

AFP National Guideline on public interest disclosure

1. Disclosure and compliance

This document is classified **OFFICIAL** and is intended for internal AFP use.

Disclosing any content must comply with Commonwealth law and the [AFP National Guideline on information management](#).

This instrument is part of the [AFP's professional standards framework](#). The [AFP Commissioner's Order on professional standards \(CO2\)](#) outlines the conduct expected of AFP appointees. Inappropriate departures from the provisions of this instrument may constitute a breach of AFP professional standards and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth) (the Act).

2. Guideline authority

This guideline was issued by Commander Professional Standards (CPRS) using power under s.37(1) of the Act as delegated by the Commissioner under s.69C of [the Act](#).

This guideline has been issued pursuant to the Commissioner's obligations under s.59 of the [Public Interest Disclosure Act 2013](#) (Cth) (PID Act), which requires the Commissioner, as principal officer of the AFP, to establish and facilitate procedures for dealing with public interest disclosures (PID) in relation to the AFP. In discharging this obligation, the Commissioner has delegated this function to CPRS under s.77 of the [PID Act](#).

3. Introduction

This guideline outlines the obligations and processes for public officials to make and respond to Public Interest Disclosures (PIDs) under the [PID Act](#). AFP appointees should refer to the [PID Act](#) for more information on their rights and obligations in relation to PIDs.

AFP appointees must also consider their obligations to report and manage misconduct as per [CO2](#) and the [AFP National Guideline on complaint management](#).

4. Policy on public interest disclosures

The purpose of the [PID Act](#) is to:

- promote the integrity and accountability of the Commonwealth public sector, including the AFP
- encourage and facilitate the making of PIDs by current and former public officials
- ensure that current and former public officials who make PIDs are supported and protected from detriment relating to the PID; and
- ensure that PIDs are properly investigated and dealt with.

5. What is a PID

A PID is a disclosure of information made by a current or former public official that:

- contains information that tends to show, or the public official reasonably believes tends to show, an instance of 'disclosable conduct'; and
- is communicated to an appropriate person. Further information on how you can make a PID is provided below in sections 5.1 - 5.5 of the Guideline below.

A person who makes a PID is usually referred to as a discloser.

5.1 Types of PIDs

There are five types of PIDs:

- internal disclosures
- external disclosures
- emergency disclosures
- legal practitioner disclosures; and
- disclosures made to the [National Anti-Corruption Commission](#) (NACC) (**NACC disclosures**).

5.2 Internal disclosure

In accordance with s.26(1), Item 1, of the [PID Act](#), an internal disclosure must:

- identify one or more instances of disclosable conduct; and
- be reported to an authorised internal recipient or the discloser's immediate supervisor. Authorised internal recipients include:
 - Authorised Officers (AOs) within the AFP
 - the Commonwealth Ombudsman, if the discloser believes it would be appropriate for the disclosure to be investigated by the Ombudsman (Ombudsman Act 1976 (Cth)); or
 - the Inspector-General of Intelligence and Security (IGIS), if the disclosure relates to action taken by the AFP's intelligence function or it would otherwise be appropriate for the IGIS to investigate.

Information about disclosable conduct that is shared in the course of a public official's ordinary duties is not usually be considered a PID. Accordingly, public officials who wish to make an internal public interest disclosure should make it clear that they are sharing the information for that purpose.

This is the most common type of disclosure made by a public official.

5.3 External disclosure

In accordance with s.26(1), Item 2, of the [PID Act](#), an external disclosure may only be made after the discloser has already made an internal disclosure about the same information and one of the following apply:

- an investigation report into the internal disclosure was not completed within 90 days (or a longer time frame approved by the Ombudsman)
- the discloser believes on reasonable grounds that the internal disclosure investigation under the [PID Act](#) was inadequate; or
- the discloser believes on reasonable grounds that the AFP took inadequate action after the internal disclosure investigation was completed (whether the disclosure investigation was conducted under the [PID Act](#) or under other legislation).

