

Public Interest Disclosures Act 2002

PART ONE

ASSESSMENT FORM

Register # _____

RECEIVING THE DISCLOSURE ASSESSMENT OF WHETHER INFORMATION IS A PROTECTED DISCLOSURE

	Tick Box	Notes
Did a public officer or contractor with the public body make the disclosure?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the disclosure relate to conduct of a public body or public officer acting in their official capacity?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the alleged conduct either improper conduct or detrimental action?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Does the person making a disclosure have reasonable grounds for believing the alleged conduct has occurred?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

If any of the "No" boxes have been ticked then the disclosure is unlikely to be one that the Public Interest Disclosures Act applies to. The PID officer should ensure a proper record is made of the reasons for the "No" response and should provide his or her response to the discloser.

Is the disclosure a protected disclosure under Part 2 of the Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No	If no, explain why
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If Yes, it is a protected disclosure. Proceed to Part 2 to determine if the disclosure is a public interest disclosure. If No, it is not a disclosure under the Act. No further action.

Date disclosure received: _____

Date decision made: _____

Signed: _____
PID Officer

Public Interest Disclosures Act 2002

PART TWO

ASSESSMENT FORM

Register # _____

DETERMINATION OF DISCLOSURE AS A PUBLIC INTEREST DISCLOSURE

<p>Is the [insert name of public authority] satisfied that the disclosure shows or tends to show that the public officer to whom the disclosure relates –</p> <p>a) has engaged, is engaging or proposes to engage in improper conduct; or</p> <p>b) has taken, is taking or proposes to take detrimental action</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<p>If no, explain why</p>
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Note: The public body must make the determination within 45 days of receipt of the disclosure.

Date determination made:

If the disclosure is a public interest disclosure <i>(Notification must be made within 14 days)</i>	Date
Discloser notified of decision.	
Ombudsman notified of decision	
Refer to Part 3 Assessment for Investigation	

If the disclosure is NOT a public interest disclosure <i>(Notification must be made within 14 days)</i>	Date
Discloser notified of decision and advised may request referral to the Ombudsman for further determination:	
Referred to Ombudsman <i>(if discloser so requests within 28 days of notification)</i>	

Signed: _____
PID Officer

Date: _____

Public Interest Disclosures Act 2002

PART THREE

ASSESSMENT FORM

Register #

ASSESSMENT OF WHETHER THE DISCLOSURE SHOULD BE INVESTIGATED

Before commencing the investigation	Tick Box	Notes
Is the matter trivial, vexatious, misconceived or lacking in substance ?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Has the disclosure already been adequately dealt with by another body ? Eg. Ombudsman, court or another public body.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Have proceedings commenced in a commission, court or tribunal that has powers to enforce remedies similar to those under the PID Act 2002 ?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Has the discloser known about the disclosed matter for more than 12 months, and has no satisfactory explanation for the delay ?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

See s.64, *Public Interest Disclosures Act 2002*

If any of the "Yes" boxes have been ticked then the disclosure is unlikely to be one that the Public Interest Disclosures Act requires be investigated. The PID officer should ensure a proper record is made of the reasons for the "Yes" response and should provide his or her response to the discloser.

Date determination made: _____

If the PID is NOT to be Investigated <i>(Notification must be made within 14 days)</i>	Date
Discloser notified of decision and advised may request referral to the Ombudsman for further determination:	
Referred to Ombudsman <i>(if discloser so requests within 28 days of notification)</i>	

Signed: _____
PID Officer

Public Interest Disclosure Acts 2003

PART FOUR

Register #

INVESTIGATION FORM

Investigating Officer's Name: _____

Normal Position of Investigating Officer: _____

Address: _____

Contact Telephone No. _____

Email address: _____

Date Investigation Commenced: _____

REVIEW OF THE INVESTIGATION PROCESS

	Tick Box	Notes
Has the documentation used in the assessment of the disclosure been reviewed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was an investigation plan developed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were terms of reference developed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were people interviewed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was confidentiality maintained - of the informant's identity? - of the information disclosed? - of the identity of the subject(s) of the disclosure?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were natural justice rules followed?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Were progress report(s) requested by and provided to the Ombudsman or discloser?	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Was a final written report prepared?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

The investigation process is not prescribed under the Public Interest Disclosures Act, but the above serves as a useful checklist for a proper investigation.

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INVESTIGATION FORM

Register # _____

RECOMMENDATION

It is recommended that the public body form the opinion that the matters and allegations raised in the PID are:

- Substantiated
- Partly Substantiated
- Not Substantiated

Reasons for the Above Recommendation.

(If Partly Substantiated: clearly identify what is substantiated and what is not)

Remedial, Preventive & Sanction Recommendations (if any).

SIGNATURE:

I, the investigating officer appointed by [insert name of public authority] to investigate the public interest disclosure No _____ (file reference number) confirm that the above is a summary of my investigation undertaken as a result of a disclosure made in accordance with the *Public Interest Disclosures Act 2002*

Signed: _____
(investigating officer)

Date: _____

Public Interest Disclosures Act 2002

PART FIVE

INVESTIGATION FORM

Register #

FURTHER ACTION

	Tick Box	Notes
Does the public body accept the recommendation contained in Part Four?	<input type="checkbox"/> Yes <input type="checkbox"/> No	

If the 'yes' box has been ticked, please indicate action to be taken by public body.

Action taken by the public body

	Tick Box	Notes
Take all reasonable steps to prevent matter continuing or occurring in future	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Take action to remedy any harm or loss arising from the conduct	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Refer matter to another body for further consideration	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Commence disciplinary proceedings, against person responsible for the conduct.	<input type="checkbox"/> Yes <input type="checkbox"/> No	
Other		

:

Report on Investigation to:	Date
Ombudsman	
Minister [or Council]	
Discloser	

Signed: _____ (PID Officer) Date _____