



Australian Capital Territory

# Public Interest Disclosure Act 2012

**A2012-43**

**Republication No 7**

**Effective: 4 March 2021**

Republication date: 4 March 2021

Last amendment made by [A2020-46](#)

## About this republication

### The republished law

This is a republication of the *Public Interest Disclosure Act 2012* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 4 March 2021. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 4 March 2021.

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](http://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, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### 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 the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$160 for an individual and \$810 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Public Interest Disclosure Act 2012

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Australian Capital Territory

# Public Interest Disclosure Act 2012

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An Act to facilitate public interest disclosures and protect people making those disclosures, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

This Act is the *Public Interest Disclosure Act 2012*.

### 3 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example, the signpost definition ‘*head of service*—see the [Public Sector Management Act 1994](#), dictionary.’ means that the term ‘head of service’ is defined in that dictionary and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see [Legislation Act](#), s 155 and s 156 (1)).

### 4 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See the [Legislation Act](#), s 127 (1), (4) and (5) for the legal status of notes.

### 5 Offences against Act—application of Criminal Code etc

Other legislation applies in relation to offences against this Act.

*Note 1* *Criminal Code*

The [Criminal Code](#), ch 2 applies to all offences against this Act (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

*Note 2* *Penalty units*

The [Legislation Act](#), s 133 deals with the meaning of offence penalties that are expressed in penalty units.



**6 Object of Act**

The object of this Act is to promote the public interest by—

- (a) providing a way for people to disclose disclosable conduct; and
- (b) ensuring people who make public interest disclosures are protected and treated respectfully; and
- (c) ensuring public interest disclosures are properly investigated and dealt with; and
- (d) ensuring that appropriate consideration is given to the interests of people who make public interest disclosures and the people who are the subject of the disclosures.

## Part 2 Important concepts

### 7 Meaning of *public interest disclosure*

In this Act:

*public interest disclosure* means a disclosure of disclosable conduct that is taken to be a public interest disclosure under section 17A (3) or section 27 (4).

*Note 1* Disclosers and witnesses in relation to public interest disclosures are protected from liability (see pt 7).

*Note 2* A discloser for a public interest disclosure may forfeit protections (see s 37).

### 8 Meaning of *disclosable conduct*

- (1) For this Act, *disclosable conduct* means an action or a policy, practice or procedure of a public sector entity, or public official for a public sector entity, that—
  - (a) is maladministration; or
  - (b) results in a substantial and specific danger to public health or safety, or the environment.
- (2) However, *disclosable conduct* does not include an action or a policy practice or procedure of a public sector entity, or a public official for a public sector entity, that—
  - (a) relates to a personal work-related grievance of the person disclosing the conduct; or

- (b) is to give effect to a policy of the Territory about amounts, purposes or priorities of public expenditure.

**Examples—par (a)**

- 1 an interpersonal conflict between the person and another employee
- 2 a decision not to approve the person's leave application
- 3 a decision relating to the employment, transfer or promotion of the person
- 4 a decision relating to the terms and conditions of employment of the person
- 5 a decision to suspend or terminate the employment of the person, or to discipline the person

- (3) In this section:

***environment***—see the [Environment Protection Act 1997](#), dictionary.

***maladministration*** means conduct or a policy, practice or procedure that—

- (a) results in a substantial mismanagement of public resources or public funds; or
- (b) involves substantial mismanagement in the performance of official functions.

***public funds*** means funds available to, or under the control of, a public sector entity including public and trust money within the meaning of the [Financial Management Act 1996](#).

***public health or safety*** includes the health or safety of people—

- (a) under lawful care or control; or
- (b) using community facilities or services provided by the private sector or public sector; or
- (c) in workplaces.

**Examples—par (a)**

- 1 students under the care or control of a teacher
- 2 patients in a health facility
- 3 detainees in a correctional facility

## 9 Meaning of *public sector entity*

(1) For this Act, a *public sector entity* is any of the following:

- (a) an ACTPS entity;
- (b) a Legislative Assembly entity;
- (c) an entity prescribed by regulation.

*Note* ACTPS entity and Legislative Assembly entity—see the dictionary.

(2) However, a *public sector entity* does not include an entity prescribed by regulation.

(3) Subject to any disallowance or amendment under the [Legislation Act](#), chapter 7, a regulation made for subsection (2) commences—

- (a) if there is a motion to disallow the regulation and the motion is negated by the Legislative Assembly—on the day after the day the motion is negated; or
- (b) on the day after the 6th sitting day after the day it is presented to the Legislative Assembly under that chapter; or
- (c) if the regulation provides for a later date or time of commencement—on that date or at that time.

## 10 Meaning of *public official*

For this Act, a *public official* for a public sector entity is—

- (a) a person who is or has been—
  - (i) an employee of the public sector entity; or
  - (ii) a contractor, employee of a contractor or volunteer exercising a function of the public sector entity; or
- (b) a person prescribed by regulation.

