelligence agencies
- determining extensions of time for the investigation of disclosures by the intelligence agencies.

Role of agencies

Agencies play a central role in the operation of the PID Act and its ongoing success. Among other responsibilities under the Act, the principal officer of an agency is responsible for fostering an environment that encourages the disclosure of suspected wrongdoing. It is only through strong agency commitment that public officials will have the confidence to trust and use the scheme and make disclosures.

The Act applies to 191 agencies and prescribed authorities under its jurisdiction. Many are Commonwealth agencies that operate under the Australian Public Service (APS) framework and are familiar with the responsibilities and accountability mechanisms associated with it.

Small authorities, committees and Commonwealth companies that have a separate legal identity but most of their resources, such as staff, are from a larger agency are also included as separate agencies under the Act.

Some of these prescribed authorities have historically used the corporate services of their parent agency, usually a department, to provide complaints and investigative services on their behalf. However, the PID Act requires that principal officers of each agency and prescribed authority develop their own procedures and take responsibility for the investigation of their disclosures, as well as protect their public officials. The implementation of the PID Act may have been a greater challenge for some of these agencies.

For the purposes of preparing this Annual Report, as well as for ongoing monitoring, the Ombudsman's office and IGIS conducted a short survey of all agencies within the jurisdiction of the Act.

We would like to acknowledge the responsiveness of agencies in completing the survey. We received responses from all of the 191 agencies included in the survey.

Implementation trends and themes

The figures reported are based on the information agencies provided to our office as part of the Annual Report survey. We acknowledge there were some discrepancies with the information that some agencies reported, which displayed some fundamental misunderstanding with the application of the Act.

Total number of disclosures

Since the commencement of the Act, 48 of 191 agencies¹ received one or more PIDs.

1 This figure includes the Ombudsman and IGIS.

Within those 48 agencies, 378² disclosures were made by public officials, former public officials or people taken to be public officials.³

These disclosures met the threshold requirements for the information to be an internal disclosure, including satisfying at least one of a number of categories of 'disclosable conduct' under the Act.

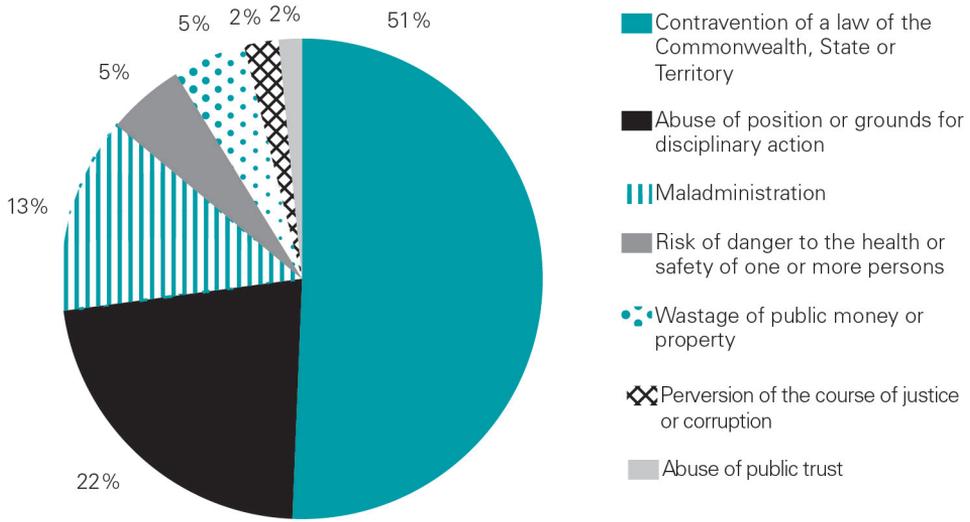
The categories of disclosable conduct in the Act are conduct by an agency, public official or contracted service provider that:

- contravenes a Commonwealth, state or territory law
- contravenes a foreign law that applies to the agency, official or service provider
- perverts the course of justice
- is corrupt
- constitutes maladministration, including conduct that is based on improper motives or is unreasonable, unjust, oppressive or negligent
- is an abuse of public trust
- involves fabrication, falsification, plagiarism or deception relating to scientific research, or other misconduct in relation to scientific research, analysis or advice
- results in wastage of public money or public property
- unreasonably endangers health and safety
- endangers the environment
- involves an abuse of position or is grounds for disciplinary action.

2 This figure includes internal disclosures made about the Ombudsman and IGIS, but does not include internal disclosures received by the Ombudsman and IGIS about another agency.

3 Appendix 1 shows the number of PIDs received by agencies in the reporting period.

Figure 2.1: Types of disclosable conduct



Half of the 378 disclosures made were classified by agencies as allegations about conduct that could amount to a contravention of a law of the Commonwealth, state or territory.

This is a broad category that can incorporate wrongdoing in the other categories, including maladministration or a breach of the Code of Conduct under the *Public Service Act 1999*. Code of Conduct disclosures could range from incorrectly recording hours of attendance on a flex sheets to other more serious matters. Rarely would a contravention of law disclosure relate to criminal behaviour.

Figure 2.1 represents a breakdown of the type of disclosable conduct reported by authorised officers of each agency. Note that some disclosures raised more than one issue and therefore had more than one category of disclosable conduct recorded against them.

It should be borne in mind that that the data below reflects the information provided by the discloser, rather than the result of any investigation, and that not all PIDs result in an investigation.

Agencies that reported the most disclosures were the Department of Defence, with 181 disclosures, and the Department of Immigration and Border Protection (DIBP), with 61 disclosures.⁴

Both these agencies have a large number of public officials. Defence includes departmental staff, members of the Australian Defence Force, reservists and cadets. DIBP includes a large number of contracted service providers.

Before the commencement of the PID Act, Defence received similar levels of reporting under a previous Defence whistleblower scheme. Defence and DIBP are also very active in awareness-raising and training for staff and contracted service providers. For example, we understand that DIBP implemented mandatory training covering the PID scheme for all staff.

Consequently the high figures may also be attributed to the knowledge of staff in relation to the Act. Furthermore, we are aware of the proactive steps both departments have taken to successfully implement the PID Act, including:

- integrating other mandatory and voluntary reporting requirements to fit within the PID scheme
- adopting a broad definition of 'supervisor' to allow public officials to report a PID to a person within their line management or, in the case of Defence, their chain of command
- having in place an appropriate network of authorised officers to ensure that public officials can readily access an authorised officer.

4 See Table 2.5 for the total numbers of PIDs that agencies reported to have received in the reporting period.

These positive steps, together with the large number of public officials, are likely to have contributed to the high PID figures in these two agencies. We also note that both agencies were involved in establishing a 'community of practice' with other large Commonwealth agencies to raise awareness and share better practice in managing PIDs.

Number of reports that did not meet the PID Act requirements

Fifty-two agencies recorded the number of approaches from people wishing to make a disclosure that did not meet the threshold requirements for their information to be considered an internal disclosure.

Within those 52 agencies, 286 approaches were received from potential disclosers where the report of wrongdoing did not amount to an internal disclosure.⁵

Figure 2.2 is a breakdown of the reasons the agencies considered that the reported information did not amount to disclosable conduct under the Act.

Given that agencies identified 'other reasons' why they assessed that the information did not amount to disclosable conduct in 45% of cases, we further analysed their responses. Table 2.3 outlines our assessment of the top six other reasons based on each agency's more detailed explanation for selecting this category when responding to our survey.

5 We note that these figures may also reflect some PIDs that the Act did not intend to capture as a PID; however, we have recorded the figures based purely on information provided to us by agencies. The issue concerning the Act not intending to capture all matters is discussed under the heading, 'Unintended consequences of the PID Act'.

