

Policy and Procedure for dealing with Public Interest Disclosure

1 April 2026 to 31 March 2027

Assessment and Investigation of reports made under the *Public Interest Disclosure Act 2013 (Cth)*

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CEO commitment

I am committed to ensuring that the ARC maintains the highest standards of ethical and accountable conduct and in ensuring that individuals who make public interest disclosures are provided with the protections available under the *Public Interest Disclosure Act 2013* (PID Act), incorporating changes which are due to commence on 1 April 2026 concerning the PID Standards Determination 2025.¹

The PID Act promotes the integrity and accountability of the Commonwealth public sector by creating a framework to facilitate the reporting of suspected wrongdoing and to ensure the timely and effective investigation of reports.

The public interest disclosure scheme aims to remove barriers which prevent people who work in the public sector from speaking up about serious problems that impact on public administration. It also provides protections against reprisals for those who make public interest disclosures.

Public interest disclosures are beneficial in identifying:

- conduct that needs correction
- weak or flawed systems which may make the agency vulnerable
- inefficiency and financial loss, and
- risks to the health or safety of staff or the community.

I encourage all staff (employees and contractors) to familiarise yourself with these procedures.



Professor Ute Roessner
Chief Executive Officer

30 March 2026

¹ The PID standards determination is accessible at [Public Interest Disclosure Standards Determination 2025 - Federal Register of Legislation](#) as of 17 March 2026.

The Australian Research Council

The ARC is a non-corporate Commonwealth entity established under the *Australian Research Council Act 2001* (ARC Act), located within the Australian Government's Education portfolio, and reporting to the Minister for Education. The ARC is a vital component of Australia's innovation and research system. It plays an integral role in supporting the research sector to produce excellent and impactful research for Australia's economic, social, environmental and cultural benefit through the delivery of the NCGP. The NCGP funds excellent pure basic, strategic basic and applied research in all disciplines except medical research.

The ARC's broader remit includes the provision of high-quality research policy advice to the Australian Government, supporting research integrity and promoting ethical research, evaluating the excellence, impact and depth of Australian research and expanding Indigenous Australian knowledge systems. It also facilitates partnerships between researchers and industry, government, community organisations and the international community.

Introduction

1. The ARC recognises its responsibilities to effectively manage disclosable conduct that is reported by ARC staff in accordance with the provisions of the *Public Interest Disclosure Act 2013* (**PID Act**). The ARC will take active steps to support and to protect people who make disclosures under the PID Act.
2. The purpose of the PID Act is to provide a legislative scheme for the making of disclosures about serious wrongdoing in the Commonwealth public sector, together with investigating those disclosures and protecting people who make those disclosures and others from legal action and risks of reprisals from making a disclosure.
3. The ARC will seek to manage its responsibilities under the PID Act in accordance with the requirements of this Act and in the interests of disclosers and the ARC. The ARC's approach to managing matters that arise under the PID Act is addressed in this policy and procedure, which includes support and protection for public officials who report suspected wrongdoing. These procedures are in accordance with section 59(3) of the PID Act.
4. The ARC recognises that it is important to have an effective system for reporting and investigating disclosable conduct. Some of the potential benefits of such a system are reducing the work health and safety risks to our workers, saving money, and making our programs and processes more efficient. Another potential benefit is increasing the confidence of our staff in the way the ARC is managed.

What is a public interest disclosure?

5. The definition of public interest disclosure is contained in section 26 of the PID Act. A disclosure of information will only be a PID if:
 - a. it is made by a discloser – a current, former or deemed public official (see section 14

below)

- b. it is made to a supervisor of the discloser or to an authorised internal recipient (see section 16 below)
 - c. the information tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of disclosable conduct (see section 26 below), and
 - d. the disclosure is not made in the course of performing the discloser's ordinary functions as a public official.
6. Only if each of the above requirements are met will the disclosure be covered by the PID Act and the discloser will have the benefit of the protections.
7. Accordingly, it is important that persons contemplating making a disclosure of information carefully review the contents of the PID Act in order to determine whether the disclosure can be made in a way that attracts the protections of the PID Act.
8. There are 5 types of PIDs, which are summarised below:

No.	Type	Information
1.	Internal	This means a PID made by a current or former public official to their supervisor or an authorised internal recipient, providing information that they believe tends to show, on reasonable grounds, disclosable conduct within an Australian Government agency (i.e., ARC) or by a public official.
2.	External	This means a PID made by a current or former official to any person other than a foreign public official, providing information that they believe tends to show, on reasonable grounds, disclosable conduct within an Australian Government agency (i.e., ARC) or by a public official. Further requirements apply in order for a disclosure to be considered an external PID, including that on a previous occasion, the discloser made an internal disclosure of information that consisted of, or included, the information now disclosed, the disclosure is not, on balance, contrary to public interest and no more information is publicly disclosed than is reasonably necessary to identify one or more instances of disclosable conduct. All requirements are set out in section 26 of the PID Act.
3.	Emergency	This means a PID made by a current or former official

		to any person other than a foreign public official, providing information the discloser believes, on reasonable grounds, concerns a substantial and imminent danger to the health and safety of one or more people or to the environment. Further requirements apply in order for a disclosure to be considered an emergency PID. All requirements are set out in section 26 of the PID Act.
4.	Legal practitioner	This means a PID made by a current or former official to an Australian legal practitioner, made for the purpose of obtaining legal advice, or professional assistance, from the recipient in relation to the discloser having made, or proposing to make, a PID. Further requirements apply in order for a disclosure to be considered a legal practitioner PID. All requirements are set out in section 26 of the PID Act.
5.	National Anti-Corruption Commission (NACC)	This means a disclosure to the NACC which provides information about a corruption issue. See section 23 of the National Anti-Corruption Commission Act 2022-external site (NACC Act).

Public Interest Standard 2025

9. Adjustments are made to this policy from 17 March 2026 to incorporate the making of a new PID Disclosure Standard which is due to commence from 1 April 2026.²
10. The ARC has considered in this policy and procedure what changes may be required to the ARC's PID handling procedures to reflect the new Standard. The operation of this policy and procedure will be reviewed regularly to ensure its continued effectiveness.

What will change from 1 April 2026?

11. Key changes based on the PID standard are set out at **Attachment A**, including a link to the standard. The requirements of the standard are addressed in this policy and procedure.

NACC, Fraud and PID

12. The NACC Act makes PID officers (meaning staff performing or exercising powers under the PID Act) personally responsible for referring disclosures that involve a corruption matter to the NACC.
 - a. More information on the interactions between the PID Act and the NACC, can be accessed at [National Anti-Corruption Commission | Attorney-General's Department \(ag.gov.au\)](#).

² From 1 April 2026, will be accessible at [Public Interest Disclosure Standard 2013 - Federal Register of Legislation Policy and Procedure for dealing with Public Interest Disclosure](#)

- b. ARC staff should already be aware of the reforms to PID from ARC training previously delivered to ARC staff in June 2023 concerning NACC, Fraud and PID which is accessible in Learn Hub, ARC In-House training. This is the ARC communicating with staff about the reforms. New staff at the ARC commencing after June 2023 should be directed to complete this training, together with being provided with this policy and procedure. ARC staff may find completing this training as a refresher beneficial. Learning and Development will schedule PID refresher training for all ARC staff annually addressing APS requirements legislative requirements.
- c. Concerning ARC training delivered in June 2023 internally, ARC staff are aware of the changes from 1 July 2023 about:
 - the overview of the responsibilities of Authorised Officers, investigation officers, principal officers, and supervisors, and
 - PID reforms made changes for current and former public officials who make disclosures after the reforms commenced by carving out personal work-related conduct (unless it could constitute reprisal or may otherwise be significant as defined in the amendments), and
 - of the expanded definition of reprisal, and
 - that staff who assist with the investigation of disclosures are explicitly provided with the same immunities from liability as disclosers when assisting with an investigation.
- d. This June 2023 ARC training incorporated information from the Commonwealth Ombudsman ('Ombudsman') fact sheets (located on the Ombudsman website) to communicate with ARC staff about the reforms commencing from 1 July 2023, together with briefing principal officers and supervisors in the ARC in June 2023 on their new responsibilities and alerting ARC staff to the reforms.

Reference of changes pre-1 July 2023 and what will change from 1 April 2026?

- 13. A reference guide of the changes for supervisors and principal officers from 1 July 2023 and pre-1 July 2023 is accessible in an earlier version of this ARC policy and procedure and is accessible on the ARC website.

Who is a public official?

- 14. The term 'public official' is defined in the PID Act and includes (but is not limited to):
 - a. the principal officer of an agency (i.e. in the case of the ARC, the ARC CEO)
 - b. a member of staff of an agency (including an APS employee in the agency)
 - c. the authorised officer of an agency (i.e. in the case of the ARC, the ARC COO)
 - d. a service provider under a Commonwealth contract, along with their officers and employees who provide services directly or indirectly for the purposes of the Commonwealth contract
 - e. a statutory officeholder
 - f. a person employed under the *Parliamentary Service Act 1999 (Cth)*

- g. a member of the Australian Defence Force (ADF)
 - h. an appointee of the Australian Federal Police (AFP), and
 - i. a person deemed to be a public official by an authorised officer under section 70 of the PID Act.
 - j. Judicial officers, members of a Royal Commission, members of Parliament and persons employed or engaged under the *Members of Parliament (Staff) Act 1984* (Cth) are not public officials for the purposes of the PID Act.
15. See the complete definition of ‘public official’ in section 69 of the PID Act and the complete definition of ‘principal officer’ at section 73(1) (see item 10).

Who can a PID be made to?

16. A public official (or former public official) can make a PID to their supervisor (or manager) or to an ‘authorised internal recipient’ (an authorised officer at the agency to which the conduct relates, or an authorised officer at the agency to which the discloser belongs, or the Commonwealth Ombudsman [**Note - there are different requirements in relation to intelligence agencies and functions*]).
17. A discloser’s ‘supervisor’ is a public official who supervises or manages the person making the disclosure.
18. An ‘authorised officer’ is the principal officer of the agency (in the ARC’s case, the ARC CEO), or a public official who belongs to the ARC and is appointed in writing by the principal officer of the agency. This applies to the ARC Chief Operating Officer (COO), as outlined in the Personnel Delegations accessible on ARConnect at [Delegations](#). ARC staff are to continue to monitor the Personnel Delegations for any updates to Delegations.
19. Disclosures may be made by email to pid@arc.gov.au or by post to GPO Box 2702, Canberra, ACT 2601 Australia marked ‘Confidential – PID’. The ARC uses the above email address for PID matters only and restricts access to include the ARC’s authorised officers.
20. If a PID relates to the conduct of another agency, it may be appropriate to make the PID to an authorised officer of that agency.
21. The principal officer of the ARC is also an ‘authorised officer’ for the purposes of the PID Act, so a public official may also make a PID to the ARC CEO.
22. If the discloser believes, on reasonable grounds, that it would be appropriate for the PID to be investigated by the Commonwealth Ombudsman – or if the PID is about the Ombudsman – then the PID should be made to the Ombudsman.
23. There are additional obligations for supervisors who receive PIDs (see from section 80 below).
24. Concerning intelligence agencies or an agency’s intelligence functions, a PID must be made to an authorised officer of the intelligence agency in question, the Inspector-General of Intelligence and Security (‘IGIS’) or to an investigative agency.
25. See the complete definition of ‘authorised internal recipient’ in section 34 of the PID Act and the complete definition of ‘authorised officer’ is in section 36.

What is disclosable conduct?

26. Disclosable conduct is conduct by:
- a. an agency (a Commonwealth entity or a prescribed authority)
 - b. a public official in connection with their position (see section 14 above), or

- c. a contracted service provider for a Commonwealth contract (in connection with that contract)
- d. if that conduct involves:
 - illegal conduct
 - corruption (including corrupt conduct)
 - maladministration
 - abuse of public trust
 - fabrication, falsification, plagiarism or deception relating to scientific research
 - wastage of public money or public property
 - unreasonable danger, or increased risk of danger, to health and safety
 - danger, or an increased risk of danger, to the environment
 - a public official abusing their position
 - conduct that could (if proved) give reasonable grounds for disciplinary action resulting in the termination of the public official's engagement or appointment, or
 - any conduct prescribed by the PID Rules.