In addition, for an external disclosure to be treated as a PID, the disclosure must:

- not, on balance, be contrary to the public interest
- not disclose more information than is reasonably necessary to identify the wrongdoing
- not contain intelligence information. This is defined in the [PID Act](#) to include sensitive law enforcement information, which is information reasonably likely to prejudice Australia's law enforcement interests
- not relate to an intelligence agency; and
- not be reported to a foreign public official.

If an external disclosure does not meet the above criteria, it does not attract the protections of the [PID Act](#) and may breach confidentiality and secrecy requirements. For this reason, AFP appointees are encouraged to seek legal advice prior to making an external disclosure under the [PID Act](#), given the risks of breaching:

- a secrecy law (eg s.60A of [the Act](#), Part 5.6 (Secrecy of information) of the [Criminal Code Act 1995](#) (Cth))
- a confidentiality undertaking
- Australian Government security requirements; and
- Secrecy provisions under the [Australian Federal Police Regulations 2018](#) (Cth) if the disclosable information relates to a conduct issue under Part V of [the Act](#).

5.4 Emergency disclosure

In accordance with s.26(1), Item 3, of the [PID Act](#), to make an emergency disclosure the discloser must:

- believe on reasonable grounds that the information concerns a substantial and imminent danger to the health or safety of one or more persons or the environment
- not disclose more information than is reasonably necessary to identify the substantial and imminent danger
- ensure that:
 - if they have not previously made an internal disclosure, that there are exceptional circumstances justifying the discloser's failure to make an internal disclosure of the information; or
 - if the PID is being investigated as an internal disclosure, that there are exceptional circumstances justifying an emergency disclosure being made before the investigation is completed

- ensure the information does not contain intelligence information; and
- report the information to any person other than a foreign public official.

5.5 Legal practitioner disclosure

The [PID Act](#) allows public officials to make a disclosure to a legal practitioner, for the purpose of seeking legal advice on making a PID.

In accordance with s.26(1), Item 4, of the [PID Act](#), a legal practitioner disclosure must:

- be made to an Australian legal practitioner
- not contain intelligence information
- be made for the purpose of obtaining legal advice or professional assistance in relation to; and
- ensure the recipient holds the appropriate level of security clearance required to review any classified information that may be part of the PID.

5.6 NACC disclosures

Information provided to the NACC also constitutes a PID if:

- the information is provided by a current or former public official;
- the information tends to show, or the public official believes on reasonable grounds that the information tends to show, an instance of disclosable conduct; and
- the disclosure is a NACC disclosure as defined in the [National Anti-Corruption Commission Act 2022](#) (Cth) (NACC Act).

This means that disclosers who make a NACC disclosure are entitled to protections under the [PID Act](#).

There are separate requirements for making a disclosure to the NACC. Employees who wish to make a disclosure to the NACC should refer to the NACC website and the [NACC Act](#).

6. Who can make a public interest disclosure

All current and former public officials may make a PID per s.69 of the [PID Act](#). A public official includes APS employees, directors of Commonwealth companies, statutory officeholders, Commonwealth contracted service providers and people employed by the Commonwealth other than as APS employees.

- For the AFP, public officials include:
 - AFP appointees
 - contracted service providers to the AFP; and
 - other persons deemed to be public officials for the purposes of s. 70(1) of the [PID Act](#), such as AFP volunteers.

7. What can be disclosed

The [PID Act](#) allows the disclosure of information which concerns disclosable conduct. Section 29 of the [PID Act](#) defines disclosable conduct, which includes:

- illegal conduct
- conduct engaged in overseas that is illegal in that country and corresponds to a law in force in the ACT
- conduct that perverts the course of justice or involves corruption
- maladministration, including conduct that is based on improper motives, is negligent, or is unreasonable, unjust or oppressive
- conduct that is an abuse of public trust
- deception relating to scientific research
- wastage of public money or property
- conduct which creates an unreasonable danger to health and safety or to the environment
- conduct engaged in by a public official which constitutes abuse of their position or could, if proved, give reasonable grounds for termination of the official's employment.