Figure 2.2: Reasons information did not amount to a PID

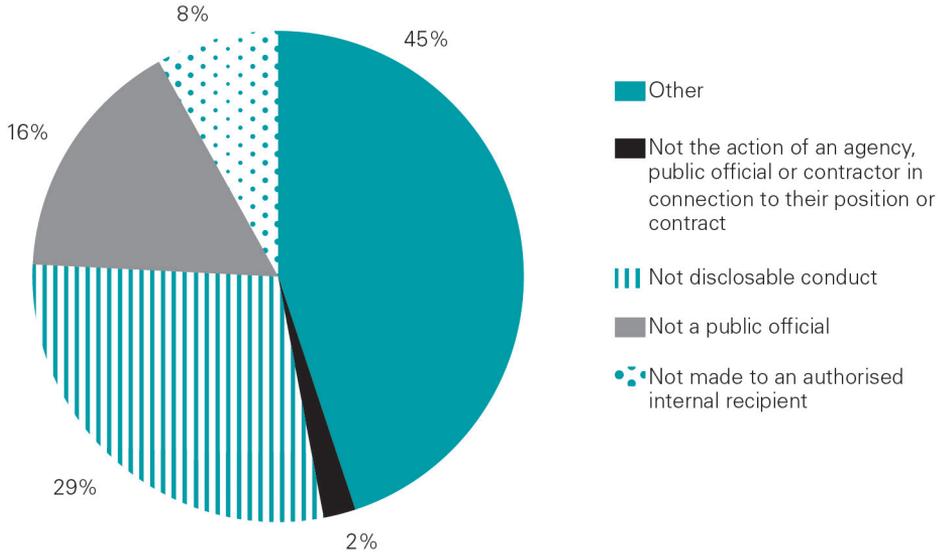


Table 2.3: Other reasons the matter did not amount to disclosable conduct

| Reason | Number |
|---|--------|
| <i>Defence Force Discipline Act 1982</i> matter | 53 |
| Not serious disclosable conduct | 34 |
| Civilian police matter | 16 |
| Reported through normal processes | 8 |
| Discloser did not wish to pursue the matter further | 5 |
| Insufficient information | 5 |

The reasons set out in Table 2.3 may highlight some misunderstanding that agencies have in applying the PID Act. In particular, agencies declining to accept a matter as disclosable conduct or a PID because it did not amount to *serious* disclosable conduct, or because the discloser did not wish to pursue the matter further.

These are not grounds that an agency's authorised officer can take into account when considering whether the information meets the disclosable conduct threshold and requirements of an internal disclosure. The seriousness of the disclosable conduct and the discloser's view are considerations that a delegated investigation officer can take into account when exercising discretion not to investigate a matter further.

Some of the categories in Table 2.3, such as 'Reported through normal processes' and 'Insufficient information', are likely to reflect circumstances where the requirements for making an internal disclosure may not have been met. For example, the information may not have been provided to an authorised internal recipient or there may have been a lack of sufficient information to tend to show disclosable conduct.

The majority of agencies (more than 70%), do not record an approach from a person wanting to make a disclosure if the approach does not meet the threshold requirements for the information to be considered an internal disclosure.

While it is not a requirement of the Act to maintain such records, it is interesting to note that agencies received 75% more PID-related approaches that needed to be considered, assessed and a decision made, in addition to the total number of approaches assessed to be disclosures.

We consider that the practice of recording all approaches, and the reasons that some are not considered to be disclosures under the Act, can be a valuable source of information for individual agencies.

Where a decision has been made not to allocate a PID, agencies are required to inform the discloser of the reasons the matter was not allocated and alternative avenues to have their matter dealt with.

Capturing this information can help agencies ensure their authorised officers are complying with the requirements of the Act. Additionally, over time the data may highlight misunderstandings with certain aspects of the Act and identify future training and guidance needs.

Action taken in response to PIDs

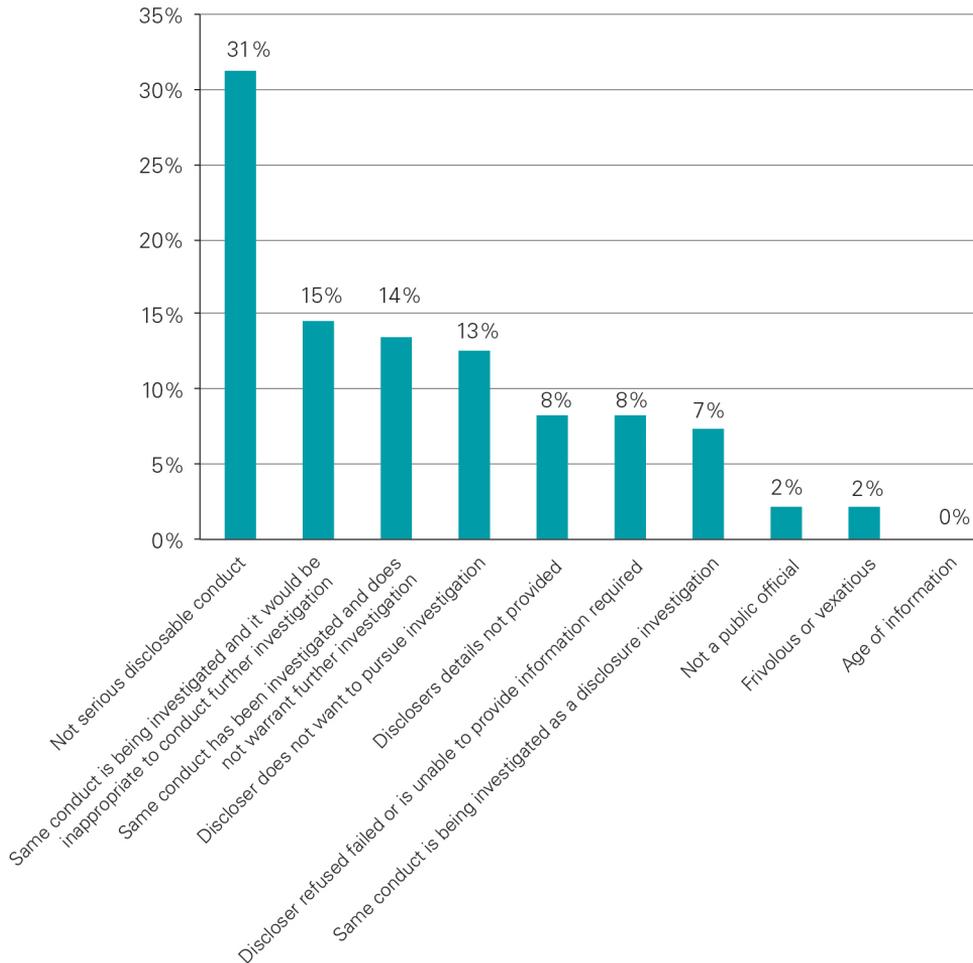
During this reporting period, which covers almost six months of the PID Act's operation, 34 agencies reported that they conducted 223 investigations. Of the 378 disclosures allocated, agencies reported that they referred more than 44% (168) of investigations to be conducted under another law of the Commonwealth, pursuant to s 47(3) of the PID Act.

The majority of these investigations (38%) related to a disclosure about an employment- or Code of Conduct-related matter, which can be investigated under the *Public Service Act 1999* or the *Fair Work Act 2009*.

Of the 223 investigations conducted, agencies reported making 91 decisions to exercise discretion under s 48 of the PID Act not to investigate a matter (or not to investigate a matter further). The primary reason that agencies reported for exercising this discretion was that the matters did not amount to serious disclosable conduct.

Figure 2.3 is a breakdown of the reasons agencies reported for having exercised discretion not to further investigate a disclosure.