27. See the complete definition of 'disclosable conduct' in section 29 of the PID Act.

Contracted service providers

28. A 'contracted service provider for a Commonwealth contract' is:
- a. a person who is a party to a Commonwealth contract, and is responsible for the provision of goods or services under that contract, or
 - b. a subcontractor who is responsible under a subcontract for the provision of goods or services for the purposes (whether direct or indirect) of the Commonwealth contract.
29. A 'Commonwealth contract' does not include a grant covered by an instrument made under section 105C of the *Public Governance, Performance and Accountability Act 2013* (instruments relating to grants).
30. The complete definition of 'contracted service provider for a Commonwealth contract' is set out in section 30 of the PID Act.

What is corrupt conduct?

31. A person can make a disclosure directly to the NACC providing information about a corruption issue which will be called a 'NACC disclosure' (the full definition of NACC disclosure is set out in section 23 of the NACC Act). A NACC disclosure is a PID (see section 26(1A)(c) of the PID Act).
32. Authorised officers (and PID investigators) must refer a PID which raises a corruption issue to the NACC if they received the PID in the course of their functions under the PID Act, the corruption issue concerns conduct of a person who is or was a staff member of the agency while that person is or was a staff member of that agency, and the authorised officer (or PID investigator) suspects the issue could involve serious or systemic corrupt conduct. More detail can be found at section V of these Procedures.
33. Section 8(1) of the NACC Act states that each of the following is 'corrupt conduct':

- a. any conduct of any person (whether or not a public official) that adversely affects, or that could adversely affect, either directly or indirectly:
 - b. the honest or impartial exercise of any public official's powers as a public official
 - c. the honest or impartial performance of any public official's functions or duties as a public official
 - d. any conduct of a public official that constitutes or involves a breach of public trust
 - e. any conduct of a public official that constitutes, involves or is engaged in for the purpose of abuse of the person's office as a public official, or
 - f. any conduct of a public official, or former public official, that constitutes or involves the misuse of information or documents acquired in the person's capacity as a public official.
34. Conduct involving a public official may be corrupt conduct even if the conduct is not for the person's personal benefit.

What is not disclosable conduct?

35. The below is not disclosable conduct:
- a. a disagreement with government policies or government action or expenditure
 - b. certain conduct connected with courts, Commonwealth tribunals and intelligence agencies, or
 - c. personal work-related conduct (subject to the exceptions set out below).

Personal work conduct

36. Personal work-related conduct is conduct (by act or omission) engaged in by a public official (the first official) in relation to another public official (the second official) that:
- a. occurs in relation to, or in the course of, either or both of the following:
 - the second official's engagement or appointment as a public official
 - the second official's employment, or exercise of functions and powers, and
 - has, or would tend to have, personal implications for the second official.
37. The following are some examples of personal work-related conduct:
- a. conduct relating to an interpersonal conflict between the first official and the second official (including, but not limited to, bullying or harassment)
 - b. conduct relating to the transfer or promotion of the second official
 - c. conduct relating to the terms and conditions of engagement or appointment of the second official
 - d. disciplinary action taken in relation to the second official
 - e. the suspension or termination of the second official's employment or appointment as a public official, or
 - f. conduct in relation to which the second official is, or would have been, entitled to review under section 33 of the *Public Service Act 1999 (Cth)* (Public Service Act).
38. Personal work-related conduct will be disclosable conduct if the conduct:
- a. would constitute taking a reprisal against another person

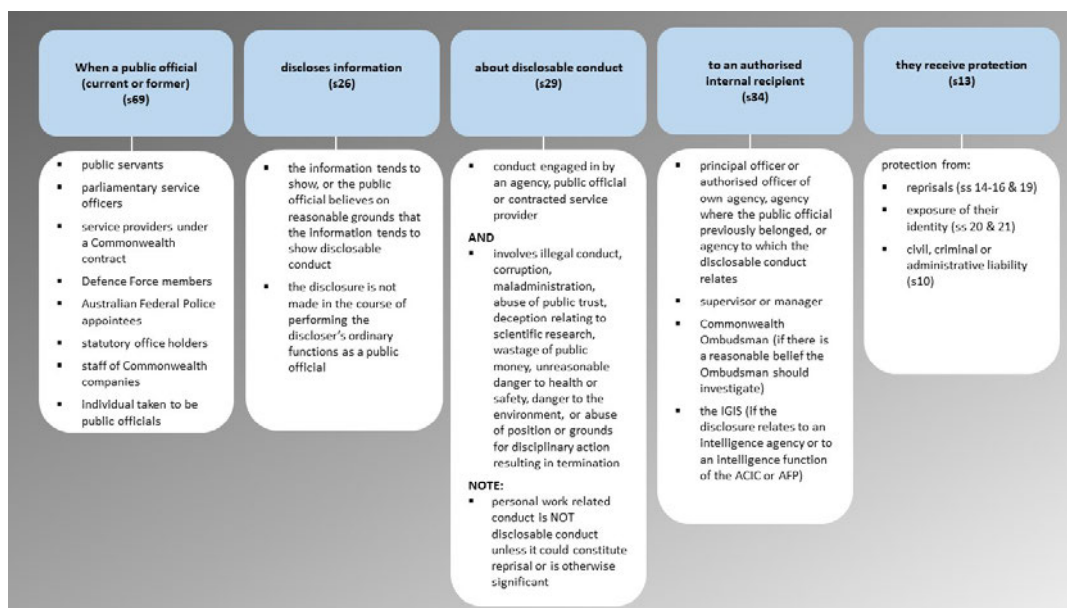
- b. would constitute an offence against section 19 of the PID Act, or
- c. is of such a significant nature that it would undermine public confidence in an agency (or agencies) or has other significant implications for an agency (or agencies).

39. The complete definition of ‘personal work-related conduct’ is in section 29A of the PID Act. Sections 31, 32 and 33 of the PID Act provide more detail about conduct that is not disclosable conduct.

Other mechanisms to report and resolve issues relating to conduct

40. The ARC has other mechanisms for public officials to report and resolve some of the above types of conduct. For example, in relation to grievances relating to an employee’s own employment there are:
- a. Suspected Breaches of the APS Code of Conduct Procedures
 - b. ARC Work Health and Safety Management Arrangements Policy
 - c. Performance and Development Policy
 - d. Respectful Workplace Policy
 - e. See the [Policies and Procedures Directory - Home](#) on ARConnect.

What is required for making an internal public interest disclosure?



- a. A PID may be made by a public official to their supervisor or to an authorised officer (see section 16 above):
 - orally or in writing
 - anonymously or openly, and
 - with or without the discloser asserting that the disclosure is made for the purposes of the PID Act – a PID may be made even without the discloser knowing about the PID Act.
- b. Once a PID has been made it cannot be withdrawn, but a discloser may tell the authorised officer that they do not want the PID to be investigated. This will be a relevant consideration in the investigator deciding whether or not to investigate the PID.
- c. A person who is considering making a PID should be aware that making a PID does not entitle them to

protection from the consequences of their own wrongdoing.

What information should be provided when making a PID?

41. A disclosure made in the course of performing the discloser's ordinary functions as a public official is not a PID.
42. The information contained in a PID should be clear and factual, and should, as far as possible, avoid speculation, personal attacks and emotive language. It should contain supporting evidence where available to the discloser and should, where possible, identify any witnesses to the disclosable conduct.
43. A public official making a PID may wish to include the following details:
 - a. their name and contact details (but they do not have to do this, and they can use a pseudonym instead of their real name)
 - b. the details of the suspected wrongdoing
 - c. the name of the person or entity who they believe committed the suspected wrongdoing
 - d. the place, time and date of the suspected wrongdoing
 - e. whether the suspected wrongdoing has been reported to anyone else
 - f. whether there were any witnesses to the wrongdoing, and if so, who the witnesses are, and
 - g. whether they have any concerns that anyone might take reprisal action against them for having made the PID.
44. A discloser who knowingly makes a false or misleading statement or knowingly contravenes a designated publication restriction without reasonable excuse in a PID **will not** have immunity from civil, criminal or administrative liability under the PID Act (see section 63 below for further information on disclosers' immunity from liability).

How are anonymous disclosures dealt with?

45. A discloser may wish to make an anonymous disclosure. A disclosure is anonymous if the identity of the discloser is not revealed and if no contact details for the discloser are provided. It is also anonymous if the discloser does not disclose their name but provides anonymous contact details. Providing a de-identified email address for correspondence will allow the authorised officer or ARC CEO (or delegate) to contact the discloser anonymously where required.
46. Receiving an anonymous disclosure does not mean that it cannot be treated as a disclosure for the purposes of the PID Act. However, the disclosure will only be a PID if the discloser is a public official (see section 14 above).
47. Where a supervisor (or manager) receives an anonymous disclosure for the purposes of the PID Act they **must** refer it to an authorised officer as soon as reasonably practicable.

What are the confidentiality obligations under the PID Act?

48. The ARC's authorised officer/s and the ARC CEO (or delegate), and any other persons who are aware of a PID, should take all reasonable steps to protect the identity of a public official who has made a PID for the purposes of the PID Act.

49. Only individuals directly involved in dealing with the PID (such as the authorised officer and the ARC CEO, and any persons assisting them) may be advised of the details of the PID. These individuals **must** not disclose the identity of the discloser or any information which is likely to reveal the identity of the discloser (identifying information) without the consent of the discloser, or where permitted under the PID Act.
50. Any interviews conducted for the purpose of an investigation under the PID Act should be conducted in private and to avoid the identification of the discloser by other staff of the ARC.
51. A person commits an offence if they disclose or use identifying information about a discloser, **unless** one or more of the following applies:
- the disclosure or use is for the purposes of the PID Act – that is for the purpose of helping in relation to a PID, providing legal advice, or other professional assistance in relation to a PID, or in the performance or exercise (or purported performance or exercise) of a function or power conferred by the PID Act
 - the disclosure or use is in connection with the performance of the Commonwealth Ombudsman’s functions or the IGIS’s functions
 - the disclosure or use is for the purposes of a law of the Commonwealth of Australia or a prescribed law of an Australian State or a Territory
 - the person likely to be identified by the information has consented to the disclosure or use of the information, or acted in a way that is inconsistent with keeping that person’s identity confidential, or
 - the information has previously been lawfully published.
52. Identifying information about a discloser is not required to be disclosed to a court or tribunal except where it is necessary to do so for the purposes of giving effect to the PID Act.
53. The offences regarding the use or disclosure of identifying information are set out in sections 20 and 21 of the PID Act.

What are the record keeping obligations?

54. Where an authorised officer or the ARC CEO (or delegate) is required to keep a record under these procedures, the record **must** be kept in hard copy or electronic form or both. Access to these records **must** be restricted to only those officers who require access in order to perform some function under the PID Act or for the purposes of another law of the Commonwealth (for example, under the *Work Health and Safety Act 2011* or the Public Service Act).
55. Appropriate written records **must** be kept of the allocation decision (see section K below) and of the investigation (see section T, III below and throughout this policy and procedure).

What protections and support are available under the PID Act?

Protection against reprisal actions

56. The PID Act provides a range of protections for persons who make a PID and others who may be affected. Leading this is that reprisal action cannot be taken or threatened against a discloser or any other person (for example, a witness) because of a PID.

57. Reprisal occurs when someone causes, by an act or omission, detriment to another person because they believe or suspect that person, or anyone else, may have made, intends to make, or could make a PID. This could include an action or omission (or threat of action or omission), or detriment, that results in:
- a. disadvantage to a person, including dismissal, injury in their employment, discrimination between them and other employees or alteration of their position to their disadvantage
 - b. a physical or psychological injury, including a stress-related injury
 - c. intimidation, harassment or victimisation
 - d. loss or damage to property, or
 - e. disadvantage to a person's career (for example, denying them a reference or a promotion without appropriate reasons).
58. It is a criminal offence to take or threaten to take a reprisal action against anyone in relation to a PID and the penalty is up to two years imprisonment. An ARC official who commits a reprisal action may also be subject to disciplinary procedures, for example for breaching the APS Code of Conduct.
59. The ARC CEO **must** take reasonable steps to protect public officials against reprisals that have been, or may be, taken in relation to PIDs that have been made, may have been made, are proposed to be made or could be made to an authorised officer or supervisor belonging to the ARC. This firstly requires that the authorised officer/s or ARC CEO undertake an assessment of the risk of reprisals against the discloser or anyone related to a PID.
60. Following the reprisal risk assessment, a strategy for providing an appropriate level of support will be developed by the authorised officer (see section 89 below).
61. A person **does not** take a reprisal against another person to the extent that the person takes administrative action that is reasonable to protect the other person from detriment.
62. What constitutes 'taking a reprisal' is set out in section 13 of the PID Act.

