



Public Interest Disclosures Regulation 2011

under the

Public Interest Disclosures Act 1994

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Interest Disclosures Act 1994*.

BARRY O'FARRELL, MP
Premier

Explanatory note

The object of this Regulation is to prescribe information that must be included in certain reports of public authorities under the *Public Interest Disclosures Act 1994*.

This Regulation is made under the *Public Interest Disclosures Act 1994*, including sections 6CA (4), 30 (the general regulation-making power) and 31 (3) of, and clause 1 (1) of Schedule 2 to, that Act.

This Regulation comprises matters set out in Schedule 3 to the *Subordinate Legislation Act 1989*, namely matters of a machinery nature and matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

2011 No 630

Clause 1 Public Interest Disclosures Regulation 2011

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Public Interest Disclosures Act 1994

1 Name of Regulation

This Regulation is the *Public Interest Disclosures Regulation 2011*.

2 Commencement

This Regulation commences on 1 January 2012 and is required to be published on the NSW legislation website.

3 Definitions

(1) In this Regulation:

public interest disclosures policy means the policy that each public authority is required under section 6D of the Act to have in effect (being a policy that provides for the public authority's procedures for receiving, assessing and dealing with public interest disclosures).

the Act means the *Public Interest Disclosures Act 1994*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Information to be included in reports by public authorities

(1) This clause applies to:

- (a) each annual report of a public authority prepared under section 31 of the Act, and
- (b) each 6-monthly report of a public authority required to be provided to the Ombudsman under section 6CA of the Act.

(2) A report to which this clause applies is to include the following information concerning the period to which the report relates:

- (a) the number of public officials who have made a public interest disclosure to the public authority,
- (b) the number of public interest disclosures received by the public authority in total and the number of public interest disclosures received by the public authority relating to each of the following:
 - (i) corrupt conduct,

- (ii) maladministration,
 - (iii) serious and substantial waste of public money or local government money (as appropriate),
 - (iv) government information contraventions,
 - (v) local government pecuniary interest contraventions,
 - (c) the number of public interest disclosures finalised by the public authority,
 - (d) whether the public authority has a public interest disclosures policy in place,
 - (e) what actions the head of the public authority has taken to ensure that his or her staff awareness responsibilities under section 6E (1) (b) of the Act have been met.
- (3) In subclause (2) (c), a reference to a public interest disclosure is a reference to a public interest disclosure received by a public authority on or after 1 January 2012.

5 Transitional provision—reports to Parliament by public authorities

Section 31 of the Act, as inserted into the Act by the *Protected Disclosures Amendment (Public Interest Disclosures) Act 2010*, does not apply in relation to any portion of a reporting year of a public authority that occurs before 1 January 2012 (being the date of insertion of that section).