Figure 2.3: Reasons agencies exercised discretion not to investigate a disclosure



Outcomes of PID investigations

The Public Interest Disclosure Standard 2013 requires agencies to provide certain information to the Ombudsman including the:

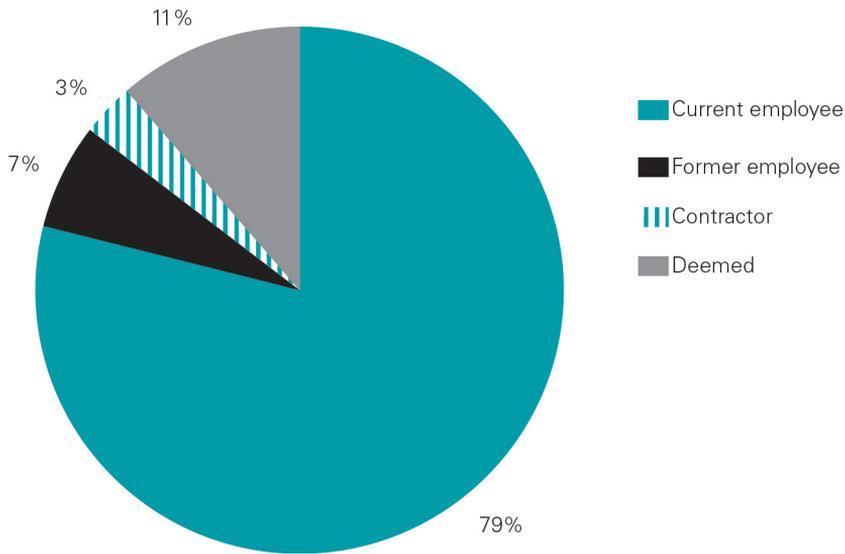
- number of PIDs received during the year
- kinds of disclosable conduct in those PIDs
- number of PID investigations completed
- action 'taken during the relevant financial year in response to recommendations in reports relating to disclosure investigations'.

Table 2.6 summarises the information that agencies provided about the actions taken

in response to the recommendations in PID reports. Unfortunately we have not been able to draw any meaningful conclusions from that data to enable us to make broad observations about the success of the PID scheme as a means for identifying and addressing wrongdoing.

We would like to be able to include in our future reports some detailed information about the operation of the scheme across the Commonwealth. We think it would be useful to report aggregated information about the average times taken to conduct investigations, and the number of times that agencies exceeded statutory period of 90 days.

Figure 2.4: Types of disclosers



We also consider that it would be appropriate to report aggregated data about the instances of disclosable conduct established in the investigations, and the number and nature of each recommendation made to address disclosable conduct.

Accordingly, in the coming year we intend reviewing the type and frequency of the information that we require agencies to provide us about their administration of the PID scheme.

Types of disclosers

A total of 378 disclosures were reported, made by 369 individuals, of whom 102 (28%) chose to remain anonymous. There were cases where one person made a number of different disclosures. Some disclosures were made by more than one person.

Almost 80% of disclosers were current public officials (excluding contractors). The remainder were former public officials, contractors or people that the agency deemed to be public officials for the purposes of making a PID.

The number of agencies that deemed a person to be a public official is positive. It shows that agencies are taking an interest in and responsibility for the reported wrongdoing and willing to operate in the spirit of the PID Act.

Figure 2.4 represents a breakdown of the types of disclosers.

Awareness raising and training

The majority of agencies (74%) reported that they conducted PID-specific awareness raising and/or training to their staff. However, only 20% reported that they had conducted awareness raising to their contracted service providers.

This may reflect the extent of services that are contracted out by agencies; however, we believe there is scope for greater focus on this group when agencies seek to raise awareness of the PID scheme.

Positive examples where agencies have taken a proactive approach to awareness raising and training include:

- the development of training modules
- key messages on computer screen savers
- PID presentations to staff, including those delivered by this office
- targeted training to authorised officers, supervisors and contracted service providers.

Taking responsibility for awareness raising for former public officials and contracted service providers presents a challenge for all agencies. For some agencies that contract out significant areas of their work, providing PID-related information, support and training to those providers will form an important and necessary aspect of their ongoing PID awareness raising and training.

IGIS noted that each of the intelligence agencies devoted appropriate resources to spreading awareness of the PID scheme before, and in the weeks following, the scheme coming into effect.

To help raise awareness, senior agency managers in the intelligence agencies expressed support for the principles underpinning the scheme, information material was circulated on agency intranets and presentations about all aspects of the scheme, including the role of IGIS, were delivered.

IGIS staff were consulted during the development of these awareness-raising activities and also spoke at a number of question and answer seminars.

IGIS staff also participated in meetings of the intelligence agency PID working group, to address any issues of concern, and to learn from the experiences of the intelligence agencies in handling PID matters.

Observations about agency progress from January to June 2014

The PID Act requires that principal officers of agencies fulfil a number of key obligations including:

- establishing procedures for facilitating and dealing with disclosures, including assessing risks that reprisals may be taken against the discloser and providing for confidentiality of the investigative process
- taking reasonable steps to protect public officials who belong to their agency from detriment or threats of detriment
- ensuring the number of authorised officers are readily accessible and that public officials who belong to their agency are aware of the identity of each authorised officer within their agency
- ensuring appropriate action is taken in response to recommendations, or other matters raised, following a disclosure investigation report.

Access to agencies' PID information

Early enquiries, complaints and disclosures to our office indicated that not all agencies had PID procedures in place on 15 January 2014. Since the commencement of the Act we have received four enquiries from current public officials wishing to make a disclosure, but who could not do so because they were unaware of the relevant agency's PID policy and procedures.

Our follow-up resulted in those agencies providing that information to the public officials. The agencies also published their PID procedures on their intranet sites, as well as publishing information on their external websites about making a disclosure.

Between 21 and 28 January 2014 we undertook a desktop audit of the agencies within the jurisdiction of the Act to ascertain how many provided information on their website about making a PID.

While we acknowledge that some agencies may have had information, including having their PID procedures available on their intranet site, it appeared that most agencies failed to make PID-related information available to public officials covered by the Act but who did not have access to the agency's intranet, such as former staff and contracted service providers.

The audit revealed that less than 15% of agencies had, on their publicly accessible websites, information about how to make a PID. A further desktop audit was completed between 20 February and 3 March 2014, which showed that 30% of agencies had PID information available on their external websites.

Through our recent Annual Report survey we have identified that nearly 75% of agencies now have information available on their intranet and almost 65% of agencies on their external website.

Authorised officers and investigation officers

More than 90% of agencies that responded to the survey indicated they have appointed authorised officers. Agencies reported that in deciding how many and who to appoint, they mainly took into consideration the size of the agency, the substantive level of staff and the substantive role or position of staff.

Enquiries to this office indicated that, initially, agencies limited the appointment of authorised officers to very senior staff or a small team often in the human resources or corporate areas. In some cases, this limited the accessibility of authorised officers as well as creating the potential for conflicts of interest to arise, whereby the information disclosed related to the team or group of people appointed to receive the disclosure.

Almost 60% of agencies had delegated investigation officers for the purposes of the Act. Again, enquiries to this office indicated that delegated investigation officers were often from a small team that was previously responsible for investigating Code of Conduct and/or whistleblower complaints.

Of the agencies that indicated they had not delegated any investigation officers, some said they intended to contract or outsource any investigations to either another agency or body as and when the need arose.

In such cases it is still necessary for the agency to delegate the investigation function to the contracted service provider as well as ensure that the provider belongs to the agency. Further, smaller agencies or prescribed authorities cannot enter into an arrangement with a larger agency to conduct an investigation for it.