Disclosers' immunity from liability

63. If an individual makes a PID they are not subject to any civil, criminal or administrative liability (including disciplinary action) for making the PID and no contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the individual on the basis of the PID (it should be noted that this immunity applies where an individual makes any of the 5 types of PID – see section 8 above).
64. The discloser has absolute privilege in proceedings for defamation in respect of the PID, and a contract to which the discloser is a party **must not** be terminated on the basis that the PID constitutes a breach of the contract.
65. However, these immunities do not apply if the discloser:
- a. makes a statement which they know is false or misleading
 - b. commits an offence under specific sections of the Criminal Code by:
 - providing false or misleading information
 - giving false or misleading documents
 - making a false document

- using a forged document, or
- contravenes a ‘designated publication restriction’ (for example, a court or Tribunal order to protect the identity of people) if they know the PID contravenes that restriction and do not have a reasonable excuse for that contravention (see the definition of ‘designated publication restriction’ in section 8).

66. If a discloser provides information that relates to their own conduct, their liability for that conduct is **not** affected.

67. The details of the immunity from liability for disclosers are set out in sections 10, 11, 11A and 12 of the PID Act.

Witnesses’ immunity from liability

68. An individual is a ‘witness’ if they help in relation to a PID, if they give information or produce a document or other thing, or answer a question, that they consider on reasonable grounds to be relevant to:

- a. the making of a decision in relation to the allocation of a PID
- b. a PID investigation or a proposed PID investigation, or
- c. a review or proposed review by the Commonwealth Ombudsman or the IGIS.

69. A witness is not subject to any civil, criminal or administrative liability (including disciplinary action) because of the assistance provided. No contractual or other remedy may be enforced, and no contractual or other right may be exercised, against the witness on the basis of the assistance provided.

70. A witness has absolute privilege in proceedings for defamation in respect of the assistance provided, and a contract to which the witness is a party **must not** be terminated on the basis that the assistance provided constitutes a breach of the contract.

71. However, these immunities **do not apply** if the witness:

- a. makes a statement which they know is false or misleading
- b. commits an offence under specific sections of the *Criminal Code* by:
 - providing false or misleading information
 - giving false or misleading documents
 - making a false document
 - using a forged document, or
 - contravenes a designated publication restriction (see the definition of ‘designated publication restriction’ in section 8).

72. If a witness provides information that relates to their own conduct, their liability for that conduct is **not** affected.

73. The details of the immunity from liability for witnesses are set out in sections 12A and 12B of the PID Act.

Good faith exemption for officers involved in PID processes

74. The ARC CEO (or delegate), an authorised officer, a supervisor (or manager) of a person who makes a Policy and Procedure for dealing with Public Interest Disclosure

PID, or a person assisting the ARC CEO (or delegate) is not liable to any criminal or civil proceedings, or any disciplinary action (including any action that involves imposing any detriment), for or in relation to an act or matter done, or omitted to be done, in good faith:

- a. in the performance, or purported performance, of any function conferred on the person by the PID Act
- b. in the exercise, or purported exercise, of any power conferred on the person by the PID Act, or
- c. in the case of a person assisting the ARC CEO (or delegate) — in assisting the ARC CEO (or delegate) in performing any function or exercising any power under the PID Act.

75. This exemption does not apply to a breach of a designated publication restriction (see the definition of ‘designated publication restriction’ in section 8).

76. The details of this good faith exemption are in section 78 of the PID Act.

Support for public disclosers

77. The ARC has a number of support mechanisms available to disclosers, including (but not limited to) the Employee Assistance Program, the ARC People & Capability team and the ARC’s Harassment Contact Officers (HCO’s).

78. Regardless of the outcome of any risk reprisal assessment, the authorised officer, investigator, manager or supervisor will take all reasonable steps to protect public officials who have made a disclosure from detriment or threats of detriment.

79. This may include taking one or more of the following actions:

- a. if the discloser wishes, appointing a support person to assist the discloser who is responsible for checking on the wellbeing of the discloser regularly
- b. informing the discloser of the progress of the investigation
- c. advising the discloser of the availability of the Employee Assistance Program
- d. advising the discloser of the role and responsibilities of the ARC’s Harassment Contact Officers, whose job it is to provide support and information to people who believe they are being harassed
- e. where there are any concerns about the health and wellbeing of the discloser, liaising with the ARC’s People and Capability team, and
- f. transferring the discloser to a different area within the workplace.

ARC procedures for PIDs

Procedures for supervisors receiving a disclosure

80. A ‘supervisor’ is a public official who supervises or manages the public official making the disclosure. This can be the discloser’s direct supervisor or another person up the line of reporting. A supervisor (or manager) who receives a disclosure of disclosable conduct (see section 16 above) from a public official is required under the PID Act to take the following steps.

81. Where a public official discloses information to their supervisor or manager (who is not an authorised officer) and the supervisor (or manager) has reasonable grounds to believe that the information

concerns, or could concern, disclosable conduct they **must**:

- a. inform the discloser that the disclosure could be treated as a PID
- b. explain to the discloser that the procedures under the PID Act require:
 - the supervisor (or manager) to give the disclosure to an authorised officer
 - the authorised officer is to decide whether to allocate the disclosure to the ARC CEO or to another agency, and
 - if the PID is allocated, the principal officer (or delegate) must investigate it
 - advise the discloser about the circumstances (if any are applicable) in which a disclosure must be referred to another agency or person under another law of the Commonwealth
 - explain to the discloser the protections under the PID Act (see section 56 above), and
 - as soon as reasonably practicable after the disclosure is made, give the information to an authorised officer.

82. The supervisor (or manager) should also seek the discloser's consent to provide the authorised officer with the discloser's identity. If the discloser declines, the supervisor (or manager) will need provide the authorised officer with as much information as possible, without revealing the discloser's identity and will need to conduct the reprisal risk assessment (see section 89 below).

83. If the disclosure is not in writing, the supervisor or manager must make a written record of the substance of the disclosure and of the time and date of the disclosure, and ask the discloser to sign the written record of the disclosure (where this is practicable).

84. The obligations of supervisors are set out in section 60A of the PID Act.

Procedures for authorised officers receiving and allocating a disclosure

85. An authorised officer who receives a disclosure of disclosable conduct (see section 18 above) from a public official must deal with the disclosure in accordance with the PID Act, PID Standard and these procedures.

Receiving a disclosure

86. Where:

- a. an individual discloses, or proposes to disclose, information to an authorised officer, which the authorised officer has reasonable grounds to believe may be disclosable conduct (see section 26 above), and
- b. the authorised officer has reasonable grounds to believe that the person may be unaware of the consequences of making the disclosure,
- c. the authorised officer **must**:
 - inform the individual that the disclosure could be treated as an internal disclosure for the purposes of the PID Act
 - explain what the PID Act requires in order for the disclosure to be an internal disclosure (see section 8 above)
 - advise the individual about the circumstances (if any) in which a PID must be referred to an agency, or other person or body, under another law of the Commonwealth, and

- advise the individual of any orders or directions of which the authorised officer is aware that are designated publication restrictions that may affect disclosure of the information.

87. If the disclosure is not in writing, the authorised officer must make a written record of the substance of the disclosure and of the time and date of the disclosure, and ask the discloser to sign the written record of the disclosure (where this is practicable).
88. The authorised officer should ensure that they do not have an actual or perceived conflict of interest in making any decisions about the disclosure, including whether or not to allocate the disclosure. A conflict of interest could arise, for example, where information suggests they or a family member of the discloser or persons against whom allegations are made, or they are implicated in the alleged wrongdoing the subject of the disclosure.

Conducting a reprisal risk assessment

89. An authorised officer must conduct a risk assessment of the risk of reprisals being taken against the discloser (and other public officials who belong to the ARC, if applicable) as a result of the PID. This should be conducted as soon as possible after a potential PID is received by an authorised officer.
90. If the disclosure is first made to a supervisor (or manager) then the authorised officer may ask the supervisor (or manager) for further assistance in carrying out the risk assessment.
91. Reprisal risk **must** be assessed in all cases however the way in which a risk assessment is conducted may vary depending on the circumstances. The risk assessment can include the risk of direct reprisal against the discloser and the risk of related workplace conflict or difficulties.
92. Early and open communication with the discloser is critical. Sensitivity needs to be applied in talking about the risks with the discloser. The authorised officer conducting the risk assessment should be alert to the possibility that the discloser may feel that the discussion of reprisal risk is intended to discourage them from proceeding with their disclosure. As part of the risk assessment, any concerns of the discloser about the reprisal risks should be discussed with them and addressed, considering all of the circumstances. The discloser should also be informed of the protections afforded to them under the PID Act (see section 63 above).
93. The following framework may be used at the ARC for assessing the risk of reprisals being taken:
- Identifying the risks** – the authorised officer should identify the risk factors relating to the particular disclosure, considering the individual and organisational circumstances. Some risk factors may include (but are not limited to) those listed in the first column of the table below. Considerations for the risk assessment are listed in the second column:

Risk factors	Considerations
Threats or past experience	<p>Has a specific threat against the discloser been received?</p> <p>Is there a history of conflict between the discloser and the subjects of the disclosure, management, supervisors or colleagues?</p> <p>Is there a history of reprisals or other conflict in the workplace?</p> <p>Is it likely that the disclosure will exacerbate this?</p>

<p>Confidentiality unlikely to be maintained</p>	<p>Who knows that the disclosure has been made or was going to be made?</p> <p>Has the discloser already raised the substance of the disclosure or revealed in the workplace their disclosure or intention to make a disclosure?</p> <p>Who in the workplace is aware of the actual or intended disclosure and/or the discloser's identity?</p> <p>Is the discloser's immediate work unit small?</p> <p>Are there circumstances, such as the discloser's stress level, that will make it difficult for them to not discuss the matter with people in their workplace?</p> <p>Will the discloser become identified or suspected when the existence or substance of the disclosure is made known or investigated?</p> <p>Can the disclosure be investigated while maintaining confidentiality?</p>
<p>Significant reported wrongdoing</p>	<p>Are there allegations about individuals in the disclosure?</p> <p>Who are those individuals' close professional and social associates within the workplace?</p> <p>Is there more than one wrongdoer involved in the matter?</p> <p>Is the reported wrongdoing serious?</p> <p>Is the disclosure particularly sensitive or embarrassing for any subjects of the disclosure, senior management, the agency or the Government?</p> <p>Do these people have the intent to take reprisals—for example, because they have a lot to lose?</p> <p>Do these people have the opportunity to take reprisals—for example, because they have power over the discloser?</p>
<p>Vulnerable discloser</p>	<p>Is or was the reported wrongdoing directed at the discloser?</p> <p>Are there multiple subjects of the disclosure?</p>

	<p>Is the disclosure about a more senior officer?</p> <p>Is the discloser employed part time or on a casual basis?</p> <p>Is the discloser isolated—for example, geographically or because of shift work?</p> <p>Are the allegations unlikely to be substantiated—for example, because there is a lack of evidence?</p> <p>Is the disclosure being investigated outside your organisation?</p> <p>Assessing the risks – the authorised officer should consider the likelihood and consequence of reprisal or related workplace conflict occurring. For example, the likelihood of a risk may be high where threats have been made, there is already conflict in the workplace or the discloser’s identity would be obvious because of the nature of the disclosure.</p> <p>Controlling the risks – the authorised officer should identify strategies to be put in place to prevent or contain reprisals or related workplace conflict. Any decision affecting the discloser should be made in consultation with them and should be reasonable and appropriate in all of the circumstances.</p> <p>Monitoring and reviewing the risk management process – the risk assessment should be monitored, reviewed and updated as circumstances change throughout the course of the investigation.</p>
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94. Regardless of the outcome of the risk assessment, if it has been determined that a discloser will require support, the authorised officer should develop a strategy for providing an appropriate level of support. This may include taking one or more of the following actions:
- a. with the discloser’s consent, appointing a support person to assist the discloser, who is responsible for checking on the wellbeing of the discloser regularly
 - b. informing the discloser of the progress of the investigation
 - c. advising the discloser of the availability of the Employee Assistance Program and access to ARC Harassment Contact Officers, and
 - d. where there are any concerns about the health and wellbeing of the discloser, liaising with officers responsible for health and safety in the ARC.