However, personal work-related conduct is not disclosable conduct.

Sections 29(2), 31, 32 and 33 of the [PID Act](#) outline what is not considered disclosable conduct, which includes:

- s.29(2) - Personal work-related conduct. This is conduct which occurs in the course of employment and has personal implications for the recipient, for example interpersonal conflict or disciplinary action taken against an employee. Personal work-related conduct may only be considered disclosable conduct where it:
 - constitutes reprisal action (see section 9.2 for information on reprisals); or
 - would have significant implications for the AFP, such as undermining public confidence in the AFP
- s.31 – Disagreements with government policies
- s.32 – Conduct connected with courts or Commonwealth tribunals; and
- s.33 – Conduct connected with intelligence agencies.

8. How to make an internal public interest disclosure

A PID may be reported either orally or in writing to one of the following:

- an AO within the AFP:
 - in-person
 - via email: PID@afp.gov.au
 - via letter: Professional Standards, Australian Federal Police, GPO Box 401, Canberra ACT 2601; or
 - via the PRS hotline phone number: 02 6131 6789
- a supervisor or a contract manager, who must report the disclosure to an AO as soon as practicable in accordance with s.60A of the [PID Act](#)

- the Ombudsman via email: PID@ombudsman.gov.au
- the IGIS via email: PID@igis.gov.au, or phone: IGIS on (02) 6141 4555 - only if the disclosure contains information about action taken by the Australian Criminal Intelligence Commission (ACIC) or the AFP in relation to its intelligence functions.

A public official may:

- report a PID without asserting or intending that the disclosure is made for the purposes of the [PID Act](#). However, information disclosed by an employee in the ordinary course of their functions is not taken to be a public interest disclosure. This means that public officials who wish to make an internal public interest disclosure should make it clear that they are sharing the information for that purpose
- submit an anonymous PID per s. 28(2) of the [PID Act](#). However, anonymous disclosers should be aware that it may be more difficult for the AFP to:
 - confirm that the discloser is a current or former public official and that the disclosure should therefore be treated as a PID
 - investigate the disclosure, including seeking more information from the discloser; and
 - ensure protection for the discloser from reprisal action. However, a discloser may reveal their identity at a later stage to seek protections of the [PID Act](#).

For these reasons, the AFP encourages disclosers to consider identifying themselves or providing a means of contact. The [PID Act](#) requires agencies to keep a discloser's identity confidential, subject to limited exceptions. Some exceptions include where the discloser provides consent or where it is necessary for the purposes of the [PID Act](#) to disclose the information, such as to protect the person against reprisal action.

9. Protections afforded to disclosers

The [PID Act](#) creates a number of protections for disclosers who make a PID. There are criminal offences associated with breaching these protections.

Disclosers have the following protections:

- a discloser is not subject to any civil, criminal or administrative liability (including disciplinary action) for disclosing information in accordance with the [PID Act](#). However, this does not apply where a discloser knowingly:
 - makes false or misleading statements; or
 - provides information which contravenes a designated publication restriction, without a reasonable excuse
- protection from reprisal action (see section 9.2 below);
- the right to apply for compensation for loss, damage or an injury suffered from a person taking a reprisal against them, as per s. 14 of the [PID Act](#)
- the right to apply to the Federal Court of Australia for:
 - an injunction, an apology, restraining or any other order the court deems appropriate, as outlined in s. 15 of the [PID Act](#); or

- multiple orders under s.14, s.15 and s.16, as outlined in s.17 of the [PID Act](#)
- protection from detriment – the principal officer must take reasonable steps to protect the discloser from detriment as per s.59(3) of the [PID Act](#)
- identity protection – it is a criminal offence to use or disclose identifying information of a discloser, as per s.20 of the [PID Act](#); and
- confidentiality protection – for example, it is a criminal offence:
 - to disclose or use protected information, as per s.65(1) of the [PID Act](#); or
 - for a legal practitioner to disclose or use information obtained under a legal practitioner disclosure, as per s.67(1) of the [PID Act](#).