Over time we have observed a number of agencies broadening their authorisations and delegations to members of different teams and geographical locations. This has minimised the potential for a conflict to arise as well as making authorised officers more accessible to public officials.

Issues arising from the interpretation of the PID Act

Application of s 47(3) of the PID Act

We are concerned that some agencies may be placing undue emphasis on the application of s 47(3) as a separate category of decision making, contrary to the spirit and the requirements of the Act. Through enquiries and complaints made to our office and our analysis of agency responses to our survey, we have become aware that agencies are referring almost 50% of disclosures for investigation under a different law of the Commonwealth pursuant to s 47(3) of the Act.

Once a matter has been assessed as a PID and allocated, the Act requires that the matter be investigated, unless discretion is exercised not to investigate that disclosure under one of the grounds set out under s 48.

Section 47(3) allows an agency to consider whether a different investigation should be conducted under another law of the Commonwealth, after it considers the substance and merits of the information being disclosed.

If an agency chooses to conduct a different type of investigation, it must still finalise the PID investigation. Whenever an agency decides to finalise any PID investigation, it must prepare an investigation report under s 51 that explains its findings about whether there has been one or more instances of disclosable conduct, even if a further investigation under another Commonwealth law is to be conducted.

The agency is also obliged to provide the s 51 report to the discloser, although some redactions are permitted, if the information is of a type that would not be released to the discloser if he or she were to make an application under the *Freedom of Information Act 1982*.

Some agencies appear to be automatically applying s 47(3) as a mechanism for finalising an investigation under the PID Act and referring the matter for a different investigation under a different law without appropriately considering the substance and merits of the information being disclosed.

This has led to a degree of dissatisfaction and confusion from some disclosers about the conduct and potential outcomes of PID investigations. In some cases this has been compounded by agencies not complying with the requirement to prepare and provide an investigation report to the discloser as required under s 51.

We will work with agencies in the coming year to reinforce the proper use of s 47(3), and the requirement to provide a report to the discloser under s 51.

Allocation process vs investigation process

The Act distinguishes the initial process of assessing and allocating a PID, and the subsequent process of investigating it. Each phase requires different considerations by different officers: the allocation by an authorised officer and the investigation by a delegated investigation officer.

Enquiries and complaints to our office identified some agencies making assessments and allocation decisions based on considerations that should only be applied in the investigation stage. This was also verified from the results of the Annual Report survey.

For example, the Act allows an investigation officer to exercise discretion not to investigate a disclosure on the basis that the information does not concern 'serious disclosable conduct'.

The determination of seriousness should not form part of an authorised officer's consideration of whether the information from the discloser tends to show conduct that meets the threshold of 'disclosable conduct' under the Act.

However, some agencies appear to be incorrectly considering at the assessment phase, before allocation, whether the information disclosed was serious even though it met the threshold of disclosable conduct.

Although this may not have changed the outcome (because an investigation officer was likely to conclude that the disclosure was not one that required investigation), it nevertheless led the agency to incorrectly classify the matter as a report that was not a PID under the Act.

We will work with agencies in the coming year to reinforce the proper application of the test for determining whether a disclosure concerns conduct that meets the threshold for a PID.

Unintended consequences in the application of the PID Act

Through our implementation of the PID scheme, and our contact with agencies seeking clarity about the scheme's scope and application, we have identified unintended consequences with some aspects of the Act. Two areas of confusion in the PID scheme are the role of supervisors and the role of former public officials who seek to represent others.

In our view, a strict application of the Act in these circumstances may lead to an unintended expansion of the scheme and possibly undermine the protections for public officials who identify and report suspected wrongdoing. This is leading to confusion on the part of many public officials responsible for the implementation and administration of the PID scheme in their agencies.

The Ombudsman's office is providing support and clarification to agencies to assist them to sensibly navigate through these issues. However, in order to provide greater certainty, we believe these issues should be explored and considered for possible legislative amendment.

In saying this, we note the Act requires that a review of the scheme is required to commence in January 2016.

Supervisors and scope of the PID Act

Section 60A of the Act imposes special obligations on all supervisors. A supervisor is obliged to pass on to an authorised officer any information they receive from any public official they supervise, if they believe on reasonable grounds that the information could concern disclosable conduct.

It is not necessary for the public official to assert to their supervisor, or even intend, that the information be disclosed for the purposes of the Act. Given the broad definition of 'disclosable conduct' and of 'supervisor' in the Act, the application of the supervisor provisions has been problematic.

To understand the intent of the supervisor provisions it is important to consider the background of s 60A's inclusion in the legislation.

The capacity to make a disclosure to a person's supervisor and the responsibility for the supervisor to inform an authorised officer was not part of the initial PID Bill introduced in the Parliament. It was, however, included in the subsequent Government amendments that followed recommendations by the Legal and Constitutional Affairs Legislative Committee, which considered the Bill.

Many stakeholders expressed to the Committee their concern that the network of authorised officers (on its own) would be insufficient to ensure disclosers would be encouraged and supported to make an internal disclosure.

The Committee accepted that concern and also had regard to the evidence presented in some submissions that disclosures of wrongdoing (including those similar to the types of disclosures under the PID scheme) are usually made to a person's supervisor.

The Committee was concerned that the protections for the discloser, which was one of the major objectives of the scheme, would not be available in such cases under the original PID Bill.

We understand that the main reason for the supervisor provisions was to ensure greater accessibility for public officials to make a public interest disclosure and to ensure they would receive the protections provided under the Act.

However, we do not believe the Act was intended to be an overarching mandatory reporting and investigation framework. It was not intended to completely replace other well-established public sector integrity, accountability and investigative processes such as the functions of statutory oversight and investigative bodies, as well as internal agency functions including internal audit and fraud detection, human resources and legal services.

We are also concerned that strictly applying the Act supervisor provisions in some agencies, and to public officials in particular roles, could unintentionally broaden the scope and operation of the PID scheme and result in unnecessary reporting and duplication.

Take, for example, staff and investigation officers of Commonwealth oversight and integrity bodies who, in exercising their statutory functions and powers, will routinely report or discuss particular matters with their supervisor.

Such matters may also meet one or more of the grounds within the definition of disclosable conduct under the Act. However, by virtue of the relationship

between the staff member and the supervisor, an ordinary discussion of routine matters that the organisation deals with every day could meet the test in s 60A of the Act.

Arguably, the supervisor is then obliged to report that information to an authorised officer, even if the issue is already being appropriately managed by other mechanisms.

Similarly, the supervisor provisions in the Act could unintentionally be triggered during the normal course of work of certain well-established areas within agencies. For example, a member of an agency's internal audit and fraud area, complaints management area, human resources or legal team, would routinely identify a suspected wrongdoing and then report or discuss the matter with their supervisor.

This would regularly occur during the course of their normal responsibilities, such as identifying and investigating breaches of finance or system controls by staff, addressing claims of maladministration by members of the public or providing legal advice in reviewing administrative decisions.

Under these common scenarios s 60A of the Act would require the supervisor to inform an authorised officer of the potential disclosable conduct, thereby requiring a range of additional responsibilities that were not intended. As there is no discretion under the Act for the supervisor not to report the disclosure to the authorised officer, it would result in unnecessary duplication and administration.

We have provided agencies with guidance about common sense approaches to these situations that should minimise the confusion for supervisors, without undermining the purposes of the Act.

There are further complications when the supervisor is also an authorised officer under the PID Act, which brings into play additional obligations.

We have emphasised to agencies the importance of carefully considering who to appoint as authorised officers, so as to avoid unintentionally expanding the number of routine matters that might be unnecessarily caught by the Act. Consistent with that advice, many agencies have chosen not to appoint the heads of internal audit, human resources or legal teams as authorised officers.