**11 Meaning of *disclosure officer***

- (1) For this Act, a *disclosure officer* for a disclosure of disclosable conduct is any of the following:
  - (a) for a disclosure that relates to an ACTPS entity—
    - (i) the public sector standards commissioner; or
    - (ii) the head of service; or
    - (iii) the auditor-general; or
    - (iv) the ombudsman; or
    - (v) the integrity commissioner; or
    - (vi) the head of an ACTPS entity; or
  - (vii) a person nominated under subsection (2) for an ACTPS entity;
  - (b) for a disclosure that relates to a Legislative Assembly entity—
    - (i) the clerk of the Legislative Assembly; or
    - (ii) the auditor-general; or
    - (iii) the ombudsman; or
    - (iv) the integrity commissioner; or
    - (v) a person nominated under subsection (2) for a Legislative Assembly entity.
- (2) The head of a public sector entity must—
  - (a) nominate at least 1 person to be a disclosure officer for disclosures of disclosable conduct for the entity; and
  - (b) publish the disclosure officer's contact details on the entity's website; and

- (c) if the entity is not the integrity commissioner—give the disclosure officer’s contact details to the integrity commissioner.
- (3) The integrity commissioner must publish, on the integrity commissioner’s website, the contact details given under subsection (2) (c).

## 12 **Meaning of *relates* to an entity**

For this Act, a disclosure of disclosable conduct or a public interest disclosure *relates* to an entity if it is about—

- (a) the entity’s disclosable conduct; or
- (b) for a public sector entity—the disclosable conduct of a public official for the entity; or
- (c) the disclosable conduct of another person that affects the exercise of functions of—
  - (i) the entity; or
  - (ii) for a public sector entity—a public official for the entity.

## 13 **Meaning of *head* of a public sector entity**

For this Act, the *head* of a public sector entity is any of the following:

- (a) for an ACTPS entity—
  - (i) for an administrative unit—the director-general of the administrative unit; and
  - (ii) for a territory authority—the person who has responsibility for managing the affairs of the territory authority; and

- (iii) for a territory-owned corporation or a subsidiary of a territory-owned corporation—the person who has responsibility for managing the affairs of the territory-owned corporation; and
- (iv) for a territory instrumentality—the person who has responsibility for managing the affairs of the territory instrumentality; and
- (v) for a statutory office-holder—the statutory office-holder;
- (b) for a Legislative Assembly entity other than an officer of the Assembly—the clerk of the Legislative Assembly;
- (c) for an officer of the Assembly—the officer;
- (d) for an entity prescribed by regulation under section 9 (1) (c)—the person prescribed by regulation.

## **Part 3 Disclosing disclosable conduct**

### **14 Anyone may disclose disclosable conduct**

Any person may disclose disclosable conduct.

### **15 Who disclosure of disclosable conduct may be made to**

- (1) A person may disclose disclosable conduct to—
- (a) a disclosure officer; or
  - (b) a Minister; or
  - (c) if the person is a public official for a public sector entity—
    - (i) a person who, directly or indirectly, supervises or manages the person; or
    - (ii) for a public sector entity that has a governing board—a member of the board; or
    - (iii) a public official of the entity who has the function of receiving information of the kind being disclosed or taking action in relation to that kind of information.

#### **Examples**

- 1 the chief financial officer of a public sector entity in relation to a disclosure about a substantial mismanagement of public resources by an employee of the entity
- 2 a public official on a clinical standards committee for a public hospital in relation to a disclosure about medical malpractice at the hospital that was resulting in a substantial danger to public health



- (2) If disclosable conduct is disclosed to a person mentioned in subsection (1) (b) or (c), the person must give a copy of the disclosure to a disclosure officer.

*Note 1* A person must comply with s (2) as soon as possible after receiving the disclosure of disclosable conduct (see [Legislation Act](#), s 151B).

*Note 2* A person who discloses disclosable conduct may disclose the conduct to the Legislative Assembly or a journalist in certain circumstances (see s 27).

## 16 How to disclose disclosable conduct

- (1) A disclosure of disclosable conduct may be made—
- (a) orally or in writing; and
  - (b) using any form of electronic communication; and
  - (c) anonymously; and
  - (d) without the person disclosing the disclosable conduct asserting that the disclosure is made under this Act.

### Example

Tranh comments to her supervisor during a coffee break that she believes there are a number of significant irregularities in the ordering of office supplies for her business unit. Tranh does not ask or infer that the irregularities should be investigated.

- (2) If the disclosure is made orally to a person mentioned in section 15 (1)—
- (a) the person must make a written record of the disclosure; and
  - (b) the written record is taken to be a disclosure of disclosable conduct.
- (3) In this section:
- electronic communication* means communication by telephone, email, fax or any other electronic means.

**17 Giving disclosure of disclosable conduct to integrity commissioner**

- (1) This section applies to a disclosure officer (other than the integrity commissioner), if—
- (a) a person discloses disclosable conduct to the disclosure officer; and
  - (b) the disclosure officer is satisfied on reasonable grounds that the disclosure is—
    - (i) about disclosable conduct; and
    - (ii) disclosed in good faith; and
  - (c) the disclosure is not about the integrity commissioner.

*Note* For disclosures about disclosable conduct of the integrity commissioner, see s 26A.

