



Australian Government
**Australian Pesticides and
Veterinary Medicines Authority**



APVMA procedures for dealing with Public Interest Disclosures

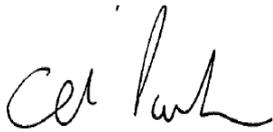
*Public Interest Disclosure Act 2013, Public Interest Disclosure Rules,
Public Interest Disclosure Standards*

June 2020

I, Dr Chris Parker, Chief Executive Officer of the Australian Pesticides and Veterinary Medicines Authority (the APVMA), establish these procedures under section 59 of the Public Interest Disclosure Act 2013.

These procedures are effective from 11 June 2020. These procedures supersede the APVMA Procedures for Dealing with Public Interest Disclosures dated 15 January 2014.

Dr Chris Parker

A handwritten signature in black ink, appearing to read 'Chris Parker', written in a cursive style.

Date: 11 / 06 / 2020

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1 COMMITMENT

The APVMA is committed to the implementation and promotion of the Public Interest Disclosure Scheme (PID) and the reporting of wrongdoing by public officials, as a means to ensure public confidence in the operation of the APVMA and the Australian Public Service (APS).

2 PURPOSE AND OUTCOMES

This procedure sets out the operating parameters for the PID within the APVMA and supplements the [Public Interest Disclosure Standard 2013](#) (the Standard) and the [Agency Guide to the Public Interest Disclosure Act 2013](#) (the Agency Guide) issued by the Commonwealth Ombudsman (the Ombudsman).

These procedures and awareness raising activities aim to encourage and facilitate disclosure of information by APVMA employees, and certain other individuals, about suspected wrongdoing, and ensuring those people making such a disclosure are afforded advice, support and protection against adverse consequence. Further, these procedures aim to ensure disclosures are properly investigated and reported.

The Commonwealth Ombudsman have created a reference guide to assist understanding of the scheme https://www.ombudsman.gov.au/_data/assets/pdf_file/0024/37428/pid_reference_guide.pdf

3 LEGISLATIVE BASIS

The [Public Interest Disclosure Act 2013](#) (the Act) facilitates the disclosure and investigation of wrongdoing and maladministration in the Commonwealth public sector. The Act establishes the PID, which will be overseen in operation by the Ombudsman. The Act is supported by the Standard. The Agency Guide provides a comprehensive overview of relevant procedures and should be read in conjunction with these procedures.

4 DEFINITION OF A PUBLIC INTEREST DISCLOSURE (PID)

A PID is a disclosure by a current or former public official (the discloser) of suspected wrongdoing in the Commonwealth public sector. Only a public official can make a disclosure under the PID — this is discussed further below under section 5.3 of these procedures. The emphasis of the PID is on disclosure being made and investigated within government, but in limited circumstances a disclosure outside of government is permitted. More information is available in the Agency Guide.

5 KEY ROLES AND RESPONSIBILITIES

5.1 Principal Officer

The Chief Executive Officer (CEO) of the APVMA is the principal officer under the Act. As the principal officer, the CEO is required to demonstrate leadership in promoting an environment that encourages people to report suspected wrongdoing. This includes the establishment of procedures for the APVMA to facilitate and deal with disclosures, raise staff awareness of procedures and protections, appoint authorised officers, ensure disclosures are investigated appropriately, protect staff from detriment or threats of detriment if they make a disclosure, take action in response to investigation reports and report to the Ombudsman.

5.2 Authorised officers

The principal officer is required to appoint in writing a sufficient number of authorised officers to ensure that a public official has ready access to an official who is able to receive a disclosure, and take appropriate action. Authorised officers have a range of decision making, notification and other responsibilities under the Act, as discussed in further detail in the Agency Guide.

In the APVMA five (5) authorised officers have been appointed. Details of the appointed authorised officers are published on the APVMA intranet. The principal officer is also an authorised officer for the purposes of the Act.

5.3 Public official

Under the Act, a person who is a current or former 'public official' may make a disclosure. A public official is defined in s69 of the Act and includes a Commonwealth public servant, member of the Defence Force, appointee of the Australian Federal Police, Parliamentary Service employee, principal officer or staff member of a prescribed authority, director or staff member of a Commonwealth company, statutory office holder or other person who exercises powers or performs functions under Commonwealth law. People and bodies providing services under a Commonwealth contract including subcontractors are also included.