Disclosures made on behalf of another person

Under the Act, any current or former public official can make a PID to an authorised internal recipient. There is no requirement for the person making the disclosure to have been affected by or have witnessed the suspected wrongdoing.

The person needs only to satisfy the threshold test under the Act that ‘the discloser believes on reasonable grounds that the information tends to show one or more instances of disclosable conduct’ (s 26). The Act does not necessarily contemplate a disclosure being made on behalf of another person.

We have come across a number of scenarios where this ‘second-hand reporting’ has become an issue. For example, a former public official, who was also a blogger, encouraged current public officials to inform him of suspected wrongdoing in their agency.

He wanted to use that information to make disclosures on behalf of current public officials. It was also likely that he wanted to inform the public of such wrongdoing by referencing the disclosure on the blog.

As the former public official was the person reporting the wrongdoing, he would have been considered to be the discloser and would accordingly attract the protections under the Act. However, the people informing the blogger of suspected

wrongdoing through the internet may not be protected as they do not meet the criteria for making a valid internal or external disclosure under the Act.

As such the current public official who identified the suspected wrongdoing may not get the full protections intended for their benefit under the Act. A similar situation would apply where the former public official is now a lawyer or a trade union representative seeking to represent current public officials.

In addition, where these types of disclosures are allocated for investigation, agencies may find it difficult to properly investigate the information on the basis that it does not come from an original source.

As a result the investigator may find it difficult to verify or rely on the information and would need to clarify or seek further information from the person who witnessed the wrongdoing.

Complaint trends

Disclosers can make a complaint to our office about an agency’s handling or the outcome of a PID investigation, or to IGIS if the matter relates to one of the intelligence agencies. Investigations of such complaints are conducted under the *Ombudsman Act 1976* or the *Inspector-General of Intelligence and Security Act 1986*.

Generally, before the Ombudsman or IGIS investigate the complaint, an agency would have completed its investigation, which agencies have 90 days to complete.

Since the commencement of the Act we have received seven complaints concerning an agency’s investigation or handling of a PID⁶. While it is still early in the operational stage of the Act, the complaints made to

6 IGIS has received no complaints.

our office tend to suggest that agencies could do better to communicate the PID process to officials and manage the expectations of the discloser.

The Act obliges agencies to communicate certain information to disclosers throughout the allocation and investigation processes. People have complained to us that since making their disclosure, they have not been kept informed of the progress of the investigation.

They have also told us they do not understand the investigation process and are unclear about whether the matter is still being investigated. Our feedback to agencies has centred on improving communication with the discloser so their expectations are properly managed.

Complaints to our office have been an invaluable source of information regarding systemic issues. In future we anticipate being able to identify and resolve systemic issues through the investigation of complaints about agencies' handling of PIDs.

Ombudsman and IGIS monitoring role

The majority of potential disclosers who have approached us to make a disclosure (rather than the agency to which the disclosure relates) generally state they have done so because of fear of reprisal action and mistrust of the agency concerned.

This provides our office the opportunity to explain to disclosers some important aspects of the Act including the benefits of making a disclosure directly to the agency concerned, the key role that agencies play in the operation of the Act, an agency's obligation to investigate and, most importantly, the protection against reprisal that the Act provides.

Number of disclosures received by the Ombudsman

This office received 28 approaches from people wishing to make a PID about another Commonwealth agency. In 16 of those we determined that the matter did not meet the threshold requirements of an internal PID.

Under the Act, an additional requirement for making a disclosure to us is that the discloser must demonstrate a belief on reasonable grounds that the matter should be investigated by the Ombudsman.

Where the discloser has not been able to provide reasonable grounds, we have determined that the disclosure has not been made to an authorised internal recipient and therefore the matter does not meet this threshold requirement of an internal PID.

In such cases the Ombudsman is not required to allocate the disclosure. However, it remains open to the public official to make their disclosure directly to the agency to which it relates.

Of the 16 approaches by potential disclosers, we determined that in 15 of these cases the discloser was not able to show reasonable grounds why the Ombudsman should investigate and therefore that disclosure had not been made to an authorised internal recipient.

In such cases we suggested that the person approach an authorised internal recipient (for example, their supervisor or an authorised officer) within the relevant agency. As such we determined that the Ombudsman was not an authorised internal recipient for these disclosures.

In the other case we determined that the person was not a public official and the information disclosed did not amount to disclosable conduct.

The Ombudsman assessed 12 disclosures to meet the threshold requirements for the matter to be an internal PID. Of these, six were allocated to the agency to which the information related and six were allocated to the Ombudsman for investigation.

The six matters that were allocated to the Ombudsman’s office were either matters that would have raised a conflict of interest if allocated to the relevant agency, or the PID involved a number of agencies. Five of the six are ongoing and we exercised discretion under s 48 of the Act not to investigate one matter further.

Number of disclosures received by IGIS

IGIS received four approaches from potential disclosers, of which two were assessed not to meet the threshold requirements for the matter to be a disclosure. In both cases IGIS determined that the discloser had not provided sufficient information.

IGIS assessed one of the other two approaches to be a PID and allocated it to a relevant agency for investigation.

The fourth approach to IGIS was received in the last week of the reporting period and at that time lacked sufficient detail for the IGIS authorised officer to determine whether or not it should be handled as a PID. Further information was received early in the next reporting period which removed any doubt and the matter was formally allocated to IGIS for investigation shortly afterwards.

Notifications received by the Ombudsman and IGIS

The Act requires that agencies inform the Ombudsman or IGIS of:

- a decision to allocate a disclosure for investigation
- a decision not to investigate, or not investigate further
- a request for an extension of time to complete an investigation.

Table 2.4 sets out the number of notifications and requests for an extension received by the Ombudsman and IGIS.

Table 2.4: Number of PID notifications and requests for extension

| | Notifications of PID allocation decision | Notifications of decision not to investigate a PID | Extension of time requests |
|-----------|--|--|----------------------------|
| Ombudsman | 316 | 58 | 6 |
| IGIS | 6 | 0 | 0 |

The Act does not prescribe a time in which agencies must inform the Ombudsman or IGIS of their notification decisions or requests for an extension. However, we have asked that agencies provide this information within 10 working days of the decision being made.

We have asked agencies to request an extension of time 21 days before the expiration of the 90-day period that the Act allows them to complete their investigation if they are unlikely to be able to meet that legislated deadline.

A review of the number of disclosures recorded by agencies (378) against the number of notifications received (322) indicates that some agencies are delaying notification or are unaware of their requirement to notify us.

Similarly, agencies recorded that they had exercised discretion not to investigate a disclosure in 91 cases. However, the total number of notifications received by the Ombudsman was only 58.

We will follow up these discrepancies with agencies to ensure they adhere to their notification obligations in future.

Prescribed investigative agency

The Act envisaged that other investigative agencies could be prescribed by the PID Rules. However, at the moment no PID Rules exist. This has resulted in some specialist agencies (for example, the Australian Commission for Law Enforcement Integrity, the Australian Human Rights Commission, the Australian Public Service Commission and the Parliamentary Service Commissioner) not being given the power to investigate matters under the PID Act within their specialist jurisdictions.

It has also resulted in limiting the options for disclosers, as they cannot make an internal PID to these agencies.

Awareness raising and assistance

Activities of Implementation

Before the implementation of the PID Act we established a dedicated telephone line and email address for agencies and public officials to facilitate enquiries concerning the new scheme.

This year we received more than 250 PID-related approaches to those channels, of which about 70% were made from agency representatives and 30% from potential disclosers. Answering enquiries from agencies and disclosers has enabled us to provide assistance as well as gain an insight into the issues faced by agencies and disclosers.

We have published a number of resources to help agencies and public officials understand the scheme. Resources were made publicly available from October 2013 and since then we received more than 12,500 unique page views⁷ to our PID website.

