



Australian Capital Territory

Public Interest Disclosure Act 1994

A1994-108

Republication No 5

Effective: 13 April 2004

Republication date: 13 April 2004

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Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Public Interest Disclosure Act 1994* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 13 April 2004. It also includes any amendment, repeal or expiry affecting the republished law to 13 April 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Public Interest Disclosure Act 1994

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Public Interest Disclosure Act 1994
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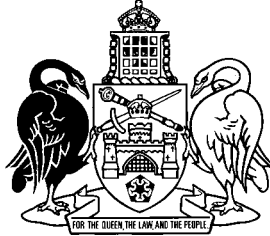
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Australian Capital Territory

Public Interest Disclosure Act 1994

An Act to encourage the disclosure of conduct adverse to the public interest in the public sector, and for related purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Public Interest Disclosure Act 1994*.

3 Definitions for Act

In this Act:

Note A definition applies except so far as the contrary intention appears (see *Legislation Act 2001*, s 155).

act includes investigate.

conduct includes act or omission.

detriment means—

- (a) injury, damage or loss; or
- (b) intimidation or harassment; or
- (c) discrimination, disadvantage or adverse treatment in relation to career, profession, employment, trade or business.

disclosable conduct means conduct that, under section 4 (1), is taken to be disclosable.

employee includes a person who is an employee within the meaning of the *Public Sector Management Act 1994*.

government agency means—

- (a) an administrative unit; or
- (b) a Territory instrumentality; or
- (c) a statutory office-holder and the staff required to assist the statutory office-holder.

offence means an offence against an Act.

officer—see the *Public Sector Management Act 1994*.

proper authority means a person or body authorised to receive a public interest disclosure under this Act, and includes, in relation to such a person or body—

- (a) its chief executive officer; or
- (b) its governing body.

public interest disclosure means a disclosure of information that the person making the disclosure believes on reasonable grounds tends to show—

- (a) that another person has engaged, is engaging, or proposes to engage, in disclosable conduct; or
- (b) public wastage; or
- (c) that a person has engaged, is engaging, or proposes to engage, in an unlawful reprisal; or
- (d) that a public official has engaged, is engaging, or proposes to engage, in conduct that amounts to a substantial and specific danger to the health or safety of the public.

public official means—

- (a) an officer or employee of a government agency; or
- (b) a person employed, by or on behalf of the Territory or in the service of a Territory authority or Territory instrumentality, whether under a contract of service or a contract for services, including a person who has ceased to perform those services; or
- (c) a person otherwise authorised to perform functions on behalf of the Territory, a Territory authority or Territory instrumentality.

public wastage means conduct by a public official that amounts to negligent, incompetent or inefficient management within, or of, a

government agency resulting, or likely to result, directly or indirectly, in a substantial waste of public funds, other than conduct necessary to give effect to a Territory law.

Territory instrumentality means—

- (a) subject to section 3A, a body corporate that is established by or under an Act, or under the Corporations Act, being a body that is—
 - (i) comprised of persons, or has a governing body comprised of persons, a majority of whom are appointed by a Minister or an agency or instrumentality of the Territory; or
 - (ii) subject to control or direction by a Minister; or
 - (iii) declared under section 3A to be a Territory instrumentality; or
- (b) a Territory owned corporation or a subsidiary within the meaning of the *Territory Owned Corporations Act 1990*.

unlawful reprisal means conduct that causes, or threatens to cause, detriment—

- (a) to a person in the belief that any person has made, or may make a public interest disclosure; or
- (b) to a public official because he or she has resisted attempts by another public official to involve him or her in the commission of an offence.

3A Declaration of Territory instrumentalities

- (1) The Minister may, in writing, declare that a body is or is not a Territory instrumentality for this Act.
- (2) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the *Legislation Act 2001*.