It is to be noted that in certain circumstances, a person who is not a current or former public official may be deemed by an authorised officer for the purposes of a disclosure, to be a public official. If an individual believes they are not a current or former public official, they should not assume that they cannot make a disclosure. They may discuss this with any person to whom a disclosure may be made. In appropriate circumstances, they may be determined by notice in writing to be a public official.

An authorised officer may, on his or her own initiative or at the request of the person, determine that the person is deemed to be a public official for the purposes of these procedures. If a person asks to be deemed to be a public official then the authorised officer must make a decision on the request and, if refusing the request, advise the person requesting of the reasons. An authorised person who determines that a person is deemed to be a public official must issue a written notice to the person stating that the Act has effect, and has always had an effect, in relation to the disclosure of information as if the individual had been a public official when he or she obtained the information.

5.4 Managers and supervisors

A public official may make a disclosure to their supervisor or manager. If the supervisor or manager believes that the information given to them concerns, or could concern, disclosable conduct, they must give that information to an authorised officer of the APVMA as soon as reasonably practicable.

Note: Because of the confidentiality requirements of the Act, the supervisor or manager should get the person's consent before passing on their identifying information.

In order to identify a disclosure when it is being made, managers and supervisors should be knowledgeable about the operation of the Act and these procedures, particularly in relation to confidentiality requirements.

5.5 All staff

Where appropriate, staff (as public officials) must assist the principal officer in the conduct of an investigation as best they can. All staff share the responsibility of ensuring the Act works effectively. This includes:

- 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
- supporting staff who they know have made public interest disclosures
- keeping confidential the identity of a discloser and anyone against whom an allegation has been made, if they become aware of those matters.

6 MAKING A DISCLOSURE

6.1 How can a disclosure be made?

A disclosure may be made to an authorised officer either directly, or if the person is a current staff member of the APVMA, or working at the APVMA, through the person's supervisor or manager. These disclosures may be made orally or in writing, and may be made anonymously or using a pseudonym and do not have to state that the disclosure is being made under the Act. Note that in making an anonymous disclosure or a disclosure using a pseudonym, the authorised officer may take steps they feel necessary to determine if the discloser meets the definition of a public official, and may ask questions appropriate to determine that key requirement. Anonymous disclosures will be acted on wherever possible. A person who has made an anonymous disclosure may come forward at a later stage to disclose their identity and confirm that they have the protections of the PID Act.

It is preferable that a person making a disclosure identifies themselves to the authorised officer as it will help ensure their confidentiality and protection under the Act, and will assist investigation activities as they will be contactable through the course of the investigation, and able to be informed of the progress of the disclosure.

The [Commonwealth Ombudsman](#) website has information about making disclosures including advice about what to do if you are concerned about making a PID.

6.2 What information should the discloser provide?

The Act does not require the discloser to prove that there has been disclosable conduct when they make a disclosure. The discloser only needs to provide sufficient information to tend to show one or more instances of disclosable conduct, or alternatively, that they honestly believe on reasonable grounds that there has been one or more instances of disclosable conduct. Once the disclosure is made, it is the agency's responsibility to decide whether and how to investigate the matter.

A disclosure should be clear and factual, and should avoid speculation and personal attacks. It should outline the nature of the suspected wrongdoing; who they believe committed the suspected wrongdoing; when and where the suspected wrongdoing occurred; how they became aware of the suspected wrongdoing; whether the suspected

wrongdoing has been reported to anyone else, and whether anything was done to stop the wrongdoing; and whether the discloser is concerned about possible reprisal as a result of making the disclosure.

A discloser should not attempt to investigate a matter themselves before making a disclosure as this may hinder a future investigation. Raising concerns early enables the APVMA to progress the matter in a timely manner.

7 WHAT CONDUCT CAN BE DISCLOSED?

The full definition of disclosable conduct is set out in section 29 of the Act. That definition applies for the purposes of these procedures.

In summary, disclosable conduct is conduct by an Agency or by a public official that:

- contravenes a law of the Commonwealth, a State or a Territory; or
- occurs in a foreign country and contravenes a law in force in that country that applies to the agency or public official and that corresponds to a law in force in the Australian Capital Territory; or
- perverts, or attempts to pervert, the course of justice or involves corruption of any other kind; or
- constitutes maladministration, including conduct that:
 - is based on improper motives
 - is unreasonable, unjust or oppressive, or
 - is negligent, or
- is an abuse of public trust; or
- is fabrication, falsification, or deception in relation to scientific research, or misconduct in relation to scientific work; or
- results in the wastage of public money or public property or of the money or property of an authority covered by the Act; or
- unreasonably results in a danger to the health and safety of a person or unreasonably results in or increases the risk of a danger to the health and safety of a person; or
- results in a danger to the environment or results in or increases the risk of a danger to the environment; or
- is prescribed by the Public Interest Disclosure Rules; or
- is engaged in by a public official that:
 - involves abuse of the public official's position, or
 - could, if proved, give reasonable grounds for disciplinary action against the public official.