The number of people visiting the website, along with feedback from agencies, indicates that the resources and the activities we have run have been well received.

7 Unique page views are the number of visits during which the specified page was viewed at least once. Where a person views the same webpage from the same computer more than once, this will only be counted as one unique page view.

Our PID resources include:

- better-practice guides for disclosers considering making a PID and for agencies in managing their responsibilities
- five fact sheets on key components of the scheme including the purpose of the legislation, how public officials make a PID, the responsibilities of principal officers, the role of authorised officers, and the roles of the Ombudsman and IGIS
- an iterative series of frequently asked questions
- three purpose-built forms to help agencies meet their obligation to notify us of an allocation of a disclosure for investigation; a decision not to investigate (or not to investigate further); and to request extensions of time
- copies of presentations made at various forums to support and promote awareness
- a series of PID scheme logo graphics for agencies to download and use on their websites as easily recognisable icons
- links to the PID Act, and to the PID Standard created by this office, available on ComLaw
- details of information sessions conducted by our office for agencies and public officials on key aspects of the Act.

These resources can be viewed at www.pid.ombudsman.gov.au.

We are in the process of reviewing our resources and developing further fact sheets, frequently asked questions and posters for agencies to use.

Presentations, forums and meetings

In the reporting period we delivered a significant number of presentations to agencies about the operation and application of the Act. We conducted 69 presentations, which included 42 to individual agencies and 10 information sessions delivered to multiple agencies in Canberra, Sydney, Adelaide, Brisbane and Darwin.

In addition we have used opportunities to speak at forums to promote and educate public officials about the operation and application of the Act including:

- ACT Small Agencies Forum, 10 October 2013
- ACT Institute of Public Administration (IPAA) seminar—PIDs: Strengthening integrity, 22 October 2013
- LegalWise—Accountability and transparency seminar, 7 November 2013
- Australian Public Service Commission (APSC) forum: People Management Network and Australian Government Leadership Network, Brisbane, 14 November 2013
- APS Ethics Contact Officer Network, 18 November 2013
- Australian Government Solicitor Government Law Group seminar, 18 November 2013
- Whistleblowers Australia national conference, Sydney, 23 November 2013
- APSC forum: People Management Network and Australian Government Leadership Network, Melbourne, 3 December 2013
- APSC forum: People Management Network, Sydney, 5 December 2013

- Commonwealth Authorities and Companies (CAC) Act finance and legal forum, Canberra, 12 December 2013
- APS Indigenous employment HR forum, 6 March 2014
- PID oversight forum, Canberra, 20 March 2014
- PID research forum, Canberra, 21 March 2014
- Human Capital Matters research forum, Canberra, 12 May 2014
- PID research forum, Sydney, 21 May 2014.

We coordinated and led a PID forum comprising PID oversight agencies including state Ombudsmen and state or territory Public Service Commissions, and academics. The purpose of the forum was to share information, learnings and best practice, and consider opportunities for collaboration. The forum intends to meet annually.

We are also a regular participant in a community of practice made up of seven agencies with the aim of sharing best practices and implementation issues. We intend setting up other community of practice groups with a cross-section of Commonwealth agencies in various locations around Australia.

We have delivered five PID awareness-raising sessions to our staff around Australia. As well, at their request, we have met with agencies separately to help them to navigate through their PID implementation and application issues.

Table 2.5: Number and types of PIDs received, and number investigated

| Agency name | Number of PIDs received by an authorised officer | Types of disclosable conduct to which those PIDs relate | Number of PIDs investigated (percentage of investigations conducted of PIDs received by an authorised officer) |
|--|--|---|--|
| 1. Administrative Appeals Tribunal | 1 | 1 (100%) Contravention of a law of the Commonwealth, State or Territory | 1 (100%) |
| 2. Airservices Australia | 2 | 2 (50%) Contravention of a law of the Commonwealth, State or Territory 1 (25%) Maladministration 1 (25%) Abuse of position or grounds for disciplinary action | 1 (50%) |
| 3. ASC Pty Ltd | 1 | 1 (100%) Abuse of position or grounds for disciplinary action | 0 |
| 4. Australian Bureau of Statistics | 1 | Maladministration/Abuse of position or grounds for disciplinary action | 0 |
| 5. Australian Communications and Media Authority | 2 | 2 (100%) Abuse of position or grounds for disciplinary action | 0 |
| 6. Australian Crime Commission | 3 | 2 (67%) Abuse of position or grounds for disciplinary action 1 (33%) Contravention of a law of the Commonwealth, State or Territory | 3 (100%) |

| Agency name | Number of PIDs received by an authorised officer | Types of disclosable conduct to which those PIDs relate | Number of PIDs investigated (percentage of investigations conducted of PIDs received by an authorised officer) |
|--|--|--|--|
| 7. Australian Curriculum, Assessment and Reporting Authority | 2 | 2 (100%) Wastage of public money or property | 0 |
| 8. Australian Customs and Border Protection Service | 9 | 5 (56%) Abuse of position or grounds for disciplinary action 2 (22%) Contravention of a law of the Commonwealth, State or Territory 1 (11%) Wastage of public money or property 1 (11%) Risk of danger to the health or safety of one or more persons | 8 (89%) |
| 9. Australian Federal Police | 4 | 4 (100%) Maladministration | 3 (75%) |
| 10. Australian Fisheries Management Authority | 2 | 2 (100%) Contravention of a law of the Commonwealth, State or Territory | 1 (50%) |
| 11. Australian Geospatial-Intelligence Organisation | 2 | 2 (100%) Abuse of position or grounds for disciplinary action | 2 (100%) |
| 12. Australian Government Solicitor | 6 | 5 (83%) Abuse of position or grounds for disciplinary action 1 (17%) Perversion of the course of justice or corruption | 4 (67%) |

| Agency name | Number of PIDs received by an authorised officer | Types of disclosable conduct to which those PIDs relate | Number of PIDs investigated (percentage of investigations conducted of PIDs received by an authorised officer) |
|--|--|---|--|
| 13. Australian National University | 3 | 1 (33%) Contravention of a law of the Commonwealth, State or Territory 1 (33%) Abuse of position or grounds for disciplinary action 1 (33%) Maladministration | 0 |
| 14. Australian Nuclear Science & Technology Organisation | 1 | 1 (100%) Wastage of public money or property | 1 (100%) |
| 15. Australian Postal Corporation (Australia Post) | 2 | 2 (100%) Contravention of a law of the Commonwealth, State or Territory | 2 (100%) |
| 16. Australian Public Service Commission | 1 | 1 (100%) Maladministration | 1 (100%) |
| 17. Australian Rail Track Corporation Ltd | 2 | 2 (100%) Perversion of the course of justice or corruption | 2 (100%) |
| 18. Australian Secret Intelligence Service | 1 | 1 (100%) Abuse of position or grounds for disciplinary action | 1 (100%) |
| 19. Australian Security Intelligence Organisation | 2 | 1 (50%) Maladministration 1 (50%) Wastage of public money or property | 1 (50%) |
| 20. Australian Signals Directorate | 1 | 1 (100%) Risk of danger to the health or safety of one or more persons | 0 |

| Agency name | Number of PIDs received by an authorised officer | Types of disclosable conduct to which those PIDs relate | Number of PIDs investigated (percentage of investigations conducted of PIDs received by an authorised officer) |
|---|--|--|--|
| 21. Australian Taxation Office ⁸ | 18 | 13 (72%) Abuse of position or grounds for disciplinary action 2 (11%) Perversion of the course of justice or corruption 2 (11%) Maladministration 1 (6%) Contravention of a law of the Commonwealth, State or Territory | 11 (61%) |
| 22. Australian War Memorial | 1 | 1 (100%) Abuse of position or grounds for disciplinary action | 0 |
| 23. Bureau of Meteorology | 1 | Maladministration/Risk of danger to the health or safety of one or more persons | 0 |
| 24. Civil Aviation Safety Authority | 3 | 2 (50%) Wastage of public money or property 1 (25%) Maladministration 1 (25%) Risk of danger to the health or safety of one or more persons | 3 (100%) |
| 25. Comcare | 4 | 3 (75%) Maladministration 1 (25%) Abuse of position or grounds for disciplinary action | 1 (25%) |