4 Disclosable conduct

- (1) For this Act, conduct is to be taken to be disclosable if—
- (a) it is of a type referred to in subsection (2); and
 - (b) it could constitute—
 - (i) a criminal offence; or
 - (ii) a disciplinary offence; or
 - (iii) reasonable grounds for dismissing or dispensing with, or otherwise terminating, the services of a public official who is engaged in it.
- (2) Subsection (1) (a) applies to the following types of conduct:
- (a) conduct of a person (whether or not a public official) that adversely affects, or could adversely affect, either directly or indirectly, the honest or impartial performance of official functions by a public official or government agency; or
 - (b) conduct of a public official that amounts to the exercise of any of his or her official functions dishonestly or with partiality; or
 - (c) conduct of a public official, a former public official or a government agency that amounts to a breach of public trust; or
 - (d) conduct of a public official, a former public official or a government agency that amounts to the misuse of information or material acquired in the course of the exercise of official functions (whether for the benefit of that person or agency or otherwise); or
 - (e) a conspiracy or attempt to engage in conduct referred to in paragraphs (a) to (d).
- (3) In this section:
- criminal offence*** means an offence against a law in force in the ACT.

disciplinary offence means conduct that constitutes grounds for disciplinary action under a law in force in the ACT.

5 Disclosures during proceedings

If information that could amount to a public interest disclosure is disclosed in the course of the proceedings of a court or tribunal, the court or tribunal may refer the information to a proper authority.

6 Other protection preserved

This Act does not limit the protection given by any other Act or law to a person who makes a public interest disclosure or prejudice any other remedy available to the person.

7 Criminal liability of government entities

- (1) A government entity is not immune from criminal liability under this Act in relation to an authorised act or omission of the entity.
- (2) This section has effect despite the *Legislation Act 2001*, section 121 (4).

Note Section 121 (4) extends the effect of the immunity that a government has from an Act to government entities.

- (3) A word or expression defined in the *Legislation Act 2001*, section 121 has the same meaning in this section.

8 Legal professional privilege

Nothing in this Act shall be taken to entitle a person to disclose information that would otherwise be the subject of legal professional privilege.

Part 2 **Proper authorities**

Division 2.1 **Government agency**

9 **Proper authorities**

Each government agency is a proper authority to receive—

- (a) a public interest disclosure—
 - (i) concerning the agency's conduct or the conduct of a public official in relation to the agency; or
 - (ii) concerning a matter, or the conduct of a person, that the agency has a function or power to investigate; or
 - (iii) referred to it by another government agency; or
 - (iv) if the person making the disclosure believes that the agency is a proper authority to receive the disclosure; or
- (b) a public interest disclosure that a person has engaged, is engaging, or proposes to engage, in an unlawful reprisal if—
 - (i) for an unlawful reprisal that relates to a previous public interest disclosure—the previous public interest disclosure was made to the government agency; or
 - (ii) for an unlawful reprisal that relates to an attempt by a public official to involve another person in the commission of an offence—the public official is a public official in relation to the government agency.

10 **Procedures**

- (1) A government agency shall establish procedures—
 - (a) to facilitate the making of public interest disclosures; and

(b) to deal with public interest disclosures that it is the proper authority to receive;

as soon as practicable, and in any event, within 12 months after—

(c) the commencement of this section; or

(d) the government agency comes into existence;

whichever is later.

(2) A government agency shall ensure that procedures established under subsection (1) are maintained.

(3) The procedures to be established under subsection (1) shall include procedures dealing with the following:

(a) making public interest disclosures;

(b) assisting and providing information to a person who makes a public interest disclosure;

(c) protecting a person who makes a public interest disclosure from unlawful reprisals, including unlawful reprisals taken by public officials in relation to the government agency;

(d) acting on public interest disclosures.