95. If the situation is serious enough, protecting the discloser may require significant action, such as, a Policy and Procedure for dealing with Public Interest Disclosure

transfer, relocation, a leave of absence, physical protection or an injunction.

96. For further information on carrying out reprisal risk assessments, see the Ombudsman's *Agency Guide to the Public Interest Disclosure Act 2013* [PID-Bill-Guidance-Assessing-and-managing-the-risk-of-reprisal.pdf](#).

Allocating a disclosure

97. An authorised officer who receives a disclosure (either directly from the discloser or from the discloser's supervisor) **must** either:

- a. allocate the disclosure to one or more agencies, or
- b. decide not to allocate the disclosure to any agency if they are satisfied, on reasonable grounds, that:
 - there is no reasonable basis on which the disclosure could be considered an internal disclosure (see section 8 above), or
 - the conduct disclosed would be more appropriately investigated under another Commonwealth law or power.

98. The authorised officer **must** use their best endeavours to decide about the allocation of the disclosure **within 14 days** of the disclosure being made or given to the officer.

99. This 14-day period is subject to any stop action direction issued under the NACC Act to stop acting in relation to a corruption issue.

Deciding whether or not to allocate the disclosure

A. An authorised officer who receives a disclosure must allocate the disclosure to the ARC CEO or a principal officer of another agency **unless**:

- a. they are satisfied, on reasonable grounds, that there is no reasonable basis on which the disclosure could be considered an internal disclosure – the grounds on which an authorised officer could be satisfied of this include that:
 - the disclosure has not been made by a person who is, or was, a public official (see section 14 above)
 - the disclosure was not made to an authorised internal recipient or supervisor (see section 16 above)
 - the disclosure does not include disclosable conduct (see section 26 above)
- b. the person who is alleged to have carried out the disclosable conduct was not a public official at the time that they are alleged to have carried out that conduct, or
- c. the disclosure is not otherwise a PID within the meaning of the PID Act, or
- d. the conduct would be more appropriately investigated under another Commonwealth law or power.

B. In deciding about allocation, the authorised officer **must** have regard to the following considerations:

- a. generally, an agency should not handle a PID unless some or all of the conduct disclosed relates to that agency (i.e. generally the ARC should not handle the PID if it does not relate to the ARC)
- b. any other matters the authorised officer considers relevant, including:
 - if another agency in the same portfolio would be better able to handle the PID (for example, the

Attorney-General's Department or Department of Education), the authorised officer may allocate the PID to another agency in the same portfolio as the recipient agency if they consider that the other agency would be better able to handle the PID. However, the allocation may not be made to another agency unless an authorised officer in that agency consents to the allocation

- any recommendation made by the Commonwealth Ombudsman or the IGIS about the allocation of the PID, and
 - whether the obligations in section 60(1) of the PID Act (Additional obligations of authorised officers) has been satisfied in relation to the PID.
- C. The authorised officer may obtain information from such persons, and make such inquiries, as the authorised officer thinks fit, in order to decide about the allocation of the disclosure.
- D. A disclosure that includes information relating to a number of instances of conduct, some of which may be considered disclosable conduct, and some of which may not (for example, because that conduct is personal work-related conduct) must still be allocated.
- E. If the information disclosed concerns conduct alleged to be related to an intelligence agency, Australian Criminal Intelligence Commission (ACIC) or the Australian Federal Police (AFP) (in respect of their intelligence functions) then the IGIS must be notified and the process in section 45A of the PID Act **must** be followed.
- F. The requirements for deciding about allocating a disclosure are set out in section 43 of the PID Act.

Decision not to allocate

- G. Where an authorised officer decides **not to allocate** a disclosure to any agency, they **must**, as soon as reasonably practicable, give written notice to:
- a. the discloser (if reasonably practicable) of:
 - the decision
 - the reasons for the decision
 - any action the authorised officer has taken or proposes to take to refer the conduct for investigation under another Commonwealth law or power (if any), and
 - any courses of action that might be available to the discloser under another Commonwealth law or power (if any), and
 - the Commonwealth Ombudsman (unless the conduct disclosed relates to an intelligence agency, or ACIC or the AFP in relation to that agency's intelligence functions) of:
 - the decision
 - the reasons for the decision, and
 - any action the authorised officer has taken or proposes to take to refer the conduct for investigation under another Commonwealth law or power (if any).
- H. If the conduct disclosed relates to an intelligence agency, or ACIC or the AFP in relation to that agency's intelligence functions, the authorised officer **must** also give written notice to the IGIS.
- I. The authorised officer must keep an appropriate written record of the following:
- a. the decision

- b. the reasons for the decision
 - c. whether the notice (or a copy of the notice) of the decision not to allocate was given to the discloser, and if not, why not, and
 - d. if the notice (or a copy of the notice) of the decision not to allocate was given to the discloser – the following matters:
 - the day and time the notice (or copy) was given to the discloser
 - the means by which the notice (or copy) was given to the discloser, and
 - the matters included in the notice.
- J. The requirements for the notice of a decision to not allocate a disclosure are set out in section 44A of the PID Act. The requirements for written records are set out in the PID Standard.

Decision to allocate

- K. Where an authorised officer decides **to allocate** a disclosure (to the ARC CEO or to another agency) they **must**, as soon as reasonably practicable, give written notice to:
- a. the principal officer of each agency to which the PID is allocated (so where an authorised officer decides to allocate an internal public interest disclosure to the ARC for handling, the authorised officer must give notice of the allocation to the Information Commissioner), and
 - b. the Commonwealth Ombudsman (or to the IGIS if the PID is allocated to an intelligence agency or ACIC or the AFP, in relation to their intelligence functions).
- L. The notice **must** include the following matters:
- a. the allocation to the agency
 - b. the information that was disclosed
 - c. the conduct disclosed, and
 - d. the discloser’s name and contact details (if these are known to the authorised officer and the discloser consents to these details being provided).
- M. If reasonably practicable, the authorised officer must give a copy of the notice to the discloser as soon as reasonably practicable.
- N. The authorised officer should also ask the discloser whether they consent to the officer giving the discloser’s name and contact details to the ARC CEO (or to the principal officer of another agency if the PID is allocated to another agency).
- O. The IGIS must also be notified if the PID is allocated to an intelligence agency, ACIC or the AFP in relation to that agency’s intelligence function.
- P. The authorised officer **must** keep an appropriate written record of the following:
- a. the decision (including the name of each agency to which the PID is to be allocated)
 - b. the reasons for the decision
 - c. if the PID has been allocated to another agency — the consent given by an authorised officer in the agency to which the PID is allocated
 - d. whether the notice (or a copy of the notice) of the decision to allocate was given to the discloser,

and if not, why not and

- e. if the notice (or a copy of the notice) of the decision to allocate was given to the discloser – the following matters:
- the day and time the notice (or copy) was given to the discloser
 - the means by which the notice (or copy) was given to the discloser, and
 - the matters included in the notice.

Q. The requirements for the notice of a decision to allocate a PID are set out in section 44 of the PID Act. The requirements for written records are set out in the PID Standard.

Reallocation of PIDs

R. The authorised officer may, after deciding to allocate a PID, decide to reallocate the PID to one or more agencies (which may include an agency to which the PID had formerly been allocated). The processes set out above must be followed if a decision is made to reallocate the PID.

Mandatory referral to the NACC

S. In addition to considering whether or not to allocate the disclosure, the authorised officer **must** consider whether the PID involves a ‘corruption issue’, as defined in s 9 of the NACC Act. A ‘corruption issue’ involves ‘corrupt conduct’, as defined in s 8 of the NACC Act and set out above at section 31.

T. A staff member includes an agency head, employees, contracted service providers for Commonwealth contracts and their employees and officers, secondees, statutory officeholders, and others performing functions under a Commonwealth law (see section 12 of the NACC Act).

U. If the authorised officer, in the course of dealing with a PID, becomes aware of a corruption issue that:

- a. concerns the conduct of a person who is, or was, a staff member of the ARC while that person is, or was a staff member, and
- b. the authorised officer suspects it could involve corrupt conduct that is serious or systemic,
- c. they **must** refer the PID to the National Anti-Corruption Commissioner (the NACC Commissioner) as soon as reasonably practicable. The authorised officer must inform the discloser of the referral as soon as reasonably practicable after the referral.

V. An authorised officer is not required to provide information to the NACC Commissioner if:

- a. the authorised officer has reasonable grounds to believe that the NACC Commissioner is already aware of the information, or
- b. the NACC Commissioner has advised the authorised officer that the provision of information about the corruption issue is not required.

W. The NACC Commissioner may direct an agency head (including the ARC CEO) to stop the agency taking specified action, including allocating the PID.

I. If the authorised officer does not allocate the PID because of a stop action direction under the NACC Act, the authorised officer must, as soon as reasonably practicable:

- a. give written notice to the Commonwealth Ombudsman (or the IGIS regarding intelligence agencies and functions) of:
 - the information that was disclosed

- the conduct disclosed
 - if the discloser’s name and contact details are known to the authorised officer, and the discloser consents to the Commonwealth Ombudsman (or IGIS) being informed—the discloser’s name and contact details, and
 - the stop action direction under the NACC Act that prevents allocation of some or all of the PID, and
 - inform the discloser and give the discloser a copy of the notice if the ARC CEO (or delegate) considers that it is reasonably practicable or appropriate to do so.
- II. The authorised officer **must** keep an appropriate written record of the following:
- a. details of the direction, including when the direction was made and when the stop action direction no longer applies, and
 - b. whether the ARC CEO (or delegate) considers that it is reasonably practicable or appropriate for the discloser to be given a copy of the notice (and whether the discloser was given a copy of the notice).
- III. The above requirements for written records are set out in the PID Standard.
- IV. Even where a referral is made to the NACC, the authorised officer (or PID investigator) should continue to handle a disclosure in line with obligations under the PID Act, unless a stop action direction has been issued under section 43(1) of the NACC Act. If a stop action direction is issued but subsequently revoked, the timeframes stipulated under the PID Act recommence from the date the authorised officer (or PID investigator) becomes aware that a stop action direction no longer applies.
- V. The NACC Act and the PID Act offer different protections to disclosers. The NACC Act protections are available to any person who provides information or evidence related to a corruption issue to the Commission. Importantly, a public official will be able to access protections under both schemes where the information or evidence disclosed to the Commission also constitutes disclosable conduct under the PID Act.

Procedures for investigating an internal disclosure

- VI. The ARC CEO (or delegate) must, as soon as reasonably practicable, after being allocated a PID decide whether to:
- a. investigate the PID
 - b. not investigate the PID further, or
 - c. investigate the PID under another Commonwealth law or power.
- VII. If the NACC Commissioner issues a stop action direction under the NACC Act, which prevents the investigation of some or all of the PID, the ARC CEO must inform the Commonwealth Ombudsman of the stop action direction (or the IGIS, if the PID concerns conduct relating to an intelligence agency, the IGIS, or ACIC or the AFP in relation to those agencies’ intelligence functions).
- VIII. The ARC CEO (or delegate) **must**, as soon as reasonably practicable, give written notice to the discloser stating:
- a. information about the ARC CEO’s powers to:
 - decide not to investigate the PID
 - decide not to investigate the PID further, or

- decide to investigate the PID under a separate investigative power.
- IX. The ARC CEO (or delegate) must ensure that, where it is reasonably practicable to do so, the discloser is given the above information **within 14 days** after the PID is allocated to the agency.

