

Establishing and operating an agency PID Function

The Office of the Commonwealth Ombudsman oversees the operation of the Commonwealth *Public Interest Disclosure Act 2013* (the PID Act) within Australia. We provide guidance to agencies and whistleblowers on the PID Scheme.



This checklist is intended for agency officials tasked with establishing or maintaining a PID function within an agency and is intended as a guide only.

Being clear about how the PID Act operates in your workplace will help your agency deal with disclosures in a timely and appropriate way and build upon your agency's efforts to establish and maintain a healthy 'speak up' culture. This checklist sets out key elements that agencies should have considered and fully worked through to ensure they are ready to receive and investigate public interest disclosures.

This checklist is not intended to be prescriptive or a substitute for legal advice.¹ It is not a replacement for reading the Agency Guide to the PID Act published on our [website](#).

A. Procedure development

- Has your agency head (the principal officer) **issued written PID procedures** for facilitating and dealing with public interest disclosures in your agency?²
- Do your PID procedures set out how your agency will **ensure it meets the obligation to take reasonable steps to protect people from reprisal** and the **support your agency can provide** to disclosers, subjects, and witnesses?³
- Are your **PID procedures** accessible to all public officials who may consider making a public interest disclosure to your agency?⁴

B. Agency structure and personnel

- Has the principal officer **appointed in writing sufficient authorised officers** in your agency to receive disclosures?⁵
- Have you **published information on how current or former public officials can make a public interest disclosure to an authorised officer** in your agency?⁶
- Have you **delegated all necessary PID Act powers and functions** or effective operation of the PID scheme in your agency?⁷
- Have you identified **which delegated staff are best placed to investigate** different types of disclosures? Have you considered **when and how you might engage an external party** to investigate a disclosure?
- Do you have **systems in place to follow up on the findings and recommendations** of a PID investigation?

C. Communication and training

- Have those appointed as **authorised officers or other delegated PID officers received training** appropriate to them discharging their functions or duties?⁸
- Have you **promoted the PID Scheme** to public officials and contracted services providers within your agency as a safe and effective way to speak up about wrongdoing?⁹
- Have you **established ongoing training and education** about the PID Act for your agency?¹⁰

D. Reporting and monitoring

- Have you established a **point of contact with the Office** of the Commonwealth Ombudsman?¹¹
- Do you know **when and how to notify the Commonwealth Ombudsman of decisions under the PID Act**, and **when and how to seek an extension of time to investigate**?¹²
- Have you **integrated PID with other reporting mechanisms** in your agency?¹³

For the most up-to-date versions of cited Acts, please refer to the [Federal Register of Legislation](#).

For more information visit ombudsman.gov.au or call 1300 362 072.

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¹ Please note: this document is intended as a guide only. For this reason, the information should not be relied on as legal advice or regarded as a substitute for legal advice in individual cases. To the maximum extent permitted by the law, the Commonwealth Ombudsman is not liable to you for any loss or damage suffered as a result of reliance on this document.

² See subsection 59(3) and (4) PID Act and refer to Chapter 3 of the Agency Guide. These procedures must deal with assessing risks that reprisals may be taken in relation to disclosures, provide for confidentiality of investigative processes, and comply with any standards in force under s 74(1) (s 59(4)). See also PID Standard.

³ For more information on reprisal see: [Insights paper – Bringing understanding to reprisal](#)

⁴ Public officials can be current and former staff of your agency. They can also be current or former members of the Australian Public and Parliamentary Services who wish to make a disclosure about your agency.

⁵ See subsection 59(1)(a), section 36 PID Act and Chapter 2.6.1.1 and 3.2.1 of the Agency Guide. When thinking about accessibility, consider the size, location and classification profile of your agency.

⁶ See subsection 59(1)(b) PID Act. Section 5 of the PID Standard states that principal officers must ensure their agency provides an effective means for potential disclosers to find out how to contact authorised officers. See also Chapter 3.2.1 of the Agency Guide. Public officials can be current and former employees or contracted service providers of your agency. They can also be current or former employees or contracted service providers of another agency Commonwealth if they wish to make a disclosure about your agency.

⁷ See subsection 59(1)(b) PID Act. Section 5 of the PID Standard states that principal officers must ensure their agency provides an effective means for potential disclosers to find out how to contact authorised officers. See also Chapter 3.2.1 of the Agency Guide. Public officials can be current and former employees or contracted service providers of your agency. They can also be current or former employees or contracted service providers of another agency Commonwealth if they wish to make a disclosure about your agency.

⁸ See subsection 59(8) PID Act and refer to Chapter 3.2.4 of the Agency Guide.

⁹ See Chapter 3.2.3 – Agency Guide. In addition, the Commonwealth Contracting Suite contains standard clauses on PIDs.

¹⁰ See subsection 59(7) PID Act and refer to Chapter 3.2.4 of the Agency Guide.

¹¹ For example: to notify us of your decisions; to allow us to collate and verify data for biannual reporting; to seek extensions of time to investigate; to respond to enquiries from us about the handling of PIDs in your agency.

¹² There are forms on the Commonwealth Ombudsman's website that agencies are asked to use to notify us of PID decisions or to seek extensions of time: [PID tools and resources | Commonwealth Ombudsman](#)

¹³ There are mandatory requirements to refer PIDs concerning serious and systemic corruption by staff belonging to your agency to the NACC. The PID Act provides that Authorised Officers and Principal Officers (and their delegations) may decide to refer PIDs for investigation under another law or power.

