**Assessment of an internal report against the criteria in the *Public Interest Disclosures Act 1994***To be completed by the disclosures coordinator

|  |  |  |  |
| --- | --- | --- | --- |
| **Public Interest Disclosures Act Criteria** | | | Comments |
| 1 | Is the reporter a public official? | Yes  No  Anonymous | If the reporter is not a *public official,* as defined in the PID Act the report is not a PID.  If the reporter is anonymous, the content of the report may indicate that the reporter is a public official. In such cases it is always best to assume the reporter is a public official unless there is evidence to indicate the reporter is not a public official. |
| 2 | Is the report about the conduct of a public official or a public authority? | Yes  No | If the report is not about the conduct of a *public official* or *public authority*, as defined in the PID Act, the report is not a PID. |
| 3 | Is the report about one of the categories of conduct in the PID Act?  Breach of the GIPA Act  Serious maladministration  LG pecuniary interest contravention  Corrupt conduct  Serious and substantial waste of public money | Yes  No | If the report is not about one of the categories of conduct in the PID Act it is not a PID.  For more information about these categories of conduct see NSW Ombudsman PID Guideline B2.  If you have answered no because you believe the maladministration or waste of public money was not *serious* or *substantial* enough, clearly record your reasons over the page. |
| 4 | Does the reporter have **reasonable grounds** to believe that the information they have reported **shows or tends to show the alleged wrongdoing**? | Yes  No | **Assume the reporter has an *honest belief* unless there is evidence to the contrary.**  If another person, given the same conditions, would take the same viewpoint, this is *reasonable grounds*.  The reporter must be able to *show or tend to show* evidence of the alleged wrongdoing, i.e. they witnessed it or they have documentary or other evidence. It cannot be hearsay.  If you have answered no, clearly record your reasons over the page. |
| 5 | Was the report made to the principal officer, or a public official nominated to receive disclosures in the public authority’s Internal Reporting Policy? | Yes  No | If the report was not made to the *principal officer* or a *nominated disclosures officer* the report is not a PID.  If the reporter has not made the report to an authorised person they should be redirected to one. |
| 6 | Does the report primarily question the merits of government policy? | Yes  No | If the report *primarily questions the merits of government policy* the report is not a PID. |
| 7 | Is there substantial evidence indicating that the report was made solely or substantially with the motive of avoiding dismissal or other disciplinary action? | Yes  No | If the report has been made *solely or substantially with the motive of avoiding dismissal or other disciplinary action* the report is not a PID.  A high evidential threshold is required to conclude the reporter’s motives were improper.  If you have answered yes, you should have sound reasons and clearly record those reasons over the page. |
| **Further comments** | | |  |
| * The PID assessment should be based on the content of the disclosure, not the outcome of any investigation. * An internal reporter does not have to explicitly indicate that they are making a PID or ask to be protected. * If in doubt, err on the side of caution and interpret the PID Act broadly – i.e. assume that the PID Act applies and proceed accordingly. * For further advice, please refer to the NSW Ombudsman’s PID Guidelines at [www.ombo.nsw.gov.au](http://www.ombo.nsw.gov.au) or contact the NSW Ombudsman PID Unit on [pid@ombo.nsw.gov.au](mailto:pid@ombo.nsw.gov.au) or 02 9286 1000. | | | |

|  |  |
| --- | --- |
| **Assessment** |  |
| Based on this assessment, should the report be treated as a Public Interest Disclosure?  Yes  No  If **yes**, was the PID made:  incidental to the performance of reporter’s day-to-day functions,  under a statutory or other legal obligation on the reporter,  otherwise.  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  Signature of disclosures coordinator  Date: | If **yes**, the following steps will be taken: |
| If **no**, the following steps will be taken: |
| **Reasons for decision** |  |
|  | |