- (2) The disclosure officer must—
- (a) give a copy of the disclosure to the integrity commissioner; and
  - (b) if the person who disclosed the conduct did not disclose the conduct anonymously—
    - (i) give the integrity commissioner the person's name and contact details; and
    - (ii) tell the person, in writing, when the disclosure was given to the integrity commissioner.

*Note 1* The disclosure officer must comply with s (2) as soon as possible after receiving the disclosure of disclosable conduct (see [Legislation Act](#), s 151B).

*Note 2* A person who discloses disclosable conduct may disclose the conduct to the Legislative Assembly or a journalist in certain circumstances (see s 27).

**17A When disclosure of disclosable conduct given to integrity commissioner is a public interest disclosure**

- (1) This section applies if—
- (a) a person discloses disclosable conduct to the integrity commissioner; or
  - (b) another disclosure officer gives the integrity commissioner a disclosure of disclosable conduct under section 17.

*Note* The integrity commissioner is a disclosure officer (see s 11).

- (2) The integrity commissioner must assess the disclosure and decide if the commissioner is satisfied on reasonable grounds that the disclosure is—
- (a) about disclosable conduct; and
  - (b) disclosed in the public interest; and
  - (c) not frivolous or vexatious.
- (3) If the integrity commissioner is satisfied under subsection (2), the disclosure of disclosable conduct—
- (a) is taken to be a public interest disclosure; and
  - (b) the person who disclosed the disclosable conduct is taken to be the discloser for the public interest disclosure; and
  - (c) the protections in part 7 are taken to apply to the discloser for the public interest disclosure from the day the conduct was disclosed.

*Note* A discloser for a public interest disclosure may forfeit protections (see s 37).

**17B Notice about disclosure of disclosable conduct that is not public interest disclosure**

(1) If a disclosure of disclosable conduct is not taken to be a public interest disclosure under section 17A (3) (a), the integrity commissioner must tell the relevant people, in writing, that—

- (a) the disclosure is not taken to be a public interest disclosure; and
- (b) the protections in part 7 do not apply to the person who disclosed the conduct in relation to the disclosure.

(2) In this section:

*relevant people* means—

- (a) if the disclosure was given to the integrity commissioner by another disclosure officer under section 17—the disclosure officer; and
- (b) if the person who disclosed the disclosable conduct did not disclose the conduct anonymously—the person.

*Note* A person who discloses disclosable conduct may disclose the conduct to the Legislative Assembly or a journalist in certain circumstances (see s 27).

## Part 4                      Dealing with a public interest disclosure

### 18            **Meaning of *investigating entity***

In this part:

*investigating entity*, for an investigation of a public interest disclosure, means—

- (a) if the integrity commissioner does not refer the disclosure to an entity for investigation under section 19 (2)—the integrity commissioner; or
- (b) if the integrity commissioner refers the disclosure to an entity for investigation under section 19 (2)—the entity.

### 19            **Integrity commissioner—investigate or refer public interest disclosure**

- (1) This section applies to the integrity commissioner if—
  - (a) a disclosure of disclosable conduct is taken to be a public interest disclosure under section 17A (3); or
  - (b) the integrity commissioner becomes aware of a disclosure of disclosable conduct that is taken to be a public interest disclosure under section 27 (4).
- (2) If the public interest disclosure relates to a public sector entity other than a Legislative Assembly entity, the integrity commissioner must investigate the disclosure or refer it to 1 of the following entities for investigation:
  - (a) the head of a public sector entity;
  - (b) the head of service;
  - (c) the ombudsman;
  - (d) the public sector standards commissioner.

- (3) If the public interest disclosure relates to a Legislative Assembly entity, the integrity commissioner must investigate the disclosure.
- (4) In deciding whether to refer the public interest disclosure to an entity under subsection (2), the integrity commissioner must consult the entity.
- (5) If the integrity commissioner refers the public interest disclosure to an entity under subsection (2), the integrity commissioner must give the entity—
  - (a) a copy of the disclosure; and
  - (b) if the discloser for the public interest disclosure did not disclose the conduct anonymously—the name and contact details of the discloser.

*Note* For par (b), a discloser for a public interest disclosure may disclose the conduct to the Legislative Assembly or a journalist in certain circumstances (see s 27A).

## **19A Notice about investigation**

- (1) This section applies if the discloser for a public interest disclosure did not disclose the conduct anonymously.
- (2) The integrity commissioner must tell the discloser for the public interest disclosure, in writing—
  - (a) that the disclosure will be investigated under section 20; and
  - (b) the name and contact details of the investigating entity for the public interest disclosure; and
  - (c) if the integrity commissioner refers the disclosure to an entity under section 19 (2)—the date of the referral.
- (2) The integrity commissioner must give the discloser for the public interest disclosure information about the following:
  - (a) the obligations under section 23 (Discloser must be kept informed about investigation);

- (b) the circumstances mentioned in section 27A (Giving public interest disclosure to Legislative Assembly or journalist);
- (c) the protections under part 7 (Protections for disclosers and witnesses).

