

## Public Interest Disclosures Regulation 2022

under the

Public Interest Disclosures Act 2022

### 1 Name of Regulation

This Regulation is the *Public Interest Disclosures Regulation 2022*.

### 2 Commencement

This Regulation commences on the day on which the *Public Interest Disclosures Act 2022*, Schedule 3 commences.

**Note.** See the Act, Schedule 1, section 6.

### 3 Definitions

In this Regulation—

**public interest disclosure policy** means a policy described in the Act, Part 4.

**the Act** means the *Public Interest Disclosures Act 2022*.

**Note.** The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this Regulation.

### 4 Awareness and training—the Act, s 48(3)

- (1) For the purposes of the Act, section 48(1)(b), an agency is to do 1 of the following as soon as reasonably practicable after a public official becomes associated with the agency—
  - (a) give the public official a copy of the agency’s public interest disclosure policy,
  - (b) direct the public official to the page of the agency’s public website or intranet, as applicable, on which the agency’s public interest disclosure policy is published,
  - (c) otherwise give the public official directions for accessing a copy of the agency’s public interest disclosure policy.
- (2) An agency is to ensure a person whom the agency is responsible for training under the Act, section 48(2) is given the training—
  - (a) within a reasonable time after the person becomes associated with the agency, and
  - (b) no later than the day that is the later of the following—
    - (i) the day that is 6 months after the commencement of the Act, section 48,
    - (ii) the day that is 3 months after the person commences in a role mentioned in the Act, section 48(2)(a)–(c).
- (3) An agency is to ensure refresher training under the Act, section 48(2) takes place at intervals of not more than 3 years.

## 5 Information to be provided in agency annual returns—the Act, s 78(4)

- (1) An agency is to include the following information in an annual return in relation to each voluntary public interest disclosure received or dealt with by the agency during the return period—
  - (a) how the agency received the disclosure, including the date on which the agency received the disclosure,
  - (b) whether the disclosure was a purported public interest disclosure,
  - (c) the nature of the serious wrongdoing the disclosure was about,
  - (d) if applicable—the relationship between the maker of the disclosure and the public official whose serious wrongdoing the disclosure was about,
  - (e) whether the serious wrongdoing involved 1 public official or more than 1 public official,
  - (f) action taken by the agency to deal with the disclosure, including the date on which the agency ceased to deal with the disclosure,
  - (g) if the agency investigated the serious wrongdoing—a description of the results of the investigation,
  - (h) if applicable—the corrective action taken, proposed to be taken or recommended to be taken by the agency.
- (2) An agency is to include the following further information in an annual return in relation to purported public interest disclosures that were not in fact public interest disclosures—
  - (a) the number of the disclosures received by the agency during the return period,
  - (b) the number of the disclosures that were made by public officials,
  - (c) the reasons the agency did not deal with, or ceased dealing with, each of the disclosures as a public interest disclosure.

**Note.** The Act defines *purported public interest disclosure* to mean a disclosure that is—

- (a) made in compliance with the Act, section 27, and
- (b) not a mandatory public interest disclosure or a witness public interest disclosure, and
- (c) stated by the maker of the disclosure to be a public interest disclosure, whether or not it is in fact a public interest disclosure.

## 6 Form of agency annual returns—the Act, s 78(4)

- (1) An annual return provided by an agency is to divide voluntary public interest disclosures into the following categories and report separately on each category—
  - (a) category 1—voluntary public interest disclosures relating to the agency,
  - (b) category 2—other voluntary public interest disclosures.
- (2) If an agency has arranged to provide an annual return on behalf of another agency or a group of agencies, the agency is to provide a separate annual return for each agency to which the arrangement relates.

**Note.** Under the Act, section 81(2), an agency may arrange for another agency to exercise the agency's functions under the Act on behalf of the agency.