(4) The government agency shall, in respect of a document setting out the procedures established and maintained in accordance with this section—

(a) make a copy of the document available to its public officials; and

(b) make a copy of the document available to the public for inspection at all reasonable times; and

(c) supply to a person a copy of the document on payment of an amount directed by the government agency to be paid in relation to supply of the copy (being an amount that the government agency has determined, on reasonable grounds, to

be equal to the costs that will be incurred by the government agency in providing the copy).

11 Report on disclosures

- (1) A government agency that is required by an Act to prepare an annual report of its activities during a calendar or financial year for presenting to the Legislative Assembly shall include in the report—
 - (a) a description of the procedures maintained by it under section 10 during the year; and
 - (b) statistics relating to the year in accordance with subsection (2); and
 - (c) particulars relating to the year in accordance with subsection (3).
- (2) The statistics to be included in the annual report are—
 - (a) the number of public interest disclosures received by the government agency; and
 - (b) the number of each type of public interest disclosure received by the government agency; and
 - (c) the number of public interest disclosures received by the government agency that were referred to it by other government agencies; and
 - (d) the number of public interest disclosures investigated by the government agency; and
 - (e) if the government agency has referred public interest disclosures to other government agencies for investigation—
 - (i) the total number of disclosures referred; and
 - (ii) the identity of each other agency to which a disclosure was referred; and

- (iii) the number of disclosures referred to each other agency;
and
 - (iv) the number of each type of public interest disclosure referred to each other government agency; and
 - (f) the number of public interest disclosures on which the government agency declined to act under section 17; and
 - (g) the number of public interest disclosures that were substantiated by the government agency's investigation of the disclosure.
- (3) The annual report shall include particulars of remedial action taken by the government agency in relation to—
- (a) each public interest disclosure that was substantiated on investigation by the government agency; and
 - (b) any recommendations of the ombudsman or the auditor-general that relate to the government agency.

Division 2.2 The ombudsman and auditor-general

12 Application of Ombudsman Act 1989

For this Act, the ombudsman may exercise any of the powers referred to in the *Ombudsman Act 1989* as if a reference in that Act to an investigation under that Act were a reference to an investigation under this Act.

13 Proper authorities

The ombudsman and the auditor-general are proper authorities to receive a public interest disclosure from any person.

14 Intervention by ombudsman or auditor-general

If, in relation to a public interest disclosure that he or she has received, the ombudsman or the auditor-general considers—

- (a) that there is no other proper authority that can adequately or properly act on the disclosure; or
- (b) that any proper authority that should have acted on the disclosure has failed, or been unable for any reason, to adequately act on the disclosure;

the ombudsman or the auditor-general may exercise his or her powers to act on the disclosure.

Part 3 Public interest disclosures

15 Making a public interest disclosure

- (1) Any person may make a public interest disclosure to a proper authority.
- (2) Without limiting subsection (1), a person may make a public interest disclosure—
 - (a) about conduct in which a person engaged, or about matters arising, before the commencement of this Act; and
 - (b) whether or not the person is able to identify any person that the information disclosed concerns.

16 Anonymous disclosures

Nothing in this Act requires a proper authority to investigate a public interest disclosure if the person making the disclosure does not identify himself or herself.

17 Frivolous etc disclosures

- (1) A proper authority may decline to act on a public interest disclosure received by it if it considers—
 - (a) that the disclosure is frivolous or vexatious; or
 - (b) that the disclosure is misconceived or lacking in substance; or
 - (c) that the disclosure is trivial; or
 - (d) that there is a more appropriate method of dealing with the disclosure reasonably available; or
 - (e) that the disclosure has already been dealt with adequately.
- (2) If an issue raised in a public interest disclosure has been determined by a court or tribunal authorised to determine the issue at law after

consideration of the matters raised by the disclosure, the proper authority shall decline to act on the disclosure to the extent that the disclosure attempts to reopen the issue.

- (3) If a public interest disclosure was referred to the proper authority by the ombudsman or the auditor-general, the proper authority shall not decline to act on the disclosure under this section unless the ombudsman or the auditor-general is satisfied that the proper authority has adequate grounds under this section to make that decision.