It does not matter whether disclosable conduct occurred before or after 15 January 2014.

It does not matter whether the public official who carried out the alleged conduct has ceased to be a public official since the time the conduct is alleged to have occurred, but it is necessary that they carried out the conduct in connection with their position as a public official.

8 CONFIDENTIALITY

A discloser should not discuss the details of their disclosure with anyone who does not need to know. Discussions with people who are not performing a function under the Act will not be for the purposes of the Act, and would therefore generally not be covered by the protections in the Act.

The investigation of the disclosure should be conducted in as confidential a manner as is possible. In particular, the identity of both the discloser and any person alleged to have engaged in the disclosable conduct should not be revealed except where this is reasonably necessary for the effective investigation of the disclosure (including because of the need to afford procedural fairness).

Any interviews conducted by an authorised officer or other person (including investigators) should be conducted in private. Any interviews with the discloser should be arranged so as to avoid the identification of the discloser by other staff of the APVMA.

9 PROTECTING DISCLOSERS FROM REPRISAL

The APVMA will not tolerate any reprisal action against a person who makes a disclosure in accordance with the Act, and who is therefore subject to protection from reprisal under the Act. Protections include confidentiality and immunity from criminal and civil liability or disciplinary action.

Every allegation of reprisal will be taken seriously, recorded and responded to. All those involved in handling the disclosure and aware of the discloser's identity (which may include the authorised officer, investigator, supervisor, manager and anyone else to whom the discloser has agreed to reveal their identifying information or who has that information for the purposes of the Act) will monitor the work environment for signs of detriment and if necessary, take corrective action early.

If the principal officer or an authorised officer receives a report of reprisal against a discloser, they will:

- take all steps possible to stop that alleged reprisal and protect the discloser;
- take action to investigate the suspected reprisal;
- establish whether reprisal has occurred; and
- if reprisal is found to have occurred, arrange for the matter to be dealt with in an appropriate manner.

Note that making a disclosure under the Act does not protect a discloser from his or her wrongdoing, including where the discloser is involved in the wrongdoing. A person who intentionally makes a false or misleading disclosure will not receive protections under the Act.

When the disclosure is received the authorised officer must conduct a risk assessment that considers the risk of reprisal action being taken against the discloser. If the disclosure is first made to a manager or supervisor and the person wishes their identity to remain anonymous, the manager or supervisor should conduct a risk assessment. Authorised officers and managers/supervisors are encouraged to ask the discloser why they are making this disclosure and reasons why they fear reprisal, and from whom. For more information please refer to the Agency Guide and part 10.5 of these procedures.

10 PROCEDURES FOR AUTHORISED OFFICERS

10.1 Authorised officer must advise disclosers and potential disclosers about the Act

Where:

- a person discloses, or is proposing to disclose, information to an authorised officer which the authorised officer has reasonable grounds to believe may be disclosable conduct, and
- the authorised officer has reasonable grounds to believe that the person may be unaware of what the Act requires for the disclosure to be an internal disclosure, and
- the authorised officer is aware of the contact details of the person;

The authorised officer must:

- inform the person that the disclosure could be treated as a disclosure for the Act, and
- explain to the person what the Act requires for a disclosure to be a disclosure; and
- advise the person of any orders or directions that may affect disclosure of the information.

10.2 Authorised officer must decide whether or not to allocate a disclosure

Where a public official, or a person who has been a public official, makes a disclosure of disclosable conduct directly to an authorised officer, the authorised officer must make a written record of the fact of the disclosure and, if the disclosure is not in writing, they must make a written record of the substance of the disclosure and of the time and date of the disclosure.

The authorised officer must ask the discloser to sign the written record of the disclosure, where this is practicable.

An authorised officer who receives a disclosure must decide whether they are satisfied, on reasonable grounds, that the disclosure could be considered to be a disclosure within the meaning of the Act.

Disclosures that may not be considered to be disclosures within the meaning of the Act include: the disclosure has not been made by a person who is, or was, a public official; the disclosure was not made to an authorised internal recipient or supervisor; the disclosure is not about disclosable conduct; that the person who is alleged to have carried out the disclosable conduct was not a public official at the time they are alleged to have carried out that conduct; and the disclosure is not otherwise a public interest disclosure within the meaning of the Act.