⁸ Includes reporting for the Australian Charities and Not-for-Profit Commission.

| Agency name | Number of PIDs received by an authorised officer | Types of disclosable conduct to which those PIDs relate | Number of PIDs investigated (percentage of investigations conducted of PIDs received by an authorised officer) |
|--|--|---|--|
| 26. Commonwealth Scientific and Industrial Research Organisation | 3 | <ul style="list-style-type: none"> 2 (40%) Abuse of position or grounds for disciplinary action 1 (20%) Contravention of a law of the Commonwealth, State or Territory 1 (20%) Abuse of public trust 1 (20%) Wastage of public money or property | 2 (67%) |
| 27. Comsuper | 1 | 1 (100%) Abuse of position or grounds for disciplinary action | 1 (100%) |
| 28. Department of Agriculture | 5 | <ul style="list-style-type: none"> 3 (60%) Abuse of position or grounds for disciplinary action 2 (40%) Contravention of a law of the Commonwealth, State or Territory | 1 (20%) |
| 29. Department of Defence | 181 | <ul style="list-style-type: none"> 138 (76%) Contravention of a law of the Commonwealth, State or Territory 16 (9%) Maladministration 12 (7%) Abuse of position or grounds for disciplinary action 6 (3%) Wastage of public money or property 5 (3%) Risk of danger to the health or safety of one or more persons 4 (2%) Abuse of public trust | 123 (68%) |

| Agency name | Number of PIDs received by an authorised officer | Types of disclosable conduct to which those PIDs relate | Number of PIDs investigated (percentage of investigations conducted of PIDs received by an authorised officer) |
|---|--|---|--|
| 30. Department of Education | 2 | 2 (100%) Abuse of position or grounds for disciplinary action | 1 (50%) |
| 31. Department of Employment | 2 | 2 (100%) Abuse of position or grounds for disciplinary action | 1 (50%) |
| 32. Department of Finance | 1 | 1 (100%) Maladministration | 0 |
| 33. Department of Foreign Affairs and Trade | 3 | 1 (33%) Contravention of a law of the Commonwealth, State or Territory 1 (33%) Perversion of the course of justice or corruption 1 (33%) Maladministration | 0 |
| 34. Department of Health | 1 | 1 (100%) Contravention of a law of the Commonwealth, State or Territory | 0 |
| 35. Department of Human Services | 7 | 2 (29%) Contravention of a law of the Commonwealth, State or Territory 2 (29%) Maladministration 1 (14%) Wastage of public money or property 1 (14%) Risk of danger to the health or safety of one or more persons 1 (14%) Abuse of position or grounds for disciplinary action | 4 (57%) |

| Agency name | Number of PIDs received by an authorised officer | Types of disclosable conduct to which those PIDs relate | Number of PIDs investigated (percentage of investigations conducted of PIDs received by an authorised officer) |
|---|--|--|--|
| 36. Department of Immigration and Border Protection | 61 | <ul style="list-style-type: none"> 31 (51%) Contravention of a law of the Commonwealth, State or Territory 17 (28%) Abuse of position or grounds for disciplinary action 4 (7%) Risk of danger to the health or safety of one or more persons 3 (5%) Perversion of the course of justice or corruption 3 (5%) Maladministration 3 (5%) Wastage of public money or property | 24 (39%) |
| 37. Department of Parliamentary Services | 9 | <ul style="list-style-type: none"> 5 (56%) Contravention of a law of the Commonwealth, State or Territory 2 (22%) Maladministration 2 (22%) Abuse of position or grounds for disciplinary action | 6 (67%) |
| 38. Department of Social Services | 9 | <ul style="list-style-type: none"> 4 (44%) Maladministration 2 (22%) Wastage of public money or property 2 (22%) Abuse of position or grounds for disciplinary action 1 (11%) Risk of danger to the health or safety of one or more persons | 5 (56%) |

| Agency name | Number of PIDs received by an authorised officer | Types of disclosable conduct to which those PIDs relate | Number of PIDs investigated (percentage of investigations conducted of PIDs received by an authorised officer) |
|--|--|---|--|
| 39. Department of the Environment | 1 | 1 (100%) Abuse of position or grounds for disciplinary action | 1 (100%) |
| 40. Department of Treasury ⁹ | 1 | 1 (100%) Abuse of position or grounds for disciplinary action | 0 |
| 41. Family Court and Federal Circuit Court | 1 | 1 (100%) Contravention of a law of the Commonwealth, State or Territory | 1 (100%) |
| 42. IP Australia | 2 | 2 (50%) Abuse of position or grounds for disciplinary action 1 (25%) Maladministration 1 (25%) Abuse of Public Trust | 0 |
| 43. National Archives of Australia | 2 | 1 (50%) Maladministration 1 (50%) Abuse of position or grounds for disciplinary action | 1 (50%) |
| 44. National Health and Medical Research Council | 2 | 2 (100%) Risk of danger to the health or safety of one or more persons | 0 |
| 45. National Museum of Australia | 3 | 2 (67%) Abuse of position or grounds for disciplinary action 1 (33%) Risk of danger to the health or safety of one or more persons | 3 (100%) |

9 Includes reporting for the Australian Office of Financial Management and the Royal Australian Mint.

| Agency name | Number of PIDs received by an authorised officer | Types of disclosable conduct to which those PIDs relate | Number of PIDs investigated (percentage of investigations conducted of PIDs received by an authorised officer) |
|---|--|--|--|
| 46. National Offshore Petroleum Safety and Environmental Management Authority | 1 | 1 (100%) Maladministration | 1 (100%) |
| 47. NBN Co Limited | 4 | 3 (75%) Maladministration 1 (25%) Contravention of a law of the Commonwealth, State or Territory | 1 (25%) |
| 48. Torres Strait Regional Authority | 1 | Contravention of a law of the Commonwealth, State or Territory/Risk of danger to the health or safety of one or more persons | 0 |

Agencies that recorded receiving no PIDs

1. AAF Company
2. Aboriginal Hostels Limited
3. Albury Wodonga Development Corporation
4. Anindilyakwa Land Council
5. Army and Air Force Canteen Service
6. Asbestos Safety and Eradication Agency
7. Attorney-General's Department
8. Auditing and Assurance Standards Board
9. Australia Council
10. Australian Accounting Standards Board
11. Australian Aged Care Quality Agency
12. Australian Broadcasting Corporation
13. Australian Centre for International Agricultural Research
14. Australian Commission for Law Enforcement Integrity
15. Australian Commission on Safety and Quality in Healthcare
16. Australian Competition and Consumer Commission
17. Australian Electoral Commission
18. Australian Film, Television and Radio School
19. Australian Financial Security Authority
20. Australian Hearing Services
21. Australian Human Rights Commission
22. Australian Institute for Teaching and School Leadership Ltd
23. Australian Institute of Aboriginal and Torres Strait Islander Studies
24. Australian Institute of Criminology
25. Australian Institute of Family Studies
26. Australian Institute of Health and Welfare
27. Australian Institute of Marine Science
28. Australian Law Reform Commission
29. Australian Maritime Safety Authority
30. Australian Military Forces Relief Trust Fund
31. Australian National Audit Office
32. Australian National Maritime Museum
33. Australian National Preventive Health Authority
34. Australian Pesticides and Veterinary Medicines Authority
35. Australian Prudential Regulation Authority
36. Australian Radiation Protection and Nuclear Safety Agency
37. Australian Reinsurance Pool Corporation
38. Australian Renewable Energy Agency
39. Australian Research Council
40. Australian River Company Ltd
41. Australian Securities and Investments Commission
42. Australian Skills Quality Authority
43. Australian Sports Anti-Doping Authority
44. Australian Sports Commission
45. Australian Sports Foundation Ltd
46. Australian Strategic Policy Institute
47. Australian Trade Commission (Austrade)
48. Australian Transaction Reports and Analysis Centre