18 Referral without investigation

Subject to section 21, if a public interest disclosure received by a proper authority is not related to—

- (a) the conduct of the authority or of a public official in relation to the authority; or
- (b) a matter, or the conduct of any person, that it has a function or power to investigate;

the proper authority shall refer the disclosure to a government agency that, because it has a function or power to deal with the conduct or matter the disclosure concerns, is a proper authority to receive the disclosure.

19 Investigation by proper authority

A proper authority shall investigate a public interest disclosure received by it if the disclosure relates to—

- (a) its own conduct or conduct of a public official in relation to the authority; or
- (b) a matter, or the conduct of any person, that the authority has a function or power to investigate; or
- (c) the conduct of a person, other than a public official, performing services for or on behalf of the authority.

20 Referral with investigation

- (1) Subject to subsection (2), if a public interest disclosure being investigated by a proper authority relates to—
 - (a) the conduct of another government agency or the conduct of a public official in relation to another government agency; or
 - (b) a matter, or the conduct of any person, that another government agency has a function or power to investigate;the proper authority may refer the public interest disclosure to the other government agency.
- (2) Nothing in this section affects the duty of a proper authority to act under section 19.

21 No referral

- (1) A proper authority shall not refer a public interest disclosure to another government agency, other than the ombudsman, under section 18 or 20 (1) if, in the authority's opinion—
 - (a) there is a serious risk that a person would engage in an unlawful reprisal; or
 - (b) the proper investigation of the disclosure would be prejudiced; as a result of the reference to the other government agency.
- (2) If, but for subsection (1), a proper authority would have referred a public interest disclosure to another public authority under section 18, the proper authority shall refer the disclosure to the ombudsman.

22 Action by proper authority

- (1) Subject to subsection (2), if, after investigation, a proper authority is of the opinion that a public interest disclosure has revealed—
 - (a) that a person has engaged, is engaging, or proposes to engage, in disclosable conduct; or

- (b) public wastage; or
- (c) that a person has engaged, is engaging, or proposes to engage, in an unlawful reprisal; or
- (d) that a public official has engaged, is engaging, or proposes to engage, in conduct that amounts to a substantial and specific danger to the health or safety of the public;

the authority shall take the action necessary and reasonable—

- (e) to prevent the conduct or reprisal continuing or occurring in future; and
 - (f) to discipline any person responsible for the conduct or reprisal.
- (2) If the ombudsman or the auditor-general reports that a public interest disclosure has revealed—
- (a) that a person has engaged, is engaging, or proposes to engage, in disclosable conduct; or
 - (b) public wastage; or
 - (c) that a person has engaged, is engaging, or proposes to engage, in an unlawful reprisal; or
 - (d) that a public official has engaged, is engaging, or proposes to engage, in conduct that amounts to a substantial and specific danger to the health or safety of the public;

a proper authority to which the disclosure relates shall, having regard to any recommendations of the ombudsman or the auditor-general, take the action necessary and reasonable—

- (e) to prevent the conduct or reprisal continuing or occurring in future; and
 - (f) to discipline any person responsible for the conduct or reprisal.
- (3) Subsections (1) and (2) do not apply if—

- (a) an investigation, or a report by the ombudsman or the auditor-general, reveals conduct referred to in subsection (1) (d) or (2) (d); and
- (b) the conduct is necessary to give effect to a Territory law.