## **20 Investigating public interest disclosure**

- (1) The investigating entity for a public interest disclosure must—
  - (a) investigate the disclosure; and
  - (b) comply with the rules of natural justice and procedural fairness in relation to investigating the disclosure.
- (2) The investigating entity may end the investigation if—
  - (a) the discloser for the public interest disclosure has withdrawn the disclosure and the investigating entity is reasonably satisfied that there are no further matters in relation to the disclosure that warrant investigation; or
  - (b) if a discloser for the public interest disclosure disclosed the conduct anonymously and the investigating entity is reasonably satisfied that this makes it impracticable for the disclosure to be investigated; or
  - (c) if the discloser for the public interest disclosure did not disclose the conduct anonymously—
    - (i) the investigating entity asks the discloser for assistance to investigate the disclosure; and
    - (ii) the discloser fails, without reasonable excuse, to give the assistance; and
    - (iii) the investigating entity is reasonably satisfied that this makes it impracticable for the disclosure to be investigated; or

- (d) the investigating entity is reasonably satisfied that—
  - (i) the disclosed information is wrong in a material way and investigation is not warranted; or
  - (ii) the age of the disclosed information makes it impracticable for the disclosure to be investigated; or
  - (iii) there is a more appropriate way reasonably available to deal with the disclosable conduct that is the subject of the public interest disclosure.

*Note* A discloser for a public interest disclosure may disclose the conduct to the Legislative Assembly or a journalist in certain circumstances (see s 27A).

## **21 Referral to chief police officer**

The investigating entity for a public interest disclosure must refer the disclosure to the chief police officer if satisfied on reasonable grounds that the disclosable conduct the subject of the disclosure involves, or could involve, an offence.

## **23 Discloser must be kept informed about investigation**

- (1) The investigating entity for a public interest disclosure must tell the discloser for the public interest disclosure, in writing—
  - (a) the progress of the investigation of the disclosure, at least once every 3 months; and
  - (b) the outcome of the investigation of the disclosure, including any action by the head of a public sector entity in relation to the disclosure under section 24; and
  - (c) about any referral of the disclosure to the chief police officer under section 21; and



- (d) if the investigating entity for the disclosure ends the investigation under section 20—
  - (i) the ground mentioned in section 20 (2) for ending the investigation; and
  - (ii) the reasons for ending the investigation on that ground.
- (2) This section does not apply if the discloser for the public interest disclosure—
  - (a) disclosed the conduct anonymously; or
  - (b) has asked, in writing, not to be kept informed about the disclosure.
- (3) If the public interest disclosure has been referred to the chief police officer under section 21, the investigating entity for the public interest disclosure is only required to comply with subsection (1) (a), (b) and (d) to the extent that relevant information has been given to the entity by the chief police officer.

*Note 1* Certain information need not be given to the discloser for a public interest disclosure (see s 26).

*Note 2* A discloser for a public interest disclosure may disclose the conduct to the Legislative Assembly or a journalist in certain circumstances (see s 27A).

## **24 Public sector entity must take action**

- (1) If a head of a public sector entity believes on reasonable grounds that disclosable conduct has occurred, is likely to have occurred or is likely to occur, the entity must take action necessary and reasonable to—
  - (a) prevent the disclosable conduct continuing or occurring in the future; and

- (b) if an investigation of a public interest disclosure in relation to the disclosable conduct has been completed—discipline any person responsible for the disclosable conduct.

*Note* **Disclosable conduct** includes taking detrimental action (see s 8 and s 40).

- (2) The head of the public sector entity must—
  - (a) tell the integrity commissioner about any action taken or proposed to be taken; and
  - (b) tell the discloser for the public interest disclosure about any action taken or proposed to be taken unless—
    - (i) the discloser disclosed the conduct anonymously; or
    - (ii) the discloser has asked, in writing, not to be kept informed about the public interest disclosure.

*Note 1* Certain information need not be given to the discloser for a public interest disclosure (see s 26).

*Note 2* A discloser for a public interest disclosure may disclose the conduct to the Legislative Assembly or a journalist in certain circumstances (see s 27A).

## 25 Integrity commissioner must be kept informed

- (1) If the investigating entity for a public interest disclosure is not the integrity commissioner, the entity must tell the commissioner about the following:
  - (a) the progress and outcome of an investigation of the disclosure;
  - (b) the referral of the disclosure under section 21 (Referral to chief police officer);
  - (c) any action taken, or proposed to be taken, in relation to disclosable conduct the subject of the disclosure;
  - (d) a decision to end the investigation of the disclosure and—
    - (i) the ground mentioned in section 20 for the decision; and

- (ii) the reasons for making the decision on that ground; and
- (iii) if the ground mentioned in section 20 (2) (d) (iii) was a reason for the decision—how the disclosure was otherwise dealt with and the result (if any) of dealing with the disclosure in that way.

*Note* An investigating entity must comply with this section as soon as possible after an investigation etc is completed (see [Legislation Act](#), s 151B).

- (2) If the public interest disclosure has been referred to the chief police officer, the investigating entity is only required to comply with subsection (1) (a), (c) and (d) to the extent that relevant information has been given to the entity by the chief police officer.

## 26 Limitations on obligations to keep people informed etc

- (1) A person, including a discloser for a public interest disclosure, need not be told about information in relation to a public interest disclosure if telling the person would be likely to adversely affect—
  - (a) a person's safety; or
  - (b) an investigation relating to the disclosure.