Protections from any unlawful adverse action against workplace rights are also afforded to the discloser under the [Fair Work Act 2009](#) (Cth).

Making a PID does not exclude the discloser from reasonable management action for any unsatisfactory performance or participation in misconduct, including unlawful conduct that forms part of a PID.

A person who is considering making a disclosure should also be aware that making a PID does not entitle them to protection from the consequences of their own wrongdoing. For example, if the employee has taken part in the misconduct they are reporting.

9.1 Protection for witnesses

Witnesses who provide information and assistance in a PID investigation are not subject to any civil, criminal or administrative liability (including disciplinary action) for disclosing information in accordance with the [PID Act](#). However, this does not apply where a witness knowingly:

- makes false or misleading statements; or
- provides information which contravenes a designated publication restriction, without a reasonable excuse.

A witness should also be aware that providing assistance does not entitle them to protection from the consequences of their own wrongdoing. For example, if the employee has taken part in the misconduct they are providing information about, they are not protected from disciplinary action for that misconduct.

9.2 Support

The [PID Act](#) provides a means for protecting public officials, and former public officials, from detrimental consequences of disclosing information that, in the public interest, should be disclosed.

Supporting and protecting disclosers and other staff is an important agency responsibility that is key to successful implementation of the scheme. So too is maintaining an appropriate level of confidentiality.

AFP appointees seeking support may contact an AO regarding options available, including:

- AFP SHIELD
- PRS coordinators and superintendents
- AFP Confidant Network, per the [AFP National Guideline on the Confidant Network](#).

The discloser must provide consent prior to the provision of their details to the relevant support area(s).

9.3 Reprisals

The [PID Act](#) includes provisions to protect people from being subject to reprisal action as a result of a PID. These protections are available to anyone who suffers or is threatened with detriment in connection with a PID. This includes a discloser, a witness or another employee.

A reprisal may include an action or threat of an action that results in:

- a physical or psychological injury, including a stress-related injury
- intimidation, harassment or victimisation
- loss of, or damage to, property; or
- disadvantage to a person's career (for example, by denying a reference or promotion for reporting a PID).

The [PID Act](#) protects individuals from reprisal in the following ways:

- it is a criminal offence for anyone to cause or threaten to cause detriment to a person because they suspect that a PID has or will be made (even if they suspect the PID has been made by someone else)
- a person who believes they are suffering or have been threatened with reprisal has the right to apply to court for an injunction to stop or prevent it; and
- a person has the right to apply for compensation for loss, damage or injury suffered from reprisal action.

When a discloser believes a person is taking, or has taken, a reprisal against them, they should immediately notify one of the following:

- an AO
- their supervisor or contract manager; or
- the PID investigating officer.

Any allegation made against a person who takes, or threatens to take, a reprisal must also be reported as per [CO2](#) and the [AFP National Guideline on complaint management](#).

9.4 Risk assessment

The [PID Act](#) requires the principal officer to establish procedures for assessing the risk of reprisal in relation to public interest disclosures. The risk assessment, among other things, assists in:

- identifying whether there are actual or potential reprisals or related workplace conflict issues
- assessing the likelihood and consequence of reprisals or related workplace conflict
- identifying what strategies should be put in place to prevent or contain reprisals or related workplace conflict; and
- monitoring and reviewing whether the strategies have been implemented and whether they were effective.

Where an AO allocates a PID to the AFP for investigation, they must conduct a risk assessment as soon as possible. In preparing a PID risk assessment, the AO may have regard to any advice provided by the discloser's supervisor (if the disclosure was received by their supervisor and the supervisor has passed on the information to the AO), though must not disclose the discloser's identity without consent from the discloser. The AO should make a written record of their risk assessment and any action taken to protect or support the discloser.

The AO must ensure that the risk assessment is regularly reviewed and updated while the PID is ongoing. In particular, the AO must review the risk assessment at the commencement and completion of any investigation.

