

New responsibilities and powers of Investigation Officers

New and amended responsibilities and powers from 1 July 2023

FORMER RESPONSIBILITIES AND POWERS	NEW RESPONSIBILITIES AND POWERS
Ensure investigation complies with requirements of the PID Act, PID Standard and internal PID procedures.	No change.
May decide not to investigate or investigate further in accordance with section 48 of the PID Act.	Discretions in s 48 have been amended to include new discretions not to investigate or not investigate further where: <ul style="list-style-type: none"> - the information is the same or substantially the same as information previously disclosed under the PID Act and a decision was previously made under s 48(1) to not investigate (or further investigate) the earlier disclosure, or - the conduct disclosed would be more appropriately investigated under another law or power.
Prepare an investigation report. Report must include claims or evidence of reprisal against the discloser and the agency's response. Principal officer must take appropriate action in relation to recommendations or any other matters raised in the report.	The report must now set out claims of reprisal taken against the discloser <i>or any other person</i> (together with related evidence), and the agency's response to those claims or evidence. Principal officers are now only required to take action in response to <i>recommendations</i> in a s 51 report. If remedial action is required, ensure relevant recommendations are made.
Complete investigation within 90 days of allocation unless an extension has been granted.	Timeframe remains 90 days, but time will start counting again on reallocation, a decision to reinvestigate, or the day the principal officer becomes aware a NACC stop action direction no longer applies.
Provide discloser with notification of and copy of the investigation report.	Notify discloser and Ombudsman (or IGIS if relevant) of the completion of an investigation under the PID Act and provide a copy of the investigation report.
	Ensure referral of suspected serious or systemic corruption uncovered in a PID investigation to the NACC

When is conduct more appropriately investigated under another law or power?

The purpose of the discretion is to ensure matters that are better investigated under another process can be easily referred. It is not to prevent matters from being investigated under the PID Act.

- » There must be another law or power under which the conduct could be investigated.
 - Another law or power is defined as a law of the Commonwealth (including procedures under such a law), or the executive power of the Commonwealth.
- » The alternative process must be more appropriate than investigation under the PID Act. An alternative investigation may be more appropriate because the alternative process:
 - is designed for investigating the specific kind of alleged conduct (such as Code of Conduct)
 - includes specific and required investigative powers
 - is more flexible or otherwise better suited to investigating and responding to the alleged conduct.

For further information see
www.ombudsman.gov.au.

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