### Example

The integrity commissioner need not give the head of a public sector entity to which a public interest disclosure relates a copy or record of the disclosure if the integrity commissioner believes it is likely that detrimental action will be taken against the discloser for the public interest disclosure as a result.

- (2) However, subsection (1) does not apply to section 21 (Referral to chief police officer).
- (3) A discloser for a public interest disclosure need not be told information about the disclosure, if telling the discloser—
  - (a) would, or could reasonably be expected to, identify another person who gives information in relation to the disclosure; or
  - (b) is contrary to a law in force in the Territory.

**26A Disclosable conduct of integrity commissioner**

- (1) This section applies if—
  - (a) a person discloses disclosable conduct about the integrity commissioner to a person mentioned in section 15 (1) (the *receiver*); and
  - (b) the receiver is satisfied on reasonable grounds that the disclosure—
    - (i) is about disclosable conduct; and
    - (ii) is disclosed in good faith.
- (2) The receiver must—
  - (a) give a copy of the disclosure of disclosable conduct to the inspector; and
  - (b) if the person did not disclose the conduct anonymously—
    - (i) give the inspector the name and contact details of the person; and
    - (ii) tell the person, in writing, the date when the disclosure was given to the inspector.
- (3) If the receiver gives a disclosure of disclosable conduct to the inspector under subsection (2), the disclosure is taken to be a complaint to the inspector under the *Integrity Commission Act 2018*, section 257 (Inspector—making a complaint to the inspector).
- (4) In this section:  
*inspector*—see the *Integrity Commission Act 2018*, dictionary.

## Part 5 Public interest disclosure to third parties

### 27 Giving disclosure of disclosable conduct to Legislative Assembly or journalist

- (1) This section applies to a person who—
  - (a) disclosed disclosable conduct to a person mentioned in section 15 (1); and
  - (b) did not disclose the conduct anonymously; and
  - (c) has not received the notice mentioned in section 17B or 19A within 3 months after the day the person disclosed the disclosable conduct.
- (2) The person may disclose the disclosable conduct to a member of the Legislative Assembly or a journalist.
- (3) The person may only disclose information that is reasonably necessary to show that the conduct is disclosable conduct.
- (4) The disclosure of disclosable conduct by the person under subsection (2) is taken to be a public interest disclosure.
- (5) The person is taken to be the discloser for a public interest disclosure.
- (6) The protections in part 7 are taken to apply to the person from the day the person disclosed the conduct.

*Note 1* The integrity commissioner must refer or investigate the disclosure under s 19.

*Note 2* A discloser for a public interest disclosure may forfeit protections (see s 37).

**27A Giving public interest disclosure to Legislative Assembly or journalist**

- (1) A discloser for a public interest disclosure may give the public interest disclosure to a member of the Legislative Assembly or a journalist if—
  - (a) the discloser is told under section 19A that the disclosure will be investigated, but is not told about the progress of the investigation under section 23 for more than 3 months; or
  - (b) the following applies:
    - (i) the public interest disclosure is investigated under section 20;
    - (ii) there is clear evidence that 1 or more instances of disclosable conduct mentioned in the disclosure has occurred, or was likely to have occurred;
    - (iii) the discloser is told by the investigating entity that no action will be taken in relation to the disclosable conduct under section 24 (Public sector entity must take action).
- (2) The discloser for a public interest disclosure may only give the Legislative Assembly or a journalist information reasonably related to the disclosure.

## Part 6

# Oversight of public interest disclosures

### 28 Integrity commissioner's functions

- (1) The integrity commissioner has the following functions:
  - (a) to give advice about disclosures of disclosable conduct and public interest disclosures;
  - (b) to monitor how public sector entities deal with disclosures of disclosable conduct and public interest disclosures;
  - (c) to review the way in which public sector entities investigate and deal with public interest disclosures generally, or particular public interest disclosures;
  - (d) to ensure just outcomes for people who make public interest disclosures, including by preventing and remedying the effect of detrimental action against people because of public interest disclosures;
  - (e) to undertake, or coordinate the undertaking of, education and training programs about disclosures of disclosable conduct and public interest disclosures.
- (2) The integrity commissioner may tell the ombudsman about a disclosure of disclosable conduct or a public interest disclosure if the commissioner believes it is appropriate for the ombudsman to know about the disclosure.

**29 Integrity commissioner may review decisions**

- (1) The integrity commissioner may, at any time, review—
  - (a) a decision by another investigating entity to end its investigation of a public interest disclosure under section 20 (2); and
  - (b) an action taken, or proposed to be taken, by a public sector entity in relation to disclosable conduct the subject of a public interest disclosure.
- (2) The integrity commissioner may ask anyone to give the commissioner information, including protected information, relevant to the investigation of the disclosure.
- (3) A public sector entity or public official must comply with a request made to the entity or official.
- (4) After reviewing a decision, the integrity commissioner may—
  - (a) amend the decision; or
  - (b) set aside the decision and substitute a new decision; or
  - (c) take no action.
- (5) After reviewing an action, or proposed action, the integrity commissioner may direct a public sector entity or public official to take, or not take, action in relation to the disclosable conduct.

