

New responsibilities and powers of Supervisors

New and amended responsibilities and powers from 1 July 2023

ADVICE TO DISCLOSERS

A public official may make a disclosure to their supervisor. A supervisor includes any public official who supervises or manages the discloser.

Supervisors must be aware of how the PID Act operates. A supervisor who receives information from a public official that the supervisor has reasonable grounds to believe contains disclosable conduct is now required, along with referring the information to an Authorised Officer (AO), to inform disclosers of the PID process. Supervisors must:

- » inform the discloser that their disclosure could be treated as an internal disclosure
- » explain to the discloser the next steps in the PID process - referring their disclosure to the AO, the potential allocation of the PID, and investigation of the PID
- » advise the individual about the circumstances in which a PID must be referred to an agency, or other person or body, under another law of the Commonwealth
- » explain the civil and criminal protections the PID Act provides to disclosers, and those assisting with the handling of a PID.

MEANING OF A PID

Disclosures made in the course of performing one's ordinary functions as a public official are not PIDs. This means that routine discussions in agencies where everyday functions involve investigation of wrongdoing do not constitute a PID and do not require referral to an AO. The exclusion doesn't prevent such an official from making a PID, however they would need to make their intention clear when communicating to their supervisor, authorised officer, or principal officer.

MEANING OF DISCLOSABLE CONDUCT

There have been two related changes made to the definition of disclosable conduct.

- » Conduct that would reasonably require disciplinary action is now only disclosable conduct if the AO considers the conduct would, if proven, provide reasonable grounds for termination.
- » Personal work-related conduct is not disclosable conduct unless it could constitute reprisal or is otherwise significant (see section 29(2A)).

HOW SUPERVISORS MAY MEET THEIR RESPONSIBILITIES

- » Have good general awareness of the PID Act and agency procedures, particularly in relation to what is 'disclosable conduct' and their obligation to inform an authorised officer.
- » Be careful to observe confidentiality requirements.
- » Know who the authorised officers are in their agency.
- » Be approachable to staff who wish to raise concerns.
- » Hold awareness sessions or discussion forums for their staff.
- » Ensure staff undergo available training.
- » Confront any workplace prejudices about making a disclosure.
- » Support staff members who they know have made or believe could make a disclosure.
- » Take actions available to protect relevant people from risks of reprisal.
- » Pay close attention to interactions in the workplace where necessary (for example, if workplace conflict occurs after a disclosure is made or while it is being investigated).
- » Ensure identified problems in the workplace are corrected.
- » Set an example for staff through their own conduct.

For further information see
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CONTACT THE COMMONWEALTH OMBUDSMAN ON 1300 362 072



CALL 1300 362 072
EMAIL PID@ombudsman.gov.au
WEB www.ombudsman.gov.au
POST GPO Box 442, Canberra ACT 2601