Further information is available in the [Agency guide to the Public Interest Disclosure Act 2013](#) (Commonwealth Ombudsman, April 2016).

10. Roles and responsibilities

The [PID Act](#) prescribes roles to perform various functions within set time frames, as follows:

10.1 Principal officer

As required by s.59 of the [PID Act](#), the Commissioner as principal officer of the AFP must:

- establish and facilitate procedures in accordance with the [Public Interest Disclosure Standard 2013 \(Cth\)](#) (PID Standard), including procedures to assess reprisal risks and providing for confidentiality of investigative processes
- appoint AOs in writing and ensure their identity is known by all public officials
- take reasonable steps to protect public officials from reprisal action
- take reasonable steps to provide ongoing training and education to public officials about the [PID Act](#)
- ensure PIDs are properly investigated; and
- take appropriate action in response to an investigation report in relation to a PID.

Each of these responsibilities are delegated as per s.77(1) of the [PID Act](#) and located under the [Delegations and Authorisations Collection](#) listed on the AFP Hub.

10.2 Authorised officers

Under the [PID Act](#), an AO is appointed in writing by the principal officer or delegate. Pursuant to s.36(b)(ii) of the [PID Act](#), all coordinators in PRS have been appointed as AOs.

AFP appointees should refer to the [Delegations and Authorisations Collection](#) on the AFP Hub for more information.

AOs have the functions set out below.

Receiving a PID

An AO may receive a PID directly or via a discloser's supervisor.

If an individual discloses, or proposes to disclose, information to an AO, the AO 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
- outline the circumstances in which a PID must be referred to another agency for investigation; and
- advise the individual of any orders or directions of which the AO is aware that are designated publication restrictions that may affect disclosure of the information.

On receipt of a PID, the AO must:

- complete a risk assessment as per the [AFP National Guideline on risk management](#);
- advise the person making the PID of the process, available support and the circumstances under which their PID must be referred to another agency
- seek the discloser's consent to identify them to the PID investigator (who conduct investigations);
- make any preliminary inquiries required to allocate the PID; and
- if the PID involves serious or systemic corruption, refer the matter to the NACC and notify the discloser of the referral. The PID may continue to be investigated unless the NACC issues a stop action direction in relation to the PID.

If an AO receives a PID that contains information about the AFP's intelligence functions, the AO must give the IGIS written notice of the disclosure:

- within 1 business day (if the discloser declares that the disclosure is urgent); and
- within 14 days (in all other cases).

Allocating a PID

AOs receiving a PID must assess whether it meets the requirements of a PID under the [PID Act](#).

If the disclosure is a PID, the AO must allocate the PID within 14 days of receipt, to the AFP or an appropriate agency. The AO must give written notice of the decision to allocate the PID to the principal officer of the relevant agency, the discloser and the Ombudsman or the IGIS (as appropriate).

An AO may decide not to allocate the disclosure where:

- there is no reasonable basis on which the disclosure could be considered an internal disclosure; or
- the conduct would be more appropriately investigated under another law or power, in which case the AO must refer the conduct disclosed to the appropriate body for investigation.

Where a disclosure is not allocated for investigation, the AO must give written notice of the decision:

- to the discloser (where the contact details of the discloser are known). If the AO does not propose to take any action in response to the disclosure, they must also notify the discloser of any course of action which might be available to the discloser under another law or power; and
- to the Ombudsman or the IGIS (as applicable), including reasons for the decision not to allocate and details of any other action the AO has taken or proposes to take in response to the disclosure.

An AO may be unable to allocate a disclosure where the agency has received a stop action direction from the NACC. In these circumstances, the AO must inform the Ombudsman about the stop action direction. If the stop action direction ceases to have effect, the AO may then proceed to allocate the disclosure.