**30 Report by integrity commissioner**

- (1) The integrity commissioner may give a report to the Minister about—
  - (a) a public sector entity's public interest disclosure procedures; or
  - (b) how a disclosure of disclosable conduct or a public interest disclosure is dealt with by a public sector entity.



- (2) However, the integrity commissioner—
- (a) may only include in a report information that may be adverse to, or critical of, a person if the commissioner has given the person an opportunity to be heard; and
  - (b) must not include in a report information that is likely to adversely affect—
    - (i) a person's safety; or
    - (ii) an investigation relating to the disclosure.
- (3) The Minister must present the report to the Legislative Assembly within 9 sitting days after the day the report is given to the Minister.
- (4) Subsection (2) (a) applies whether or not the adverse or critical material is—
- (a) express or implicit; or
  - (b) by way of opinion or otherwise.

### **31 Integrity commissioner must tell discloser about decision**

- (1) If the integrity commissioner makes a decision under section 29 (4) (a) or (b), the commissioner must tell the discloser for the public interest disclosure that is the subject of the decision—
- (a) the commissioner's decision; and
  - (b) the reasons for the commissioner's decision.
- (2) This section does not apply if—
- (a) the discloser for the public interest disclosure disclosed the conduct anonymously; or
  - (b) the discloser has asked in writing not to be kept informed about the public interest disclosure.

*Note* Certain information need not be given to the discloser for a public interest disclosure (see s 26).

### **32 Integrity commissioner's guidelines**

- (1) The integrity commissioner must make guidelines about—
  - (a) the way investigating entities investigate public interest disclosures; and
  - (b) the way in which public sector entities deal with disclosures of disclosable conduct and public interest disclosures; and
  - (c) the way members of the Legislative Assembly are to deal with—
    - (i) disclosures of disclosable conduct made under section 27 (Giving disclosure of disclosable conduct to Legislative Assembly or journalist); and
    - (ii) public interest disclosures made under section 27A (Giving public interest disclosure to Legislative Assembly or journalist).
- (2) A guideline is a notifiable instrument.

*Note* A notifiable instrument must be notified under the [Legislation Act](#).

### **33 Integrity commissioner's procedures**

- (1) The integrity commissioner must make procedures for dealing with disclosures of disclosable conduct and public interest disclosures.
- (2) The procedures must include—
  - (a) clear obligations on public sector entities and their public officials to take action to protect disclosers for public interest disclosures; and

- (b) risk management steps for assessing and minimising—
  - (i) detrimental action against people because of public interest disclosures; and
  - (ii) detriment to people against whom allegations of disclosable conduct are made in a public interest disclosure.

### **34 Role of ombudsman**

- (1) This section applies if any of the following entities takes an action in relation to the disclosure of disclosable conduct or a public interest disclosure in the exercise of a function under this Act:
  - (a) the head of a public sector entity;
  - (b) the head of service;
  - (c) the public sector standards commissioner.
- (2) A person may complain to the ombudsman about the action.
- (3) Without limiting subsection (2), the person may complain about whether a public sector entity or public official has followed—
  - (a) guidelines made by the integrity commissioner under section 32;  
or
  - (b) procedures issued by the integrity commissioner under section 33.
- (4) The ombudsman may exercise the following functions in relation to the complaint:
  - (a) giving advice about disclosures of disclosable conduct or public interest disclosures;
  - (b) monitoring the management of disclosures of disclosable conduct or public interest disclosures by the entity;

- (c) reviewing the way in which the entity dealt with or investigated the disclosure of disclosable conduct or public interest disclosure that is the subject of the complaint;
  - (d) ensuring just outcomes for people who make public interest disclosures, including preventing and remedying the effect of detrimental action taken against disclosers or witnesses because of a public interest disclosure.
- (5) Nothing in this Act is intended to limit the ombudsman's powers under the *Ombudsman Act 1989*.



**37 Loss of protection**

- (1) This section applies to a discloser for a public interest disclosure if a court is satisfied that—
  - (a) the discloser has given information about the disclosure, or part of the disclosure, to a person investigating the disclosure that the discloser knows is false or misleading; or
  - (b) the disclosure, or part of the disclosure, is vexatious.
- (2) The discloser forfeits the protections under this Act in relation to the public interest disclosure, or part of the disclosure.
- (3) However, a court may make an order that subsection (2) does not apply if the court considers that the discloser's conduct mentioned in subsection (1) (a)—
  - (a) has not materially prejudiced the investigation of the public interest disclosure; and
  - (b) is of a minor nature.

**38 Liability for own conduct**

- (1) A person's liability for the person's own conduct is not affected by the person's disclosure of that conduct under this Act.
- (2) In this section:  
*liability* includes civil or criminal liability or any liability arising from an administrative action (including disciplinary action or dismissal).

**39 What is *detrimental action*?**

For this Act, *detrimental action* is action that involves—

- (a) discriminating against a person by treating, or proposing to treat, the person unfavourably in relation to the person's reputation, career, profession, employment or trade; or
- (b) harassing or intimidating a person; or
- (c) injuring a person; or
- (d) damaging a person's property.