Deciding whether or not to investigate

- X. The ARC CEO (or delegate) **may decide not to investigate** the PID, or (if the investigation has started) not to investigate further if one of the following considerations apply:
- a. the discloser is not, and has not been, a public official (see section 14 above)
 - b. the information does not, to any extent, concern serious disclosable conduct (see section 26 above)
 - c. the PID is frivolous or vexatious
 - d. the information is the same, or substantially the same, as information previously disclosed under the PID Act, and:
 - a decision was previously made not to investigate the earlier PID further or at all, or
 - the earlier PID has been, or is being, investigated as a PID investigation the conduct disclosed, or
 - substantially the same conduct, is being investigated under another Commonwealth law or power, and
 - the ARC CEO (or delegate) is satisfied, on reasonable grounds, that it would be inappropriate to investigate under the PID Act at the same time the conduct disclosed, or
 - substantially the same conduct, has been investigated under another Commonwealth law or power, and
 - the ARC CEO (or delegate) is satisfied, on reasonable grounds, that there are no further matters concerning the conduct that warrant investigation, and
 - the ARC CEO (or delegate) is satisfied, on reasonable grounds, that the conduct disclosed would be more appropriately investigated under another Commonwealth law or power (that the conduct disclosed raises a corruption issue is not sufficient alone for this), and
 - the ARC CEO (or delegate) has been informed that the discloser does not wish the investigation of the PID to be pursued, and
 - the ARC CEO (or delegate) is satisfied, on reasonable grounds, that there are no matters concerning the PID that warrant investigation, or
 - it is impracticable for the PID to be investigated because:
 - the discloser's name and contact details have not been disclosed
 - the discloser refuses or fails, or is unable, to give, for the purposes of the investigation, such information or assistance as the person who is or will be conducting the investigation asks the discloser to give, or
 - of the age of the information.
- XI. The circumstances where the principal officer may decide not to investigate a PID are set out in section 48 of the PID Act.

Decision not to investigate

Discloser and Commonwealth Ombudsman must be notified

- XII. If the ARC CEO (or delegate) has decided not to investigate the PID (or not to investigate the PID further) they must, as soon as reasonably practicable, give written notice to the discloser (if contacting the discloser is reasonably practicable) and to the Commonwealth Ombudsman stating that:
- a. the ARC CEO (or delegate) has decided not to investigate the PID (or not to investigate the PID further)
 - b. the reasons for that decision, and
 - c. if the ARC CEO (or delegate) has acted, or proposes to act, in relation to the referral of the conduct disclosed for investigation under another Commonwealth law or power, details of:
 - the other Commonwealth law or power
 - the agency or other person or body to which the conduct has been, or is to be, referred, and
 - the steps taken, or proposed to be taken, for the conduct to be referred or to facilitate its referral.
- XIII. The ARC CEO (or delegate) may delete from the copy of the reasons given to the discloser anything that would cause the document to:
- a. be exempt for the purposes of Part IV of the *Freedom of Information Act 1982* (FOI Act)
 - b. have, or be required to have, a national security or other protective security classification, or
 - c. contain intelligence information.
- XIV. The notification requirements are set out in sections 50 and 50A of the PID Act.

Referral for investigation under another Commonwealth law or power

- XV. The ARC CEO (or delegate) must, as soon as reasonably practicable, take reasonable steps to refer the conduct disclosed, or to facilitate its referral, for investigation under another Commonwealth law or power, if the ARC CEO (or delegate):
- a. decides not to investigate the PID, or not to investigate the PID further
 - b. does not decide to investigate the PID under a separate investigative power, and
 - c. is satisfied, on reasonable grounds, that the conduct disclosed would be more appropriately investigated under another Commonwealth law or power (other than a separate investigative power).
- XVI. The requirements for referral of a PID for investigation under another Commonwealth law or power are set out in section 50AA of the PID Act.

Decision to investigate

The investigation must be completed within 90 days

- XVII. An investigation must be completed within 90 days after the day when the PID was initially allocated.
- XVIII. If the PID was reallocated, the investigation must be completed 90 days after the day when the PID was reallocated. In the case of a reinvestigation, the investigation must be completed 90 days after the day when the ARC CEO (or delegate) decided to reinvestigate the relevant PID.

- XIX. The Commonwealth Ombudsman may extend the 90-day period by an additional period that the Ombudsman considers appropriate on the Ombudsman's own initiative, or on application made by the ARC CEO (or delegate), or the discloser. If an extension is granted, the ARC CEO (or delegate) must, as soon as reasonably practicable, inform the discloser (if contacting the discloser is reasonably practicable).
- XX. Failure to complete the investigation within the 90-day time limit does not affect the validity of the investigation.
- XXI. Time limit requirements for investigations are in section 52 of the PID Act.

Conduct of the investigation

- XXII. An investigation is to be conducted as the ARC CEO (or delegate) thinks fit and they may, for the purposes of the investigation, obtain information from such persons, and make such inquiries, as they think fit. If it is reasonably practicable to contact the discloser, the investigator should keep them updated as to the progress of the investigation.
- XXIII. The steps that should be undertaken for conducting investigations are outlined in this policy and procedure and should be followed unless contrary to any requirement of the PID Act or PID Standard, or an alternative direction is provided by the NACC Commissioner, or the ARC CEO; in relation to any or all of the steps.
- XXIV. When investigating, the ARC CEO (or delegate) must:
 - a. ensure that a PID is investigated on the basis that a decision whether evidence is sufficient to prove a fact must be determined on the balance of probabilities
 - b. ensure that a finding of fact is based on logically probative evidence
 - c. ensure that the evidence relied on in an investigation is relevant
 - d. act in accordance with any rules relating to fraud that are made for the purposes of the *Public Governance, Performance and Accountability Act 2013 (Cth)*, to the extent that the investigation relates to one or more instances of fraud, and those rules are not inconsistent with the PID Act, and
 - e. comply with any standards in force under the PID Act (i.e. the PID Standard).
- XXV. Subject to restrictions imposed by any other law of the Commonwealth, the ARC CEO (or delegate) (PID investigator) must ensure that, if a person is interviewed as part of the investigation of a PID, the interviewee is informed of the following:
 - a. the identity and function of each individual conducting the interview
 - b. the process of investigating
 - c. the authority of the ARC CEO (or delegate) under the PID Act to conduct the investigation, and
 - d. the protections provided by Part 2 (Protection of disclosers and witnesses) of the PID Act (see section 63 above).
- XXVI. The ARC CEO (or delegate) must ensure that:
 - a. an audio or visual recording of the interview is not made without the interviewee's knowledge
 - b. when an interview ends, the interviewee is given an opportunity to make a final statement or comment, or express a position, and

- c. any final statement, comment or position by the interviewee is included in the record of the interview.
- XXVII. The ARC CEO (or delegate) investigating may adopt a finding set out in the report of an investigation or inquiry under another Commonwealth law or power, another investigation under Division 2 of Part 3 of the PID Act.
- XXVIII. The requirements for conducting investigations are in sections 53, 54, and 56 of the PID Act and in Part 3 of the PID Standard.

Mandatory reporting during the investigation – corruption issues

- XXIX. At any time during the course of the investigation, if the ARC CEO (or delegate) becomes aware of a corruption issue that:
 - a. concerns the conduct of a person who is, or was, a staff member of the agency while that person is, or was, a staff member (see section T above for the meaning of staff member), and
 - b. the officer suspects could involve corrupt conduct that is serious and systemic,
 - c. they must refer the corruption issue to the NACC Commissioner, or in the case of an intelligence agency, to the IGIS.
- XXX. The ARC CEO (or delegate) must notify the discloser that the PID has been referred to the NACC Commissioner, as soon as reasonably practicable, after the referral.

Mandatory reporting during the investigation – criminal conduct

- XXXI. At any time during the course of the investigation, if the ARC CEO (or delegate) suspects on reasonable grounds that the information in the PID or any other information obtained in the course of the investigation is evidence of the commission of an offence against a law of the Commonwealth of Australia, State or Territory:
 - a. they may give the information to a member of an Australian police force responsible for the investigation of the offence, and
 - b. they must give the information to a member of an Australian police force responsible for the investigation of the offence if the offence is punishable by imprisonment for life or by imprisonment for a period of at least 2 years, unless (relevantly) the information raises a corruption issue that has already been referred or which the NACC Commissioner/IGIS is already aware.

Report of investigation

- XXXII. In preparing a report of an investigation under the PID Act, the ARC CEO (or delegate) must comply with the PID Act, the PID Standard and these procedures.
- XXXIII. On completing an investigation, the ARC CEO (or delegate) must prepare a report that sets out:
 - a. whether there have been one or more instances of disclosable conduct
 - b. any regulations, rules, administrative requirements or similar matters to which the disclosable conduct relates
 - c. the steps taken to gather evidence and a summary of the evidence
 - d. the matters considered in the course of the investigation
 - e. the ARC CEO's findings (if any) based on the evidence

- f. the duration of the investigation
- g. the action (if any) that has been, is being, or is recommended to be, taken, and
- h. claims of any reprisal taken against the discloser, or any other person, that relates to the matters considered in the course of the investigation, together with any related evidence, and the agency's response to any claims or evidence.

- XXXIV. Where the ARC CEO (or delegate) in preparing the report proposes to make a finding of fact or express an opinion that is adverse to a person, the ARC CEO (or delegate) must give that person a copy of the evidence that is relevant to the proposed finding or opinion and must give the person a reasonable opportunity to comment on it.
- XXXV. The investigation is 'completed' when the ARC CEO (or delegate) has prepared the above report.
- XXXVI. The ARC CEO (or delegate) must, within a reasonable time after preparing the report, give written notice of the completion of the investigation, together with a copy of the report, to:
- a. the discloser, if reasonably practicable, and
 - b. the Commonwealth Ombudsman.
- XXXVII. The ARC CEO (or delegate) may delete from the copy given to the discloser any material:
- a. that is likely to enable the identification of the discloser or another person
 - b. the inclusion of which would:
 - result in the copy being an exempt document under Part IV of the FOI Act
 - result in the copy being a document having, or being required to have, a national security or other protective security classification
 - result in the copy containing intelligence information, or
 - result in contravene a designated publication restriction.
- XXXVIII. The ARC CEO (or delegate) may delete from a copy of the report given to the Commonwealth Ombudsman any material:
- a. that is likely to enable the identification of the discloser or another person, or
 - b. the inclusion of which would contravene a designated publication restriction.
- XXXIX. The ARC CEO must, as soon as reasonably practicable, ensure that appropriate action in relation to the agency is taken in response to any recommendations in the report.
- XL. Requirements for the investigation report are in section 51 of the PID Act.

Additional obligations of principal officers

Facilitating PIDs

- XLI. The ARC CEO must take reasonable steps to ensure that:
- a. the number of authorised officers of the agency is sufficient to ensure that they are readily accessible by public officials who belong to the agency
 - b. public officials who belong to the agency are aware of the identity of each authorised officer of the agency, and

- c. there is an effective means for potential disclosers to find out how to contact authorised officers (i.e. a means for both current and former officials of the agency to find effectively contact authorised officers).

XLII. The ARC CEO must take reasonable steps to encourage and support:

- a. public officials who make, or are considering making, PIDs relating to the agency, and
- b. any other persons who provide, or are considering providing, assistance in relation to such PIDs.

XLIII. For further guidance, see the Ombudsman's [PID tools and resources | Commonwealth Ombudsman](#)

Providing training and education for officials

XLIV. The ARC CEO must take reasonable steps to provide ongoing training and education to ARC officials about the PID Act including, without limitation, training and education about the following:

- a. integrity and accountability
- b. how to make a PID
- c. the protections available under the PID Act
- d. the performance by those officials of their functions under the PID Act, and
- e. the circumstances (if any) in which a PID must be referred to an agency, or other person or body, under another law of the Commonwealth.

XLV. The ARC CEO must take reasonable steps to ensure that ARC officials who are appointed to positions that require, or could require, them to perform the functions or duties, or exercise the powers, of an authorised officer or supervisor under the PID Act are given training and education appropriate for the position within a reasonable time after that appointment.

XLVI. The additional obligations of principal officers are in section 59 of the PID Act.

Protecting officials against reprisals

XLVII. The ARC CEO must take reasonable steps to protect public officials who belong to the ARC against reprisals that have been, or may be, taken in relation to PIDs that:

- a. have been made
- b. may have been made
- c. are proposed to be made, and
- d. could be made.