23 Progress report

- (1) A person who makes a public interest disclosure, or a proper authority that refers a disclosure to another proper authority, may request the proper authority to which the disclosure was made or referred to provide a progress report.
- (2) If a request is made under subsection (1), the proper authority to which it is made shall provide a progress report to the person or authority who requested it—
 - (a) as soon as practicable after receipt of the request; and
 - (b) if the proper authority takes further action with respect to the disclosure after providing a progress report under paragraph (a)—
 - (i) while the authority is taking action—at least once in every 90 day period commencing on the date of provision of the report under paragraph (a); and
 - (ii) on completion of the action.
- (3) A progress report provided under subsection (2) shall contain the following particulars with respect to the proper authority that provides the report:
 - (a) if the authority has declined to act on the public interest disclosure under section 17—that it has declined to act and the ground on which it so declined;
 - (b) if the authority has referred the public interest disclosure to another proper authority—that it has referred the disclosure to another authority and the name of the authority to which the disclosure has been referred;

- (c) if the authority has accepted the public interest disclosure for investigation—the current status of the investigation;
 - (d) if the authority has accepted the public interest disclosure for investigation and the investigation is complete—its findings and any action it has taken or proposes to take as a result of its findings.
- (4) Nothing in this section prevents the proper authority from providing a progress report in accordance with subsection (3) to a person who may make a request under subsection (1).

24 Joint action

If more than 1 proper authority is required by this Act to act on a public interest disclosure, the proper authorities may enter into the arrangements with each other necessary and reasonable—

- (a) to avoid duplication of action; and
- (b) to allow the resources of the authorities to be efficiently and economically used to take action; and
- (c) to achieve the most effective result.

Part 4 Unlawful reprisals

Division 4.1 Unlawful reprisals—general

25 Offence

- (1) A person shall not engage, or attempt or conspire to engage, in an unlawful reprisal.

Maximum penalty: 100 penalty units, imprisonment for 1 year or both.

- (2) It is a defence to a prosecution for an offence against subsection (1) if it is established that the accused person—
- (a) had just and reasonable grounds for engaging in the conduct, or attempting or conspiring to engage in the conduct, that would, except for this subsection, amount to an unlawful reprisal; and
 - (b) was engaging, or had engaged, in the conduct, or had conspired or attempted to engage in the conduct, before forming the belief that a person had made or may make a public interest disclosure.

26 Function to assist complainant

If a proper authority receives a public interest disclosure that relates to an unlawful reprisal, it shall provide the person who made the public interest disclosure with information about the protection and remedies available under this Act in relation to an unlawful reprisal.

27 Relocation powers

If a public official in relation to a government agency applies in writing to the government agency for relocation and the government agency considers—

- (a) that there is a danger that a person will engage in an unlawful reprisal in relation to the public official if the public official continues to hold his or her current position; and
- (b) that the only practical means of removing or substantially removing the danger is relocation of the public official to another position in a government agency;

the government agency shall, as far as practicable, make arrangements for relocation of the public official to another position in a government agency.

28 Consent to relocation

Section 27 does not authorise the relocation of a public official in relation to a government agency to another position in the government agency without the consent of the public official.

Division 4.2 Civil claims

29 Liability in damages

- (1) A person who engages in an unlawful reprisal is liable in damages to any person who suffers detriment as a result.
- (2) The damages may be recovered in an action as for a tort in any court of competent jurisdiction.
- (3) Any remedy that may be granted by a court with respect to a tort, including exemplary damages, may be granted by a court in proceedings under this section.

30 Application for injunction or order

An application to a court of competent jurisdiction for an injunction or order under section 31 may be made—

- (a) by a person claiming that he or she is suffering or may suffer detriment from an unlawful reprisal; or

- (b) by the ombudsman on behalf of a person referred to in paragraph (a).