During a PID investigation

PIDs allocated to the AFP by an AO are investigated by PID investigators (see section 10.3 below). During a PID investigation, AOs remain responsible for:

- maintaining confidentiality of the discloser's details or seeking the discloser's consent to disclose information identifying them for the purposes of a PID investigation only; and
- assessing the risks of other persons taking a reprisal against the discloser or other public officials, and take reasonable steps to protect public officials against reprisal action.

10.3 PID investigators

The power to investigate a PID is delegated to AFP employees from PRS at the Band 4 level or above. AFP appointees should refer to the [Delegations and Authorisations Collection](#) on the AFP Hub for more information.

The responsibilities of a PID investigator are set out below.

Communicating with the Discloser

Within 14 days of a PID being allocated to them, the PID investigator must provide information to the discloser about the investigator's discretionary powers not to investigate the PID or refer the matter for investigation under another investigative power or another law.

Deciding whether to investigate

Section 48 of the [PID Act](#) allows a PID investigator to decide not to investigate a PID, or cease investigating a PID, if one of the following apply:

- the discloser is not, or has not been, a public official
- the information does not contain serious disclosable conduct
- the information is frivolous or vexatious
- the PID is the same, or substantially the same, as another PID which has been, or is being, investigated under the [PID Act](#)
- the conduct disclosed is the same, or substantially the same as conduct which has been or is being investigated under another law or power and either:
 - it is inappropriate to conduct another investigation at the same time; or
 - the principal officer is reasonably satisfied the matter does not warrant further investigation
- the discloser has advised the principal officer they do not wish the investigation to be pursued and the principal officer is reasonably satisfied that there are no matters that warrant further investigation;
- It is impracticable to investigate the PID because:
 - of the age of the information;
 - the discloser has not revealed their name and contact details; or
 - the discloser has failed, or is unable, to give the investigator the information or assistance they requested
- it would be more appropriate for the conduct to be investigated under another law of the Commonwealth, which includes investigation by:
 - AFP PRS or another AFP business area if the matter falls within Part V of [the Act](#)
 - another Commonwealth agency; and
 - Work Health, Safety and Rehabilitation, using the provisions of the [Work Health and Safety Act 2011](#) (Cth).

If the PID investigator decides to exercise their discretion under section 48 not to investigate the disclosure, the PID investigator must give written notice of the decision to the discloser and the Ombudsman (or IGIS as appropriate). The written notice must include information about whether the PID investigator has decided to refer the conduct for investigation under another law or power.

If the PID investigator decides that it would be more appropriate for the PID to be investigated under another law or power, they must refer the PID for investigation under that power as soon as reasonably practicable.

The PID investigator may decide to exercise their powers under section 48 at any time in the investigation process.

Conducting a PID investigation

If the PID investigator decides to investigate the PID, they must inform the discloser and tell them the estimated length of the investigation. The PID investigator may also appoint an external investigator where appropriate.

The disclosure investigation must be:

- conducted as per s.53 of the [PID Act](#), which gives a PID investigator discretion to conduct the investigation as they see fit
- compliant with the requirements in the [Public Interest Disclosure Standard 2013](#) (Cth) (PID Standard) and
 - completed by the investigator within the prescribed 90-day statutory time frame unless the Ombudsman affords an extension.

If, during the course of an investigation, a PID investigator becomes aware of information which may raise a serious or systemic corruption issue, they must refer the information to the NACC.

An investigation into a PID may be paused if the NACC issues a stop action direction. If a stop action direction is issued, the PID investigator must, as soon as reasonably practicable, give written notice of the stop action direction to the discloser, the Ombudsman or the IGIS (as appropriate).

Investigation report

The PID investigator must prepare an investigation report. The report may be redacted to avoid identifying the discloser, witness(es) and/or police methodology.