XLVIII. The obligations set out above are in section 59(9) of the PID Act.

Providing information to the Commonwealth Ombudsman

XLIX. The ARC CEO (or delegate) must provide the following information to the Commonwealth Ombudsman, on request by the Ombudsman, for the purpose of the Ombudsman preparing a report under the PID Act:

- a. the number of PIDs received by authorised officers of the agency during the period covered by the report
- b. the kinds of disclosable conduct to which those PIDs related

- c. the number of PIDs allocated to the ARC during the period covered by the report
 - d. the number of PID investigations that the ARC CEO (or delegate) conducted during the period covered by the report
 - e. the time taken to conduct those investigations
 - f. the actions that the ARC CEO (or delegate) has taken during the period covered by the report in response to recommendations in reports relating to those PID investigations, and
 - g. any other information requested by the Ombudsman.
- L. The ARC CEO (or delegate) must provide the information within a time requested by the Ombudsman or as otherwise agreed with the Ombudsman.
 - LI. The requirements for giving information and assistance for Ombudsman reports are set out in Part 5 of the PID Standard.

Additional obligations of authorised officers

Protecting officials against reprisals

- LII. An authorised officer must take reasonable steps to protect public officials who belong to the ARC against reprisals that have been, or may be, taken in relation to PIDs that the authorised officer suspects on reasonable grounds:
 - a. have been made or given to the officer
 - b. may have been made or given to the officer
 - c. are proposed to be made or given to the officer
 - d. could be made or given to the officer.
- LIII. The obligations of authorised officers set out above are in section 60 of the PID Act.

Obligations of all ARC officials

- LIV. All public officials who belong to the ARC **must** use their best endeavours to assist:
 - a. the ARC CEO (or delegate) in the conduct of an investigation under the PID Act
 - b. the Commonwealth Ombudsman and the IGIS (where relevant) in the performance of their functions under the PID Act, and
 - c. any other public official to exercise a right, or perform a duty or function, under the PID Act.
- LV. Beyond these specific responsibilities, all ARC officials share the responsibility of ensuring the PID Act works effectively, this includes:
 - a. reporting matters where there is evidence that shows or tends to show disclosable conduct
 - b. identifying areas where there may be opportunities for wrongdoing to occur because of inadequate systems or procedures and proactively raising these with management
 - c. supporting public officials who have made PIDs, and
 - d. keeping confidential the identity of disclosers and witnesses, where that is known.
- LVI. The additional obligations of public officials are in section 61 of the PID Act.

What if the discloser is not satisfied with the ARC’s actions?

- LVII. A discloser may make a complaint to the Commonwealth Ombudsman about the ARC CEO’s handling of a PID. The Ombudsman may review the handling of the PID by any or all of the supervisor, authorised officer, ARC CEO, or any other public official involved. As a result of the review, the Ombudsman may make written recommendations, including recommendations about allocation, reallocation, investigation, reinvestigation, or any other action. The ARC CEO (or delegate) must consider and respond to any recommendation made by the Commonwealth Ombudsman in accordance with section 55 of the PID Act.
- LVIII. If a person who has made a PID believes, on reasonable grounds, that the investigation conducted by the ARC CEO was inadequate, the response to the investigation was inadequate, or the investigation was not completed within the time limit, it may be open to the person to make an external disclosure under the PID Act.
- LIX. For more information on when an external disclosure may be made and how to make one, see the [Ombudsman website](#).

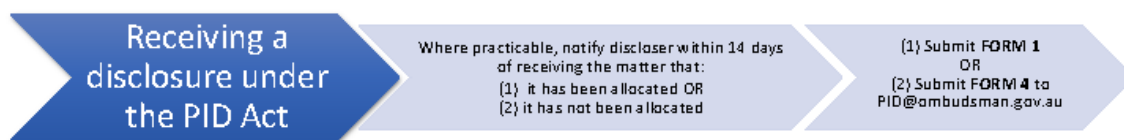
Freedom of information requests

- LX. Documents associated with a PID are not exempt from the operation of the FOI Act.
- LXI. Requests for access to documents under the FOI Act must be considered on a case-by-case basis.
- LXII. A range of exemptions may apply to individual documents or parts of documents, particularly in relation to material received in confidence, personal information, ARC operations, and law enforcement.

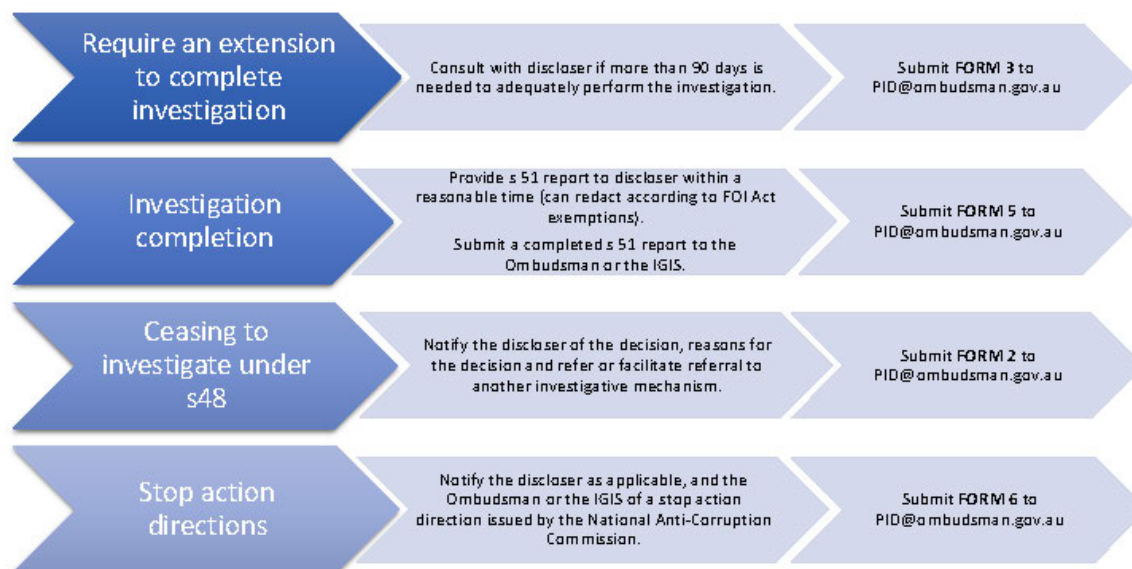
Further information

- LXIII. Further information can be found on the ARC website accessible [link](#). The ARC CEO also has a mailbox accessed only by the Authorised Officer and appointed Corporate and Enabling Services ARC staff, where ARC staff can seek advice on integrity matters, including anything in relation to the PID Act. The mailbox is pid@arc.gov.au.
- LXIV. More information concerning ARC guidance is available below.

How does the ARC allocate a PID



How does the ARC investigate



What are the responsibilities of the Principal Officer - ARC CEO

1. The ARC CEO plays a key role under the PID Act as principal officer. A principal officer needs to:
 - a. appoint a sufficient number of authorised officers to receive disclosures in the ARC
 - b. ensure the authorised officers are readily accessible to current and former public officials and contracted service providers who belong to the ARC
 - c. establish written PID procedures for the ARC and ensure these are accessible for current and former public officials and contractors who belong to the ARC
 - d. broadly promote the PID scheme to public officials and contracted service providers as a safe and effective way to speak up about wrongdoing
 - e. promptly act to address allegations of wrongdoing by public officials
 - f. delegate only those powers and responsibilities as are necessary for the effective operation of the PID scheme
 - g. influence an organisational culture that supports public officials who speak up about wrongdoing and does not tolerate reprisal against them
 - h. drive change to address problems uncovered through the investigation of disclosures made under the PID Act
 - i. provide ongoing training and education on the PID Act to all public officials belonging to the ARC

Policy and Procedure for dealing with Public Interest Disclosure

- j. ensure those appointed to a position that may require them to discharge their functions or duties under the PID Act, are given training and education appropriate for the position within a reasonable time.
2. More information for Principal Officers, which includes amendments to the PID Act is accessible at [New-responsibilities-for-Principal-Officers.pdf](#) which outlines the:
 - Information sheet - Responsibilities of Principal Officers
 - Guide - Agency Guide to the *Public Interest Disclosure Act 2013*
 - Guide – Responsibilities of Officers with a role in the PID scheme
 - FAQs.
3. More information about PID is available on the Ombudsman website at [PID tools and resources | Commonwealth Ombudsman](#)

What are the responsibilities of the Authorised Officer - ARC COO

4. As of 17 March 2026, the ARC Authorised Officer is the COO, as outlined in the ARC Personnel Delegations at [Delegations](#) (see item 8 - Disclosure of Information and Public Interest Disclosure).
5. Authorised officers are public officials working within Australian Government agencies who are appointed to accept PIDs about their agency, and from the officials who belong to it. Under the PID Act, authorised officers have the responsibility for receiving, assessing and allocating PIDs.
6. Authorised officers must be appointed in writing by the head of the agency (the principal officer). The ARC CEO has appointed the COO as Authorised Officer and will soon consider additional authorised officers in the updated Personnel Delegations.
7. There must be sufficient authorised officers who are accessible to current and former public officials to make a PID. Information about how to contact authorised officers is accessible internally on ARConnect at [Legislation](#) and externally on the ARC website at [The Public Interest Disclosure Act 2013 | Australian Research Council](#)
8. Authorised officers need to:
 - a. provide advice to public officials about the PID process, including how to make a PID, how the protections and immunities apply, and the reprisal risk assessment process
 - b. assess all allegations of wrongdoing under the PID Act and decide if they constitute a PID
 - c. obtain consent to disclose the public official's name and contact details for the purpose of handling the PID and adhere to the PID Act confidentiality and identity protection requirements
 - d. advise the individual about the circumstance (if any), in which a disclosure must be referred
 - e. identify and address any possible conflict of interests that may affect the handling of the PID
 - f. take reasonable steps to protect public officials who belong to the ARC against reprisals that have been, or may be, taken in relation to a PID that has been made, may have been made, are proposed to be made, or could be made to the officer
 - g. allocate the PID to the principal officer or an appropriately delegated PID investigator

- h. notify the public official, the Commonwealth Ombudsman and the principal officer if the matter is a PID and of the allocation decision
 - i. notify the NACC if, during the course of performing their duties, they become aware of corrupt conduct that is serious or systemic
 - j. make appropriate records of their decision making.
9. More information for Authorised Officers, which includes amendments to the PID Act is accessible at [New-responsibilities-for-AOs.pdf](#) which outlines the:
- Information sheet - Role of Authorised Officers
 - Guide - Agency guide to the *Public Interest Disclosure Act 2013*
 - Notification form - Notification of allocation or reallocation (NEW form)
 - Notification form – Notification of decision not to allocate (NEW form)
 - Notification form – Notification of a stop action direction (NEW form)
 - FAQs

What are the responsibilities of ARC supervisors

10. Under the PID Act supervisors or managers at the ARC play a role in facilitating their staff to make disclosures.
11. Where a staff member discloses to their supervisor information about suspected wrongdoing within the public sector, the PID Act may be triggered. 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 PID Act.
12. To fulfil their obligations under the PID Act, supervisors need to:
- a. clarify the claims or allegations about wrongdoing being made by their staff member (preferably, by putting them into writing and agreeing it with the staff member)
 - b. explain the PID process to the staff member and the supervisor's obligations to pass the information to the ARC authorised officer
 - c. obtain the staff member's consent to disclose their name and contact details to the ARC authorised officer
 - d. report the matter to the ARC authorised officer in a timely and confidential manner (avoiding any ARC authorised officers who may have a conflict of interest)
 - e. support the staff member and monitor the situation for any reprisal or workplace conflict (acting or escalating to an appropriate officer where appropriate)
 - f. ensure staff undergo available training and education about PID
 - g. confront any workplace prejudices about making a disclosure
 - h. set an example for staff through their own conduct and ethical approach.
13. More information for Supervisors, which includes amendments to the PID Act is accessible at [New-responsibilities-for-Supervisors.pdf](#) which outlines the:
- Guide – Supervisors and the PID Scheme