**40 Offence—taking detrimental action**

- (1) A person commits an offence if the person (the *retaliator*) takes detrimental action because of a public interest disclosure.

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

- (2) For this Act, a retaliator *takes* detrimental action because of a public interest disclosure if the retaliator takes, or threatens to take, detrimental action against someone else because—
- (a) a person has made, or intends to make, a public interest disclosure; or
  - (b) the retaliator believes that a person has made or intends to make a public interest disclosure.
- (3) In determining whether a retaliator has taken detrimental action because of a public interest disclosure, it is sufficient if a reason mentioned in subsection (2) is a contributing reason.

**41 Damages for detrimental action**

- (1) A person who takes detrimental action against someone else because of a public interest disclosure is liable in damages to anyone who suffers detriment as a result.
- (2) Detrimental action is a tort and damages may be recovered in a proceeding in a court of competent jurisdiction.
- (3) Any remedy that may be given by a court for a tort, including exemplary damages, may be given by a court in a proceeding under this section.
- (4) The right of a person to bring a proceeding for damages under this section does not affect any other right or remedy available to the person arising from detrimental action.

**42 Injunction to prevent detrimental action etc**

- (1) On application, the Supreme Court may—
  - (a) if satisfied that a person has taken detrimental action because of a public interest disclosure—order the person who took the detrimental action to remedy the action; or
  - (b) if satisfied that a person is taking, or is likely to take, detrimental action because of a public interest disclosure—grant an injunction to prevent the detrimental action being taken.
- (2) An application may be made by—
  - (a) the integrity commissioner; or
  - (b) the discloser for the public interest disclosure; or
  - (c) a person against whom the detrimental action has been or is likely to be taken.



- (3) The Supreme Court may grant an interim injunction restraining a person from taking detrimental action because of a public interest disclosure before deciding an application for an injunction under this section.

#### **42A Protection of witnesses**

- (1) A person is not subject to criminal or civil liability because the person (voluntarily or otherwise) gives information, produces a document or answers a question in relation to a public interest disclosure if—
  - (a) the person does so at the request of the investigating entity for the public interest disclosure; and
  - (b) the information, document or answer is relevant to the investigation of the public interest disclosure by the entity.
- (2) However, if the information, document or answer relates to the person's own conduct, this section does not affect their liability for the conduct.

## Part 8 Miscellaneous

### 43 Protection of officials from liability

- (1) An official is not civilly liable for anything done or omitted to be done honestly and without recklessness—
  - (a) in the exercise of a function under this Act; or
  - (b) in the reasonable belief that the act or omission was in the exercise of a function under this Act.
- (2) Any civil liability that would, apart from subsection (1), attach to an official attaches instead to the Territory.
- (3) In this section:

*official* means—

- (a) the integrity commissioner; or
- (b) the ombudsman; or
- (c) a disclosure officer; or
- (d) an investigating entity other than the integrity commissioner; or
- (e) a person authorised under this Act to do or not to do a thing.

*Note* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see [Legislation Act](#), s 104).

**44 Offences—use or divulge protected information**

- (1) A person to whom this section applies commits an offence if—
- (a) the person uses information; and
  - (b) the information is protected information about someone else; and
  - (c) the person is reckless about whether the information is protected information about someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (2) A person to whom this section applies commits an offence if—
- (a) the person does something that divulges information; and
  - (b) the information is protected information about someone else; and
  - (c) the person is reckless about whether—
    - (i) the information is protected information about someone else; and
    - (ii) doing the thing would result in the information being divulged to someone else.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

- (3) Subsections (1) and (2) do not apply if the information is used or divulged—
- (a) under this Act or another territory law; or
  - (b) in relation to the exercise of a function, by a person to whom this section applies, under this Act or another territory law; or
  - (c) in a court proceeding.

- (4) Subsections (1) and (2) do not apply to the using or divulging of protected information about a person with the person's consent.

*Note* The defendant has an evidential burden in relation to the matters mentioned in s (3) and s (4) (see [Criminal Code](#), s 58).

- (5) A person to whom this section applies need not divulge protected information to a court, or produce a document containing protected information to a court, unless it is necessary to do so for this Act or another law in force in the ACT.

- (6) In this section:

***court*** includes a tribunal, authority or person having power to require the production of documents or the answering of questions.

***divulge*** includes—

- (a) communicate; or
- (b) publish.

***person to whom this section applies*** means—

- (a) a person who is or has been—
  - (i) the integrity commissioner; or
  - (ii) the ombudsman; or
  - (iii) a disclosure officer; or
  - (iv) an investigating entity other than the integrity commissioner; or
- (b) anyone else who has exercised a function under this Act.

***produce*** includes allow access to.

***protected information*** means information about a person that is disclosed to, or obtained by, a person to whom this section applies because of the exercise of a function under this Act by the person or someone else.