Where an authorised officer receives a disclosure, the authorised officer may obtain information and may make such inquiries as they think fit, for the purposes of deciding the allocation of the disclosure, including for the purposes of deciding whether the disclosure is an internal disclosure or not.

Where a disclosure has been given to or made to an authorised officer, the authorised officer must use their best endeavours to decide on the allocation of the disclosure for investigation within 14 days after the disclosure is given to or made to the authorised officer.

Where an authorised officer decides that a disclosure that has been made to them is not to be allocated for investigation, where the discloser's contact details are known to the authorised officer, they must advise the discloser in writing of:

- the reasons why the disclosure is not to be allocated; and
- any other courses of action that might be available to the discloser under other laws of the Commonwealth.

Where the authorised officer is aware of the contact details of the discloser, they must, as soon as practicable after receiving the disclosure and before allocating the disclosure for investigation, ask the discloser whether the discloser:

- consents to the authorised officer giving the discloser's name and contact details to the principal officer and to the principal officer's delegates, and
- wishes the disclosure to be investigated.

The authorised officer must make a written record of the discloser's responses (if any) to the questions referred to above.

Where a discloser does not respond within seven days to the questions referred to above:

- the discloser is taken not to have consented to the disclosure of their name and contact details to the principal officer and their delegates, and
- the discloser is taken to wish the disclosure to be investigated.

10.3 Where authorised officer allocates an internal disclosure

An authorised officer must allocate the handling of the disclosure to one or more agencies, including the APVMA, the Ombudsman, the Inspector General of Intelligence and Security (IGIS) or a prescribed investigative agency, provided that agency consents. An authorised officer must obtain the consent of an authorised officer in another agency before the first authorised officer can allocate an internal disclosure to that agency.

Where an authorised officer in the APVMA allocates a disclosure to an agency they must inform the principal officer of that agency of:

- the allocation to the agency;
- the information that was disclosed to the authorised officer;
- the suspected disclosable conduct; and
- if the discloser's name and contact details are known to the authorised officer, and the discloser consents to the principal officer being informed — the discloser's name and contact details.

If the authorised officer allocates a disclosure to an agency that is not the Ombudsman, the IGIS or an intelligence agency, he or she will inform the Ombudsman of this in writing. If the disclosure is allocated to an intelligence agency, the authorised officer will inform the IGIS of this in writing.

Where the authorised officer is aware of the contact details of the discloser the authorised officer must inform the discloser, in writing, of the allocation and the information that has been provided to the principal officer of the relevant agency.

10.4 Record of allocating the handling of a disclosure

When an authorised officer allocates the handling of a disclosure to one or more agencies, he or she must keep an appropriate record of:

- the decision (including the name of each agency to which the disclosure is to be allocated);
- the reasons for the decision; and
- the consent provided by the authorised officer of the agency to which the allocation is made.

The authorised officer must also keep appropriate records of whether the discloser was informed of the allocation decision and, if so, of:

- the day and time the discloser was notified; and
- the means by which the discloser was notified; and
- the content of the notification.

These records should be kept confidential. Further information is available in part 14 of these procedures.

10.5 Risk assessment

Where an authorised officer in the APVMA allocates a disclosure, they must conduct a risk assessment on whether reprisals may be taken against the discloser based on a checklist of risk factors, and having regard to any assessment of risk provided under these procedures by the discloser's supervisor or manager. An authorised officer should also consider whether staff other than the discloser may be at risk of reprisal and detriment because of the disclosure. This may include witnesses, other staff who might be suspected to have made disclosures, and any official who is the subject of any allegation.

In conducting the risk assessment authorised officers will adopt the following framework which entails four steps:

- **Identifying** — are reprisals or related workplace conflict problems in the workplace, or do they have the potential to be problems?
- **Assessing** — what is the likelihood and consequence of reprisals or related workplace conflict?
- **Controlling** — what strategies should be put in place to prevent or contain reprisals or related workplace conflict?
- **Monitoring and reviewing** — have the strategies been implemented and were they effective?

The Agency Guide provides detailed information on how to carry out a risk assessment.

11 DECIDING WHETHER OR NOT TO INVESTIGATE

Once a disclosure has been allocated to an agency for handling under the Act, the principal officer of that agency is obliged to investigate it. However, the principal officer may decide not to investigate the disclosure, or to stop investigating it, if one of the discretionary grounds in section 48 of the Act apply

The principal officer or delegate must, within 14 days after the disclosure was allocated, inform the discloser in writing that the principal officer or delegate may decide:

- not to investigate the disclosure; or
- not to investigate the disclosure further.