- FAQs

What are the responsibilities of PID investigation officers

14. The PID Act requires Agency Heads (Principal Officers) to investigate PIDs. The investigation function may be delegated to a public official within the principal officer's agency.
15. Officers charged with the responsibility for investigating PIDs should:
 - a. promptly inform the discloser that their PID is being investigated and the estimated length of the investigation, and explain the investigation powers and discretions to not investigate under the PID Act
 - b. identify and address any possible conflict of interests
 - c. investigate and make enquiries as they see fit in relation to the disclosable conduct
 - d. notify the NACC if, during the course of performing their duties, they become aware of corrupt conduct that is serious or systematic
 - e. ensure their investigation complies with the PID Act (Part 3) and the PID Standards (Part 3)
 - f. comply with the Commonwealth Fraud Control Policy and Australian Government Investigation Standards if investigating allegations of fraud in non-corporate Commonwealth entities (this applies to the ARC as a non-corporate Commonwealth entity),
 - g. ensure procedural fairness is observed
 - h. adhere to the PID Act confidentiality and identity protection requirements
 - i. alert the responsible officers if they become aware of any reprisal risks
 - j. communicate with the discloser about the investigation process and keep them informed of progress, particularly if there are delays
 - k. comply with the time frame of 90 days to complete a PID investigation (or seek an extension of time from the Commonwealth Ombudsman or the IGIS if required)
 - l. prepare a written report on the outcome of the investigation (s51(1) of the PID Act)
 - m. prepare a copy of the report for the discloser - consider whether deletions are appropriate (s51(5) of the PID Act)
 - n. provide a copy of the report to the discloser - within a reasonable period after the investigation was finalised
 - o. facilitate provision of a copy of the report and notification that the investigation is finalised to the Ombudsman (or the IGIS)
 - p. ensure appropriate records are made throughout the investigation process
 - q. ensure records are appropriately classified and stored so that only officers that are authorised either by the PID Act or another law of the Commonwealth can access the PID information.
16. More information for PID Investigation Officers, which includes amendments to the PID Act, is accessible at [New-responsibilities-for-Investigation-Officers.pdf](#) which outlines the:
 - Guide - Agency guide to the *Public Interest Disclosure Act 2013*

- Guide – Responsibilities of Officers with a role in the PID scheme
- Notification form - Notification of decision not to investigate or not to investigate further
- Notification form - Request for extension of time to investigate
- Notification form – Notification of a finalised PID investigation (NEW form)
- Notification form – Notification of a stop action direction (NEW form)
- FAQs

Officers responsible for PID reprisal risk assessments

- As outlined above at section 89, the ARC must (and does) have procedures to assess the risk of reprisal action against a person who makes a PID (a discloser), or who may be suspected to have made, or could make, a PID.
- The Authorised Officer will nominate a supervisor or appropriate official within the ARC that has the responsibility for conducting reprisal risk assessments.
- An officer conducting a reprisal risk assessment must ensure that they:
 - act promptly and confidentially to conduct the reprisal risk assessment
 - inform themselves of the risk of reprisal or workplace conflict by making appropriate inquiries including by talking to the discloser
 - broaden their assessment to look at others who may be at risk, including supervisors and colleagues
 - communicate with the discloser to monitor their wellbeing
 - mitigate harm and nominate a support person if appropriate
 - reassess the risk throughout the PID process and apply further support and mitigations as necessary (e.g. when key witnesses are interviewed)
 - take proactive action to prevent or address reprisal or workplace conflict
 - adhere to the PID Act confidentiality and identity protection requirements.
- More information for Officers, which includes amendments to the PID Act, is accessible at Agency Guide to the *Public Interest Disclosure Act 2013* and Guide - Assessing and managing the risk or reprisal, which outlines the:
 - Guide - Agency guide to the *Public Interest Disclosure Act 2013*
 - Guide – Assessing and managing the risk of reprisal
 - Guide – Responsibilities of Officers with a role in the PID scheme
 - FAQs

Responsibilities of contracted service providers

- The PID Act also applies to contractors and subcontractors providing goods or services under a Commonwealth contract, either for, or on behalf of, an Australian Government agency, which includes the ARC.

22. A person who is a contractor (or subcontractor) under a Commonwealth contract can make a PID. Officers and employees of those contractors and subcontractors can also make a PID.
23. Contracted service providers do not have to establish their own procedures for receiving PIDs. They and their employees and officers:
 - a. are considered to be public officials belonging to the agency that is the other party to the contract
 - b. may make a PID to that agency or to the Commonwealth Ombudsman.
24. If the PID is about a different agency, it can be made to an authorised officer in that other agency or to the Commonwealth Ombudsman.
25. Contracted service providers and their officers and employees who make a PID will receive the protections and immunities available under the PID Act.
26. PIDs can also be made about disclosable conduct on the part of contractors to Australian Government agencies and their officers and employees. However, the conduct must be related to the entering into or performance of the contract with the agency.
27. Contracted service providers should:
 - a. be aware of the PID procedures within the agency to which they are contracted and how their staff can make a PID
 - b. cooperate with, and assist, as required in relation to any PID investigations the agency may conduct.
28. Further information concerning PIDs is available at:
 - Information for Disclosers - Information for Disclosers | Commonwealth Ombudsman
 - Public interest disclosure (whistleblowing) | Commonwealth Ombudsman
 - Complaints | Commonwealth Ombudsman, and
 - Commonwealth Ombudsman

Ombudsman Forms for PIDs

29. The [Handling-a-PID-Flowchart-November-2023.pdf](#) describes in a visual flowchart diagram the process for Authorised Officers, which outlines the required timeframes of 14 days and 90 days.
30. The forms to be used by the ARC Authorised Officer are:
 - a. **Form 1 – Notification of allocation or reallocation**
 - **Note - Sections 44 and 45 of the PID Act require the ARC to inform the Ombudsman of a decision to allocate or reallocate a disclosure for handling.*
 - The ARC Authorised Officer can meet the ARC's section 44 or s 45 notification obligations by completing this form and sending it to the Ombudsman at PID@ombudsman.gov.au within 10 working days of an allocation decision. The ARC Authorised Officer is to save a copy of the completed form for the ARC's records.
 - b. **Form 2 – Notification of decision not to investigate or not to investigate further**
 - **Note - Section 50A(1) of PID Act requires the ARC Authorised Officer to notify the Ombudsman of a decision under s 48 not to investigate a disclosure, or to not investigate a disclosure further.*

- The ARC Authorised Officer is to complete and submit this notification form to PID@ombudsman.gov.au within 10 business days of the decision to exercise discretion under s 48 of the PID Act.
 - *If a Notification of allocation decision form has not been sent by the Authorised Officer to the Ombudsman for this PID, please complete the Notification of allocation form and send to PID@ombudsman.gov.au immediately, unless the PID was allocated to the ARC by the Ombudsman.
- c. Form 3 – Extension of time to investigate a PID**
- **Note - Investigations under the PID Act must be completed within 90 days of the disclosure being allocated to an agency unless the agency has been granted an extension of time.*
 - An investigation is complete when the agency (i.e., ARC) has prepared the investigation report.
- d. Form 4 – Notification of decision not to allocate**
- **Note - Section 44A of the PID Act requires the Authorised Officer of the ARC to inform the Ombudsman of a decision to NOT allocate a disclosure for handling.*
 - The Authorised Officer is to complete this form to meet the ARC's s 44A notification obligations by sending it to the Ombudsman at PID@ombudsman.gov.au within 10 business days of the decision. The Authorised Officer is to save a copy of the completed form for the ARC's records.
 - *NOTE: If the reason for not allocating is because of a NACC stop order direction, the Authorised Officer is to instead complete Form – 6 Notification of a stop action direction.
- e. Form 5 – Notification of a finalised PID investigation**
- **Note – The ARC principal officer must prepare a report of an investigation under s 51 of the PID Act. This act completes an investigation. In preparing the report, the ARC principal officer must comply with the requirements in s 51(2) and any standards in force under s 74.*
 - The ARC Principal Officer can meet their s 51 notification obligations by completing this form and sending it, with a copy of the report, to the Ombudsman at PID@ombudsman.gov.au within a reasonable time of preparing the report. The ARC Principal Officer is to save a copy of the completed form for the ARC's records.
 - *NOTE: While the ARC may redact identifying information from s 51 reports submitted to the Ombudsman, agencies are encouraged to consider limiting or avoiding redactions in order to facilitate Ombudsman oversight and review of investigation reports.
- f. Form 6 – Notification of a stop action direction**
- **Note - Under s 44B of the PID Act, if a stop action direction is issued by the NACC which prevents the ARC from allocating a disclosure, the ARC must inform the Ombudsman.*
 - Under s 50A of the PID Act, if a stop action direction is issued by the NACC which prevents the ARC from investigating, or further investigating a disclosure, the ARC must inform the Ombudsman of the stop action direction.
 - The ARC Authorised Officer can meet their s44B and s 50A notification obligations by completing and sending this form to the Ombudsman at PID@ombudsman.gov.au within 10 business days of receiving the stop action direction. The Authorised Officer is to save a copy of the completed form for the ARC's records.

- *NOTE: If the direction relates to an allocated PID, the Authorised Officer is to complete sections 1 and 2 only. Information that has been previously provided on Form 1 - Notification of an allocation decision or reallocation decision, is not required to be provided again.

31. Email completed notification forms by the ARC Authorised Officer or ARC Principal Officer are to be sent to pid@ombudsman.gov.au.

Procedural fairness

32. Procedural fairness does not require that a person against whom allegations are made must be advised as soon as a disclosure is received or as soon as an investigation commences.
33. Procedural fairness may require that the discloser's identity be revealed to the person who is the subject of the disclosure.
34. Where the investigator in preparing the report of their investigation proposes to:
- a. make a finding of fact, or
 - b. express an opinion that is adverse to the discloser, to a public official who is the subject of the disclosure or to another person:
 - c. the investigator must give the person who is the subject of that proposed finding or opinion a copy of the evidence that is relevant to that proposed finding or opinion and must give the person a reasonable opportunity to comment on it.

Note: Paragraph 34 may not apply where the investigation does not make substantive findings or express adverse opinions but instead simply recommends or decides that further investigation action should or should not be taken or will or will not be taken. However, it is good practice to consider procedural fairness principles as appropriate to the individual affected.

35. In deciding whether evidence is sufficient to prove a fact the investigator must make their decision on the balance of probabilities.
36. The investigator must ensure that a finding of fact in a report of an investigation under the PID Act is based on logically probative evidence.
37. The investigator must ensure that the evidence that is relied on in an investigation is relevant.

Note: In broad terms, evidence is relevant to an investigation if it is of consequence to the matter under investigation and makes the existence of a fact more probable or less probable than it would be without the evidence.

Confidentiality

38. The investigation of the disclosure is to be conducted in a confidential manner. In particular, the identity of both the discloser and the person alleged to have engaged in the disclosable conduct is not to be revealed except where this is necessary for the effective investigation of the disclosure (including because of the need to afford procedural fairness).
39. Any interviews conducted by an Authorised Officer, or an investigator are to be conducted in private.
40. Any interviews with the discloser are to be arranged to avoid, to the extent practicable, the identification of the discloser by other staff of the ARC.

Record keeping

41. Where an Authorised Officer is required to keep a record under these procedures, the record may be kept in hard copy or in an electronic form or in both. Access to these records must be restricted to the Authorised Officers, delegates (including investigators) or other employees in the ARC who require access to perform some function under the PID Act or for the purposes of another law of the Commonwealth (for example, under the *Work Health and Safety Act 2011* or the *Public Service Act 1999*).
42. Where a form is required to be sent under these procedures, a copy of the completed form must be kept.
43. All records made for the purposes of the PID Act in accordance with these procedures must be marked as 'in-confidence' and hard copies must be stored in an appropriate storage container.
44. Any email messages sent by Authorised Officers or delegates that contain identifying information must be clearly marked 'to be read by named addressee only.'
45. Where a person will cease being an Authorised Officer in the ARC (including because of resignation or movement to another agency), their PID records must be transferred to another Authorised Officer in the ARC.

Monitoring and evaluating

46. Each Authorised Officer must provide a monthly, or other period determined by the Principal Officer, report to the Principal Officer specifying the number of public interest disclosures received by the Authorised Officer and the nature of the disclosable conduct for each disclosure (by reference to the relevant item or paragraph in the definition of disclosable conduct in the Act). The report must also include any disclosures that have been allocated to the ARC by another agency's Authorised Officer.
47. The Principal Officer will appoint a delegate to collate the ARC's report to the Ombudsman on public interest disclosures made during the financial year (the monitoring delegate).
48. Each investigator must advise the monitoring delegate of every decision made by the investigator to investigate a disclosure during the financial year.
49. Each delegate of the Principal Officer who acts in response to a recommendation made in an investigation report must make a report on this action to the monitoring delegate.
50. The monitoring delegate must prepare a report for the Principal Officer's consideration within the time specified by the Principal Officer.
51. The Principal Officer will send the ARC's report to the Ombudsman within the time requested by the Ombudsman or as otherwise agreed with the Ombudsman.