49. Australian Transport Safety Bureau
50. Bundanon Trust
51. Cancer Australia
52. Clean Energy Finance Corporation
53. Clean Energy Regulator
54. Climate Change Authority
55. Coal Mining Industry (Long Service Leave Funding) Corporation
56. Commonwealth Director of Public Prosecutions
57. Commonwealth Grants Commission
58. Commonwealth Ombudsman
59. Commonwealth Superannuation Corporation
60. Corporations and Markets Advisory Committee
61. Cotton Research & Development Corporation
62. Creative Partnerships Australia
63. CrimTrac Agency
64. Defence Housing Australia
65. Defence Intelligence Organisation
66. Department of Communications
67. Department of Industry (includes Geoscience Australia and Australian Astronomical Observatory)
68. Department of Infrastructure and Regional Development
69. Department of the House of Representatives
70. Department of the Prime Minister and Cabinet
71. Department of the Senate
72. Department of Veterans' Affairs
73. Director of National Parks
74. Export Finance and Insurance Corporation
75. Fair Work Building Industry Inspectorate (Fair Work Building & Construction)
76. Fair Work Commission
77. Fair Work Ombudsman
78. Federal Court of Australia
79. Fisheries Research and Development Corporation
80. Food Standards Australia New Zealand
81. Future Fund Management Agency
82. General Practice Education and Training Limited
83. Grains Research and Development Corporation
84. Grape and Wine Research and Development Corporation
85. Great Barrier Reef Marine Park Authority
86. Health Workforce Australia
87. High Court of Australia
88. IIF Investments Pty Ltd
89. Independent Hospital Pricing Authority
90. Indigenous Business Australia
91. Indigenous Land Corporation
92. Inspector-General of Intelligence and Security
93. Medibank Private Limited
94. Migration Review Tribunal and Refugee Review Tribunal
95. Moorebank Intermodal Company Limited
96. Murray-Darling Basin Authority

97. Museum of Australian Democracy at Old Parliament House
98. National Australia Day Council
99. National Capital Authority
100. National Competition Commission
101. National Disability Insurance Agency
102. National Film and Sound Archive of Australia
103. National Gallery of Australia
104. National Health Funding Body
105. National Health Performance Authority
106. National Library of Australia
107. National Mental Health Commission
108. National Portrait Gallery of Australia
109. National Transport Commission
110. National Water Commission
111. Northern Land Council
112. Office of National Assessments
113. Office of Parliamentary Counsel
114. Office of the Australian Information Commissioner
115. Office of the Inspector-General of Taxation
116. Office of the Official Secretary to the Governor-General
117. Organ and Tissue Authority
118. Outback Stores Pty Ltd
119. Parliamentary Budget Office
120. Private Health Insurance Administration Council
121. Private Health Insurance Ombudsman
122. Productivity Commission
123. Professional Services Review Agency
124. Reserve Bank of Australia
125. Royal Australian Air Force Veterans' Residences Trust Fund
126. Royal Australian Air Force Welfare Recreational Company
127. Royal Australian Air Force Welfare Trust Fund
128. Royal Australian Navy Central Canteens Board (trading as Navy Canteens)
129. Royal Australian Navy Relief Trust Fund
130. Rural Industries Research and Development Corporation
131. Safe Work Australia
132. Screen Australia
133. Special Broadcasting Services Corporation
134. Sydney Harbour Federation Trust
135. Telecommunications Universal Service Management Agency
136. Tertiary Education Quality and Standards Agency
137. Tiwi Land Council
138. Tourism Australia
139. Wine Australia Corporation
140. Workplace Gender Equality Agency
141. Wreck Bay Aboriginal Community Council

Table 2.6: Actions that the principal officer took in response to recommendations in reports relating to PID investigations, by agency

| Agency | Actions |
|--|---|
| Airservices Australia | Referral to an alternative review procedure |
| Australia Post | 1st PID – decision not to investigate but staff updates issued to remind staff of correct procedures 2nd PID – discontinued the services of a sub-contractor |
| Australian Crime Commission | 1 |
| Australian Customs and Border Protection Service | PID Investigations have resulted in acceptance of recommendations for the following actions: commencement of Code of Conduct enquiries in some matters and other matters being held for information only |
| Australian Federal Police | Nil – no action required |
| Australian Geospatial-Intelligence Organisation | Acted upon |
| Australian Government Solicitor | Recommendations actioned for 3 of 4 investigations: 1. No further action be taken 2. Issues raised in disclosure to be dealt with by supervisor taking appropriate management action 3. Matter referred to AFP 4. Investigation still under way at 30 June 2014 |
| Australian Nuclear Science & Technology Organisation | An anonymous disclosure was received and promptly investigated. The allegation in the disclosure was not substantiated and the report made no recommendations |
| Australian Public Service Commission | Conduct a further investigation |
| Australian Rail Track Corporation | 0 |
| Australian Secret Intelligence Service | In train |

| Agency | Actions |
|--|---|
| Administrative Appeals Tribunal | Decided under s 48 of the PID Act not to investigate further |
| Australian Fisheries Management Authority | Not applicable |
| Australian Security Intelligence Organisation | Acted upon |
| Australian Taxation Office ¹⁰ | Referral of one matter for consideration under the COC procedures; facilitation of an awareness-raising session; reminders of the APS Values under the Public Service Act |
| Civil Aviation Safety Authority | 0 |
| Comcare | 1 |
| Commonwealth Scientific and Industrial Research Organisation | Two matters are ongoing and for the third matter a decision was made that it was the subject of a different investigation under a law of the Commonwealth |
| ComSuper | No further investigation or action required, available evidence did not support disclosure |
| Department of Agriculture | Recommended that the matter be referred to the department's integrity and conduct team under the Public Service Act |
| Department of Defence | There have been no recommendations made to the principal officer to undertake actions as a result of a PID investigation |
| Department of Education | 0 |
| Department of Employment | No actions required |
| Department of Human Services | 0 |

¹⁰ Includes reporting for the Australian Charities and Not-for-Profit Commission.

| Agency | | Actions | |
|---|--|---|--|
| Department of Immigration and Border Protection | | Management-initiated reviews Further inquiry by workplace area Refer to internal audit programme No further action | |
| Department of Parliamentary Services | | Referral for further internal action (disciplinary action) – 2 matters (other matters still pending) | |
| Department of Social Services | | The principal officer undertook all investigations personally and recommended a different investigation be conducted under existing departmental procedures | |
| Department of the Environment | | Investigation is still under way so no report or recommendations available at date of this report | |
| Family Court and Federal Circuit Court | | Full audit by external agency. Recovery of missing funds | |
| National Archives of Australia | | No adverse findings Additional training / information required | |
| National Museum of Australia | | That the Museum substitute the delegate responsible for making decisions in relation to a particular staff member, to reduce risk of further complaints against the discloser | |
| NBN Co Ltd | | Actions being implemented include team conciliation and policy affirmation/training | |
| National Offshore Petroleum Safety and Environmental Management Authority | | Not applicable | |