The principal officer or delegate must inform the discloser of the grounds on which that decision will be taken.

The principal officer or delegate must, as soon as practicable after receiving an allocation of a disclosure from an authorised officer (whether from within the APVMA or from another agency) consider whether to exercise the discretion under s 48 of the Act not to investigate the disclosure under the Act.

In broad terms, the principal officer or delegate may decide not to investigate (or may decide to discontinue an investigation already begun) if:

- the discloser is not a current or former public official (and a determination has not been made under section 70 of the Act); or
- the information does not to any extent concern serious disclosable conduct; or
- the disclosure is frivolous or vexatious; or
- the disclosure is substantially the same as a disclosure that has been investigated under the Act; or
- the disclosure is substantially the same as a disclosure that has already been investigated, or is currently being investigated, under another law of the Commonwealth; and
 - it would be inappropriate to conduct another investigation at the same time; or
 - the principal officer is reasonably satisfied that there are no matters that warrant further investigation; or
- the discloser has informed the principal officer that they do not wish the disclosure to be pursued and the principal officer is reasonably satisfied that there are no further matters concerning the disclosure that warrant investigation; or
- it is impracticable to investigate the disclosure because:
 - the discloser has not revealed their name and contact details; or
 - the discloser has refused or has failed or is unable to give the investigator the information they requested; or
 - of the age of the information.

Guidance on factors that might go towards the exercise of the power in section 48 is provided in the Agency Guide.

11.1 Decision not to investigate

Where the principal officer or their delegate decides under section 48 of the Act not to investigate a disclosure:

- under Division 2 of Part 3 of the Act, they must, as soon as reasonably practicable, inform the Ombudsman of that decision, and of the reasons for that decision; and
- where they have been given the name and contact details of the discloser, the principal officer or delegate must, as soon as reasonably practicable, inform the discloser of that decision in writing, of the reasons for that decision and of other courses of action that may be available to the discloser under other laws of the Commonwealth.

11.2 Where the disclosure is to be investigated

Where a matter is required to be investigated, and where the principal officer or delegate has been given the name and contact details of the discloser, the principal officer or delegate must inform the discloser that they are required to investigate the disclosure, and inform the discloser of the estimated length of the investigation.

If the principal officer or delegate decides to investigate the disclosure and starts to investigate the disclosure but then decides not to investigate the disclosure further under section 48 of the Act, the principal officer or delegate must inform:

- the discloser of that decision, and the reasons for the decision and of other courses of action that might be available to the discloser under other laws of the Commonwealth; and
- the Ombudsman of that decision and the reasons.

12 INVESTIGATION PROCEDURES

The principal officer is responsible for conducting investigations, and may delegate the investigative function to an officer who belongs to their agency. The delegate could be a person already employed by the agency, or it could be a person contracted to conduct the particular investigation. Where the principal officer or authorised officer has decided to commence an investigation into an internal disclosure, they may conduct the investigation as they deem appropriate, in compliance with the Standard.

The investigator must conduct the investigation discreetly, with a strong emphasis on maintaining confidentiality of both the discloser and any person who is the subject of the disclosure.

The investigator must act independently and be unbiased in investigating the matter. They must ensure that they do not have an actual or perceived conflict of interest.

The investigator may, for the purposes of the investigation, obtain information from such persons, and make such inquiries, as they deem appropriate.

When conducting an investigation the investigator must ensure that a decision is based on evidence that is sufficient to prove a fact is made on the balance of probabilities.

The investigator, in conducting an investigation under these procedures, must comply with:

- the Ombudsman’s Standard, and to the extent they are relevant to the investigation,
- the Commonwealth Fraud Control Guidelines; and
- these procedures; and

the procedures established under s 15(3) of the [Public Service Act 1999](#). Guidance on how investigations should be conducted is provided in the Agency Guide.

12.1 Interviewing witnesses

Subject to any restrictions imposed by a law of the Commonwealth other than the Act, the investigator must ensure that, if a person is interviewed as part of the investigation of an internal disclosure, that person is informed of:

- the identity and function of each person conducting the interview; and
- the process of conducting an investigation; and
- the authority of the investigator under the Act to conduct an investigation; and
- the protections provided to the person by section 57 of the Act.