Conduct a risk assessment

52. Consistent with what is outlined above at section 89, when the Principal Officer receives a PID that has been allocated to the ARC, the Principal Officer will assess the risk that reprisals will be taken against the discloser.
53. In assessing the risk of reprisals, the Principal Officer can also refer to the following ARC risk matrix:

	Likely seriousness of reprisal				
Likelihood of reprisal being taken against a discloser		Minor	Moderate	Major	Extreme
	Almost certain	Medium	High	High	High
	Likely	Medium	Medium	High	High
	Unlikely	Low	Low	Medium	Medium
	Highly unlikely	Low	Low	Low	Medium

Examples of seriousness of reprisals

54. **Minor:** Occasional or one-off action that is likely to have a minor adverse effect on the person (for example, occasional exclusion of the person from a social activity).
55. **Moderate:** Repeated action which is likely to have an adverse effect on the person (for example, routinely failing to "CC" the person on work-related emails).
56. **Major:** Sustained or one-off action which has a significant impact on the person (for example, consistently excluding the person from team discussions or imposing a negative performance assessment on the person).
57. **Extreme:** Action which is likely to have a very severe impact on the person (for example, physical violence or the denial of a promotion opportunity).

Criteria for assessing likelihood of potential reprisals

58. In addition to what is outlined above at section 89, generally at the ARC when considering the likelihood of a reprisal being taken against a discloser, the Principal Officer should consider all relevant factors, including to the extent relevant:
- a. the likelihood of the discloser being identified, which may involve consideration of:
 - the size of the work area in which the discloser is located; and
 - the number of people who are aware of the information leading to the disclosure;
 - the number of people implicated in disclosure;
 - the subject matter of the disclosure;
 - the number of people who are aware of the disclosure or are likely to become aware of the disclosure (for example, through participation in the investigation as witnesses);
 - the culture of the workplace;
 - whether any specific threats against the discloser are received;
 - whether there are circumstances that will make it difficult for the discloser not to discuss the disclosure in the workplace;
 - whether there are allegations about individuals in the disclosure;

- whether there is a history of conflict between the discloser and the subject of the disclosure; and
- whether the disclosure can be investigated while maintaining confidentiality.

Criteria for assessing likely seriousness of potential reprisals

59. In considering the seriousness of any potential reprisal against a discloser, the Principal Officer should consider all relevant factors, including, to the extent relevant:
- a. the significance of the issue being disclosed;
 - b. the outcome if the conduct disclosed is substantiated;
 - c. the subject matter of the disclosure;
 - d. whether the discloser is isolated;
 - e. whether the discloser is employed on a full-time, part-time or casual basis;
 - f. whether the alleged wrongdoing that is the subject of the disclosure was directed at the discloser; and
 - g. the relative positions of the discloser and the person whose alleged wrongdoing is the subject of the disclosure. When conducting the risk assessment, where consistent with protecting the discloser's confidentiality, the Principal Officer may ask the discloser why they are reporting the wrongdoing and who they might fear a reprisal from and may also speak to the discloser's supervisor or manager.

Develop a risk mitigation strategy if necessary

60. Where the risk level is assessed as anything greater than low, the Principal Officer will develop a risk management strategy for mitigating the risk of reprisals being taken against the discloser (i.e., see above at section 89). This strategy may include some or all of the support measures and, in appropriate circumstances, could include raising the matter with employees by reminding staff that taking or threatening to take a reprisal against a discloser is a criminal offence.

Monitor and review risks

61. The Principal Officer should monitor and review the risk assessment as necessary throughout the investigation process and adjust as appropriate – noting not all risk factors are possible to identify in this policy and procedure.

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Document control

Number	Date Approved	Approved By	Brief Description
0.2	30/03/2026	ARC CEO	To reflect updates related to the PID Standard 2025 from 1 April 2026.

Attachment A

Part 2 – Procedures relating to disclosures

Section 7 – Contact details of authorised officers

- The principal officer of an agency (ARC CEO) must ensure that the agency provides an effective means for potential disclosers to find out how to contact authorised officers (currently Chief Operating Officer (COO) as of 17 March 2026) Any changes to PID Delegations, see the ARC Personnel Delegations on ARConnect at [Delegations](#).

Section 8 – Records of allocation and non-allocation of disclosures

- The procedures established by the ARC CEO as principal officer of the ARC under subsection 59(3) of the Act must require that when a decision is made, or a circumstance arises, that is mentioned in column 1 of an item of the following table, an appropriate written record is kept of the matters mentioned in column 2 of that item.

Records of allocation and non-allocation of disclosure		
Item	Column 1 - Decision or circumstance	Column 2 - Matters for which records to be kept
1	A decision to allocate a disclosure to one or more agencies (including a decision to reallocate the disclosure under section 45 of the Act)	All of the following that are appropriate: (a) the decision (including the name of each agency to which the disclosure is to be allocated); (b) the reasons for the decision; (c) in a case in which the authorised officer belongs to an investigative agency, the consultation for the purposes of paragraph 43(9)(a) of the Act with an authorised officer in the agency to which the disclosure is to be allocated; (d) in a case in which the authorised officer does not belong to an investigative agency,

		the consent given for the purposes of paragraph 43(9)(b) of the Act by an authorised officer in the agency to which the disclosure is to be allocated.
2	A decision not to allocate a disclosure to any agency	All of the following: (a) the decision; (b) the reasons for the decision; (c) if the authorised officer is satisfied, on reasonable grounds, that the conduct disclosed would be more appropriately investigated under another law or power—details of the following: (i) the other law or power; (ii) the action taken or proposed to be taken to refer, or to facilitate the referral of, the conduct for investigation under the other law or power; (d) if the authorised officer decides not to refer to the conduct for investigation under the other law or power—any advice provided to the discloser about any courses of action that might be available to the discloser under another law or power.
3	A stop action direction under the NACC Act is made that prevents the allocation of a disclosure to any agency.	Details of the direction, including when the direction was made and when the stop action direction no longer applies
<p><i>Note 1: This table relates to the reallocation of disclosures under section 45 of the Act in the same way as it applies to the allocation of disclosures under section 43 of the Act, see paragraph 43(2)(b) and subsection 45(2) of the Act.</i></p> <p><i>Note 2: For stop action directions under the NACC Act, see subsection 43(12) of the Act.</i></p>		

Section 9 - Records of notice of allocation decisions

- This section applies if any of the following notices relating to the allocation of a disclosure are given in relation to the ARC:
 - a notice by an authorised officer of the ARC under section 44 of the Act of a decision to allocate a disclosure to one or more agencies;
 - a notice by an authorised officer of the ARC under section 44A of the Act of a decision not to allocate a disclosure to any agency;

- a notice under section 44B of the Act of a stop action direction under the NACC Act preventing an authorised officer of the ARC from allocating some or all of a disclosure under section 43 of the Act.

Records to be kept

- The procedures established by the ARC CEO as principal officer under subsection 59(3) of the Act must require that an appropriate written record is kept of the following matters:
 - whether the notice (or a copy of the notice) was given to the discloser, and if not, why not;
 - if the notice (or a copy of the notice) was given to the discloser, the following matters:
 - the day and time the notice (or copy) was given to the discloser;
 - the means by which the notice (or copy) was given to the discloser.
- In the case of a notice of a stop-action direction, the written record must also indicate whether the ARC CEO, as principal officer of the relevant agency, considers that it is reasonably practicable or appropriate for the discloser to be given a copy of the notice.

Section 10 – Records of decisions to investigate or not investigate a disclosure

- The procedures established by the ARC CEO as principal officer under subsection 59(3) of the Act must require that when a decision is made that is mentioned in column 1 of an item of the following table, an appropriate written record is kept of the matters mentioned in column 2 of that item.

Records of decisions to investigate or not investigate a disclosure		
Item	Column 1 - Decision	Column 2 - Matters for which records to be kept
1	A decision under Division 2 of Part 3 of the Act to investigate a disclosure	All of the following: (a) when, and how, the notice required under subsection 50(1A) of the Act was given to the discloser; (b) when, and how, the following were given to the discloser: (i) a copy of the investigation report required to be prepared under subsection 51(1) of the Act; (ii) the notice required under subsection 51(4) of the Act; (c) if any of the notices or the copy of the investigation report were not given to the discloser—the reasons why they were not given to the discloser.
2	A decision under Division 2 of Part 3 of the Act not to investigate a disclosure, or not to	All of the following: (a) the decision; (b) the reasons for the decision;

	investigate the disclosure further	<p>(c) if the ARC CEO as the principal officer was satisfied, on reasonable grounds, that the conduct disclosed would be more appropriately investigated under another law or power (other than a separate investigative power) details of the following:</p> <p>(i) the other law or power;</p> <p>(ii) the agency or other person or body to which the conduct has been, or is to be, referred;</p> <p>(iii) the steps taken, or proposed to be taken, for the conduct to be referred or to facilitate its referral;</p> <p>(c) details of when, and how, the notice required under subsection 50(2) of the Act was given to the discloser;</p> <p>(d) if the notice required under subsection 50(2) of the Act was not given to the discloser, the reasons why the notice was not given to the discloser.</p>
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Section 11 - Support for public officials and certain other persons

- The procedures established by the ARC CEO as principal officer under subsection 59(3) of the Act must outline any support that will be made available to:
 - public officials who make public interest disclosures relating to the agency; and
 - persons who assist (within the meaning of subsection 12A(2) of the Act) in relation to a public interest disclosure; and
 - persons who are the subject of a public interest disclosure.

Part 3– Conduct of disclosure investigations under Division 2 of Part 3 of the Act

- Where applicable to the ARC, such as, where this part applies to the ARC CEO as the principal officer who is conducting a disclosure investigation under Division 2 of Part 3 of the Act.
- Despite subsection (1) summarised above, this Part does not apply to the extent that it is inconsistent with any rules relating to fraud that are made for the purposes of the *Public Governance, Performance and Accountability Act 2013 (Cth)*.

Note 1: This Part does not apply in relation to a disclosure investigation by an investigative agency under a separate investigative power, see the definition of disclosure investigation in section 8 of the Act.

Note 2: The ARC CEO as the principal officer must comply with this instrument and with any standards in force under section 74 of the Act, see subsection 53(3) of the Act.

Note 3: The ARC CEO as the principal officer must act in accordance with any rules relating to fraud that are made for the purposes of the Public Governance, Performance and Accountability Act 2013 (Cth), to the extent that:

- *the investigation relates to one or more instances of fraud; and*
- *those rules are not inconsistent with the Public Interest Disclosure Act 2013 (apart from subsections 53(1) and (2) of that Act), see subsection 53(4) of that Act.*

- In the event of a disclosure, the requirements below are to be considered and with reference to the [PID Standards Determination 2025](#):
 - Section 14 - Initial information for disclosers
 - Section 15- Conducting an interview
 - Section 16 – Standard of proof
 - Section 17 - Evidence

Part 4—Reports of Investigations

- A report of an investigation prepared under section 51 of the Act must, where relevant:
 - identify whether there have been one or more instances of disclosable conduct; and
 - identify any regulations, rules, administrative requirements or similar matters to which the disclosable conduct relates; and
 - explain the steps taken to gather evidence for the purposes of the investigation; and
 - set out a summary of:
 - the evidence relied on in the investigation; and
 - any findings and recommendations made based on that evidence; and
 - include an explanation as to how any findings and recommendations are supported by the evidence.

Note: A report under section 51 of the Act must set out the ARC CEO as principal officer's finding and any action that has been, is being, or is recommended to be, taken, see paragraphs 51(2)(c) and (d) of the Act.

Part 5 – Information and assistance for Ombudsman reports

- The ARC currently addresses these requirements as applicable to the ARC in the ARC Annual³ and Bi-annual⁴ reports to the Ombudsman.

³ An annual report is the annual report by the ARC to the Ombudsman under section 76 of the Act in relation to the operation of the Act during a financial year (the period covered by that report).

⁴ The bi-annual report is the six-monthly report by ARC to the Ombudsman under section 76A of the Act in relation to the operation of the Act during the period from 1 July to 31 December (the period covered by that report) in a calendar year.