The report must set out:

- the matters considered in the course of the investigation, including:
 - the disclosable conduct alleged by the discloser
 - any other possible disclosable conduct identified; and
- the duration of the investigation
- the steps taken to gather evidence
- a summary of the evidence
- the PID investigator's findings (if any), including:
 - whether there were any instances of disclosable conduct and if so, what type; and
 - the laws, rules or procedures to which the disclosable conduct relates
- any action taken, or being taken, to address the findings
- recommendations about other actions to address the findings
- any claims of reprisal action taken against the discloser or any other person, and the response, including:

- any claims about reprisal action taken against the discloser or any other person, that relate to the matters considered in the course of the investigation
- any evidence in relation to those claims of reprisal
- how the AFP responded to those claims (e.g. investigation, support or protection for the discloser)
- whether the AFP found any evidence of detrimental action against the discloser; and
- the action taken or recommended to address any findings of detrimental action against the discloser.

Within a reasonable time after preparing their report, the PID investigator must give a copy of the report (subject to certain redactions) to:

- the discloser
- the Ombudsman or the IGIS, as appropriate.

10.4 Supervisors

All supervisors must:

- educate themselves on the [PID Act](#) requirements, in particular what constitutes disclosable conduct as per s.29 of the [PID Act](#)
- recognise disclosable conduct and report the information as per section 8 of this Guideline
- ensure AFP appointees are supported and protected against reprisals; and
- where they receive a disclosure which does not contain disclosable conduct, ensure the matter is managed according to the most relevant policy or guidelines.

If a public official discloses information or makes a complaint to their supervisor, and the supervisor has reasonable grounds to believe the information concerns disclosable conduct.

All supervisor must:

- inform the discloser that the information could be treated as a disclosure for the purpose of the [PID Act](#)
- explain the procedure for disclosures to be given to an AO, allocated and investigated under the [PID Act](#)
- advise the discloser about when a public interest disclosure must be referred to another agency under another law of the Commonwealth
- explain the civil and criminal protections the [PID Act](#) gives disclosers and witnesses from reprisal action; and
- pass the information to an AO as soon as reasonably practicable.

Supervisors should note that information received from a public official in the ordinary course of that public official's duties is not considered to be a PID.

If the disclosure is not made in writing, the supervisor must make a written record of the information provided, including the date received.

When passing the information disclosed to an AO, the supervisor must also pass on any information they have about potential reprisal risks against the person who disclosed the information.

After the supervisor has passed the information to an AO, they should inform the discloser that this has occurred and give them the name and contact details of the AO to whom it was provided.

10.5 All AFP appointees

Sections 61(1) and s.61(2) of the [PID Act](#) require all public officials to use their best endeavours to assist the principal officer (and their delegate), the Ombudsman and the IGIS in the conduct of a PID investigation. All AFP appointees must support public officials who they know have made PIDs and keep confidential the identity of a discloser and anyone against whom an allegation has been made.

- Beyond those specific responsibilities, all AFP appointees must ensure the PID scheme works effectively in the AFP by:
 - reporting matters where there is evidence that shows or tends to show disclosable conduct
 - identifying areas where there may be opportunities for wrongdoing to occur because of inadequate systems or procedures and proactively raising those with management; and
 - assisting the PID investigator.

Refusal by AFP appointees to assist a PID investigator may be considered a breach of the AFP Code of Conduct.

11. Review of a public interest disclosure

Disclosers seeking a review of the outcome of an internal disclosure must refer the matter to CPRS via email to PID@afp.gov.au. CPRS must make a final decision based on the findings of the review and reply to the discloser in writing. A PID must only be reviewed once internally.

Disclosers seeking to raise a complaint in relation to the handling of a PID by an agency must refer the matter to the Ombudsman via email to PID@ombudsman.gov.au.

12. Further advice

Any queries about this guideline should be referred to PRS-EST@afp.gov.au.