31 Injunction or order to take action

- (1) If, on receipt of an application under section 30, a court is satisfied that a person has engaged or is proposing to engage, in—
 - (a) an unlawful reprisal; or
 - (b) conduct that amounts to or would amount to—
 - (i) aiding, abetting, counselling or procuring a person to engage in an unlawful reprisal; or
 - (ii) inducing or attempting to induce, whether by threats, promises or otherwise, a person to engage in an unlawful reprisal; or
 - (iii) being in any way, directly or indirectly, knowingly concerned in, or party to, an unlawful reprisal;the court may—
 - (c) order the person to take specified action to remedy any detriment caused by the unlawful reprisal; or
 - (d) grant an injunction in terms the court considers appropriate.
- (2) The court may, pending the final determination of an application under section 30, make an interim order in the terms referred to in subsection (1) (c) or grant an interim injunction.
- (3) The court may grant an injunction or an interim injunction under this section whether or not the person has previously engaged in conduct of that kind.
- (4) The court may make an order or an interim order under this section requiring a person to take specified action, whether or not the person has previously refused or failed to take that action.

32 Undertakings about damages and costs

- (1) If the ombudsman applies under section 30 for an injunction or order, no undertaking as to damages or costs shall be required.
- (2) The ombudsman may give an undertaking as to damages or costs on behalf of a person applying under section 30 and, in that event, no further undertaking shall be required.

Part 5 Miscellaneous

33 Confidentiality

- (1) A public official shall not, without reasonable excuse, make a record of, or wilfully disclose to another person, confidential information gained through the public official's involvement in the administration of this Act.

Maximum penalty: 50 penalty units.

- (2) Subsection (1) does not apply to a public official who makes a record of, or discloses, confidential information—
- (a) to another person for this Act; or
 - (b) to another person, if expressly authorised under another Territory law; or
 - (c) for the purposes of a proceeding in a court or tribunal.

Note A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see *Legislation Act 2001*, s 104).

- (3) In this section:

confidential information means—

- (a) information about the identity, occupation or whereabouts of a person who has made a public interest disclosure or against whom a public interest disclosure has been made; or
- (b) information contained in a public interest disclosure; or
- (c) information concerning an individual's personal affairs; or
- (d) information that, if disclosed, may cause detriment to a person.

35 Limitation of liability

- (1) A person is not subject to any liability for making a public interest disclosure or providing any further information in relation to the disclosure to a proper authority investigating it, and no action, claim or demand may be taken or made of or against the person for making the disclosure or providing the further information.
- (2) Without limiting subsection (1), a person—
 - (a) does not commit an offence against a provision of an Act that imposes a duty to maintain confidentiality with respect to a matter; and
 - (b) does not breach an obligation by way of oath or rule of law or practice requiring him or her to maintain confidentiality with respect to a matter;by reason only that the person has made a public interest disclosure with respect to that matter to a proper authority.
- (3) Without limiting subsection (1), in proceedings for defamation there is a defence of qualified privilege in respect of the making of a public interest disclosure, or the provision of further information in relation to a public interest disclosure, to a proper authority.

36 Liability of person disclosing

A person's liability for his or her own conduct is not affected by the person's disclosure of that conduct in a public interest disclosure.

38 Regulation-making power

The Executive may make regulations for this Act.

Note Regulations must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Public Interest Disclosure Act 1994 No 108

notified 22 December 1994 (Gaz 1994 No S289)
s 1, s 2 commenced 22 December 1994 (s 2 (1))
remainder commenced 21 June 1995 (s 2 (2) and Gaz 1995 No S126)

as amended by

**Betting (Corporatisation) (Consequential Amendments) Act 1996
No 33 sch 1**

notified 1 July 1996 (Gaz 1996 No S130)
commenced 1 July 1996 (s 2 (1))

Public Interest Disclosure (Amendment) Act 1997 No 1

notified 3 March 1997 (Gaz 1997 No S50)
commenced 3 March 1997 (s 2)

Statute Law Revision (Penalties) Act 1998 No 54 sch

notified 27 November 1998 (Gaz 1998 No S207)
s 1, s 2 commenced 27 November 1998 (s 2 (1))
sch commenced 9 December 1998 (s 2 (2) and Gaz 1998 No 49)

Legislation (Consequential Amendments) Act 2001 No 44 pt 313

notified 26 July 2001 (Gaz 2001 No 30)
s 1, s 2 commenced 26 July 2001 (IA s 10B)
pt 313 commenced 12 September 2001 (s 2 and see Gaz 2001
No S65)

