

Public Interest Disclosures Regulation 2022 (2023 SI 549)

[2023-549]



New South Wales

Status Information

Currency of version

Current version for 1 October 2023 to date (accessed 27 July 2024 at 21:45)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Staged repeal status**

This legislation is currently due to be automatically repealed under the [Subordinate Legislation Act 1989](#) on 1 September 2029

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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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.