An investigator should also inform the person of their duty:

- if they are a public official — to use their best endeavours to assist the investigator in the conduct of an investigation under the Act (subject to the public official’s privilege against incriminating themselves or exposing themselves to a penalty); and
- not to take or threaten to take reprisal action against the discloser; and
- subject to the Act, not to disclose the identity of the person who made the disclosure.

Where the investigator conducts an interview as part of an investigation, at the end of the interview, the interviewee must be given an opportunity to make a final statement or comment or express a position. The investigator must include any final statement, comment or position in the record of the interview.

Where the investigator is aware of the discloser’s identity and considers that it is necessary to reveal the discloser’s identity to a witness, the investigator must consult with the discloser, where practicable, before proceeding.

12.2 Procedural fairness

The investigator must ensure that a person against whom allegations are made is afforded procedural fairness. What procedural fairness requires varies with the circumstances, but essentially it means that the person is entitled to:

- have a decision-maker act fairly and without bias

- know the substance of allegations and evidence against them if an adverse finding is going to be made about their conduct
- have a reasonable opportunity to respond.

Procedural fairness does not require that a person against whom allegations are made must be advised as soon as the disclosure is received or as soon as an investigation is commenced. There may be good reasons to carry out certain investigations before interviewing a person who is suspected of wrongdoing.

Procedural fairness may require that the discloser's identity be revealed to the person who is the subject of the disclosure. Given the special protection of the discloser's identity in the Act, it is appropriate to protect the discloser's identity as far as possible, unless identifying them is necessary for the purposes of investigating the disclosure or the discloser has consented to being identified.

Where the investigator proposes to make a finding of fact, or express an opinion that is adverse to the discloser, to a public official who is the subject of the disclosure or to another person, the investigator or authorised officer 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: The above paragraph will 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.

The investigator must ensure that a finding of fact in a report of an investigation under the Act is based on evidence. 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.

12.3 Time limits

The investigator has 90 days from the date the disclosure was allocated in which to complete the investigation. The investigation is complete when a report of the investigation is prepared. It is possible to seek one or more extensions of time from the Ombudsman.

A request to the Ombudsman for an extension of time should be made where an investigation has not been completed within 70 days of the date the disclosure was allocated.

An application for extension should include reasons why the investigation cannot be completed within the time limit, the views of the discloser and an outline of action taken to progress the investigation.

An investigation that is not completed within time does not become invalid.

13 REPORTS OF INVESTIGATIONS

In preparing a report of an investigation under the Act the investigator must comply with the Act, the Standard and these procedures.

A report of an investigation under the Act must set out:

- the matters considered in the course of the investigation; and
- the duration of the investigation; and
- the investigator's findings (if any); and
- the action (if any) that has been, is being or is recommended to be taken; and
- any claims made about, and any evidence of, detrimental action taken against the discloser, and the Officer's response to those claims and that evidence.

And, where relevant, a report must:

- 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 (if any) relates; and
- explain the steps taken to gather evidence; and
- set out a summary of the evidence; and
- set out any recommendations made based on that evidence.

The investigator must, within a reasonable time of preparing a report of an investigation under the Act, give a copy of the report to the discloser.

The investigator may delete from the copy of the report given to the discloser any material:

- that is likely to enable the identification of the discloser or another person; or
- the inclusion of which would result in the copy being a document:
 - that is exempt for the purposes of Part IV of the *Freedom of Information Act 1982*, or
 - having national security or other protective security classification, or
 - containing intelligence information.

The investigator must delete from the copy of a report given to the discloser any material which would result in the report contravening a designated publication restriction, as defined in section 8 of the Act

14 RECORD KEEPING

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 APVMA who require access in order to perform some function under the 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*).

Where a form is required to be sent under these procedures, a copy of the form must be kept.

All records made for the purposes of the Act in accordance with these procedures must be marked as 'in-confidence' and hard copies stored in the appropriate storage container.

Any email messages sent by authorised officers or delegates that contain identifying information must be clearly marked 'to be read by named addressee only'.

Where a person will cease being an authorised officer in the APVMA (including because of resignation or movement to another agency), their PID records must be transferred to another authorised officer in the APVMA.

In accordance with the Standard, the principal officer must provide the following information to the Ombudsman for the purpose of preparing the Ombudsman's annual report:

- the number of disclosures received during the relevant financial year;
- the kinds of conduct the disclosure relates to;
- the number of investigations conducted in that financial year;
- the actions taken in response to investigations; and
- any information requested by the Ombudsman.

This information must be provided within a time requested by the Ombudsman or as otherwise agreed by the Ombudsman.