Legislation Amendment Act 2002 No 11 pt 2.39

notified LR 27 May 2002
s 1, s 2 commenced 27 May 2002 (LA s 75)
pt 2.39 commenced 28 May 2002 (s 2 (1))

**Annual Reports Legislation Amendment Act 2004 A2004-9 sch 1
pt 1.27**

notified LR 19 March 2004
s 1, s 2 commenced 19 March 2004 (LA s 75 (1))
sch 1 pt 1.27 commenced 13 April 2004 (s 2 and see Annual Reports
(Government Agencies) Act 2004 A2004-8, s 2 and CN2004-5)

Endnotes

4 Amendment history

Criminal Code (Theft, Fraud, Bribery and Related Offences) Amendment Act 2004 A2004-15 sch 2 pt 2.75

notified LR 26 March 2004

s 1, s 2 commenced 26 March 2004 (LA s 75 (1))

sch 2 pt 2.75 commenced 9 April 2004 (s 2 (1))

4 Amendment history

Commencement

s 2 om 2001 No 44 amdt 1.3451

Definitions for Act

s 3 am 1996 No 33 sch 1; 2001 No 44 amdt 1.3452, amdt 1.3453

def **employee** ins 1997 No 1 s 4

def **government agency** sub 1996 No 33 sch 1

def **public official** am 1997 No 1 s 4

def **Territory instrumentality** sub 1996 No 33 sch 1

Declaration of Territory instrumentalities

s 3A ins 2001 No 44 amdt 1.3454

Criminal liability of government entities

s 7 sub 2002 No 11 amdt 2.79

Proper authorities

s 9 am 1997 No 1 s 5

Procedures

s 10 am 1997 No 1 s 6

Report on disclosures

s 11 am 1997 No 1 s 7; A2004-9 amdt 1.36

Government agency

div 2.1 hdg (prev pt 2 div 1 hdg) renum R2 LA

The ombudsman and auditor-general

div 2.2 hdg (prev pt 2 div 2 hdg) sub 1997 No 1 s 8
renum R2 LA

Application of Ombudsman Act 1989

s 12 am 1997 No 1 s 9

Proper authorities

s 13 am 1997 No 1 s 10

Intervention by ombudsman or auditor-general

s 14 am 1997 No 1 s 11

Frivolous etc disclosures

s 17 am 1997 No 1 s 12

Referral without investigation

s 18 am 1997 No 1 s 13

Investigation by proper authority

s 19 am 1997 No 1 s 14

Referral with investigation

s 20 am 1997 No 1 s 15

Action by proper authority

s 22 am 1997 No 1 s 16

Unlawful reprisals—general

div 4.1 hdg (prev pt 4 div 1 hdg) renum R2 LA

Offence

s 25 am 1998 No 54 sch

Relocation powers

s 27 am 1997 No 1 s 17

Consent to relocation

s 28 sub 1997 No 1 s 18

Civil claims

div 4.2 hdg (prev pt 4 div 2 hdg) renum R2 LA

Confidentiality

s 33 am 1998 No 54 sch; 2001 No 44 amdt 1.3455, amdt 1.3456

False or misleading informations 34 am 1998 No 54 sch
om A2004-15 amdt 2.154**Corporations—penalties**

s 37 om 1998 No 54 sch

Regulation-making power

s 38 sub 2001 No 44 amdt 1.3457

Amendment of Ombudsman Act 1989

s 39 om 2001 No 44 amdt 1.3458

Amendment of Public Sector Management Act 1994

s 40 om 2001 No 44 amdt 1.3458

Endnotes

5 Earlier republications

5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	Act 1997 No 1	31 January 1998
2	Act 2001 No 44	12 March 2002
3	A2002-11	29 May 2002
4	A2004-15	9 April 2004

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