13. References

Legislation

- [Australian Federal Police Act 1979](#) (Cth) (the Act)
- [Australian Federal Police Regulations 2018](#) (Cth)
- [Criminal Code Act 1995](#) (Cth)
- [Fair Work Act 2009](#) (Cth)
- [Ombudsman Act 1976](#) (Cth)
- [Public Interest Disclosure Act 2013](#) (Cth) (PID Act)
- [Public Interest Disclosure Standard 2013](#) (Cth) (PID Standard)
- [Work Health and Safety Act 2011](#) (Cth)
- [Surveillance Devices Act 2004](#)
- [National Anti-Corruption Commission Act 2022](#) (Cth)

AFP governance instruments

- [AFP Commissioner’s Order on professional standards \(CO2\)](#)
- [AFP National Guideline on complaint management](#)
- [AFP National Guideline on information management](#)
- [AFP National Guideline on risk management](#)
- [AFP National Guideline on the Confidant Network](#)
- [AFP’s professional standards framework](#)

Other sources

- [AFP Delegations and Authorisations Collection](#)
- [Agency guide to the Public Interest Disclosure Act 2013](#) (Commonwealth Ombudsman, April 2016)
- [Making a disclosure – Information for agencies](#) (Commonwealth Ombudsman, 2017)

14. Shortened forms

AFP	Australian Federal Police
AO	Authorised Officer
CPRS	Commander Professional Standards
PID	public interest disclosure
PRS	Professional Standards
IGIS	Inspector-General of Intelligence and Security
NACC	National Anti-Corruption Commission
ACIC	Australian Criminal Intelligence Commission

15. Definitions

AFP appointee means a deputy commissioner, AFP employee, special member or special protective service officer and includes a person:

- engaged overseas under s.69A of [the Act](#) to perform duties overseas as an AFP employee
- seconded to assist the AFP to perform its functions under s. 69D of [the Act](#)
- engaged under s.35 of [the Act](#) as a consultant or contractor to perform services for the AFP and determined by the Commissioner under s.35(2) of [the Act](#) to be an AFP appointee.
- (See s.4 of [the Act](#).)

Authorised internal recipient is as defined under s.34 of the [PID Act](#) and includes:

- the principal officer
- authorised officers
 - an authorised officer of the Commonwealth Ombudsman
 - the Ombudsman
 - the IGIS - only in relation to disclosures containing information about action taken by ACIC or the AFP in relation to its intelligence functions.

Authorised officer (AO) is, as defined under s.36 of the [PID Act](#):

- the principal officer of the agency
- a public official who both:
 - belongs to the agency
 - is appointed, in writing, by the principal officer of the agency as an AO for the purposes of the [PID Act](#).
- For the AFP, Professional Standards coordinators have been appointed in writing as AOs for the purpose of the [PID Act](#).

Contract manager means an AFP employee identified as a manager in a contract for the provision of goods or services to the AFP.

Intelligence in relation to the AFP means:

- the collection, correlation, analysis, production and dissemination of intelligence obtained by the AFP from the execution of a network activity warrant
- the performance of a function, or the exercise of a power, conferred on a law enforcement officer of the AFP by the network activity warrant provisions of the [Surveillance Devices Act 2004](#).

PID investigator means a person delegated the functions of the Principal officer in relation to conducting investigations and associated responsibilities under the PID Act. This power is delegated to AFP employees from PRS at the Band 4 level or above. AFP appointees should refer to the [Delegations and Authorisations Collection](#) on the AFP Hub for more information.

Principal officer means the Commissioner (pursuant to s.73(1), Item 4, of the [PID Act](#)) or duly authorised delegate (pursuant to s.77 of the [PID Act](#)).

Public official is defined under s. 69 of the [PID Act](#) and includes all current and former:

- AFP appointees
- all contracted service providers and their employees who provide, or who provided, services to the AFP under a Commonwealth contract.

Sensitive law enforcement information is, as defined under s. 41(2) of the [PID Act](#), information the disclosure of which is reasonably likely to prejudice Australia's law enforcement interests, including Australia's interests in:

- avoiding disruption to national and international law enforcement and criminal investigations
- protecting informants and witnesses
- protecting the technologies and methods used in dealing with criminal intelligence and investigation
- information related to an investigation as described in the [AFP National Guideline on complaint management](#).

Supervisor means an AFP appointee or an AFP contract manager who supervises AFP appointees.

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