**Examples—protected information**

- 1 information given to a disclosure officer whether or not it is a public interest disclosure
- 2 information given to an investigating entity about a public interest disclosure by someone other than the discloser for the public interest disclosure
- 3 information that would identify the discloser for the public interest disclosure or would allow the discloser's identity to be worked out
- 4 information that would identify a person, other than the discloser for the public interest disclosure, who has given information to an investigating entity about a public interest disclosure or would allow the person's identity to be worked out

***use***, in relation to information, includes make a record of the information.

## **45 Annual reporting by integrity commissioner**

- (1) The integrity commissioner must include the following information in the commission annual report for each year:
  - (a) the number of disclosures of disclosable conduct given to the integrity commissioner under section 17;
  - (b) the number of disclosures of disclosable conduct taken to be public interest disclosures under section 17A (3);
  - (c) the number of disclosures of disclosable conduct not taken to be public interest disclosures under section 17A (3);
  - (d) for a disclosure of disclosable conduct not taken to be a public interest disclosure under section 17A (3)—information about the ground the integrity commissioner was not satisfied of in relation to the disclosure;

- (e) the number of referrals under section 19 (Integrity commissioner—investigate or refer public interest disclosure);
  - (f) the number of investigations under section 20, including—
    - (i) for each investigating entity for a public interest disclosure—the number of investigations of public interest disclosures by the entity; and
    - (ii) whether, on investigation, the public interest disclosure was about disclosable conduct; and
    - (iii) the number of investigations brought to an end under section 20; and
    - (iv) the ground mentioned in section 20 (2) for ending the investigation;
  - (g) the number of referrals under section 21 (Referral to chief police officer);
  - (h) information about any action taken in accordance with section 24 (Public sector entity must take action);
  - (i) the number of reviews under section 29 (Integrity commissioner may review decisions);
  - (j) the number of reports under section 30 (Report by integrity commissioner);
  - (k) the number of prosecutions under section 40 (Offence—taking detrimental action);
  - (l) information about education and training programs about disclosable conduct and public interest disclosures undertaken or coordinated by the integrity commissioner.
- (2) In this section:
- commission annual report***—see the *Integrity Commission Act 2018*, section 217.

**47 Regulation-making power**

The Executive may make regulations for this Act.

*Note* A regulation must be notified, and presented to the Legislative Assembly, under the [Legislation Act](#).

**48 Review of Act**

- (1) The Minister must, in consultation with the Speaker, review the operation of this Act—
  - (a) at the same time as the Minister reviews the [Integrity Commission Act 2018](#) under section 303 of that Act; and
  - (b) in conjunction with that Act.
- (2) The Minister must present a report of the review to the Legislative Assembly at the same time the Minister presents a report of the review of the [Integrity Commission Act 2018](#) under section 303 (2) of that Act.

## Dictionary

(see s 3)

*Note 1* The [Legislation Act](#) contains definitions and other provisions relevant to this Act.

*Note 2* For example, the [Legislation Act](#), dict, pt 1, defines the following terms:

- ACT
- auditor-general
- entity
- head of service
- integrity commissioner
- Legislative Assembly
- Minister (see s 162)
- Office of the Legislative Assembly
- officer of the Assembly
- ombudsman
- public sector standards commissioner
- public service
- statutory office-holder
- Supreme Court
- territory authority
- territory instrumentality
- territory law
- territory-owned corporation
- the Territory.

***ACTPS entity*** means any of the following:

- (a) the public service;
- (b) a territory authority;
- (c) a territory-owned corporation;



- (d) a subsidiary of a territory-owned corporation;
- (e) a territory instrumentality;
- (f) a statutory office-holder.

***detrimental action***—see section 39.

***disclosable conduct***—see section 8.

***discloser***, for a public interest disclosure, means the person who discloses disclosable conduct that is taken to be a public interest disclosure under—

- (a) section 17A (2); or
- (b) section 27 (4).

***disclosure officer***, for a disclosure of disclosable conduct—see section 11.

***head***, of a public sector entity—see section 13.

***investigating entity***, for an investigation of a public interest disclosure—see section 18.

***Legislative Assembly entity*** means any of the following:

- (a) a member of the Legislative Assembly;
- (b) the Office of the Legislative Assembly;
- (c) a person employed under the *Legislative Assembly (Members' Staff) Act 1989*;
- (d) an officer of the Assembly.

***protected information***—see section 44 (6).

***public interest disclosure***—see section 7.

***public interest disclosure procedures*** means procedures under section 33 (1).

***public official***, for a public sector entity—see section 10.

***public sector entity***—see section 9.

***relates***, to an entity—see section 12.

***takes***, detrimental action—see section 40 (2).

## 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 are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

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

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

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Public Interest Disclosure Act 2012 A2012-43**

notified LR 5 September 2013

s 1, s 2 commenced 5 September 2013 (LA s 75 (1))

remainder commenced 1 February 2013 (s 2)

as amended by

#### **[Officers of the Assembly Legislation Amendment Act 2013 A2013-41](#) sch 1 pt 1.6**

notified LR 7 November 2013

s 1, s 2 commenced 7 November 2013 (LA s 75 (1))

sch 1 pt 1.6 commenced 1 July 2014 (s 2)

#### **[Annual Reports \(Government Agencies\) Amendment Act 2015](#) A2015-16 sch 1 pt 1.20**

notified LR 27 May 2015

s 1, s 2 commenced 27 May 2015 (LA s 75 (1))

sch 1 pt 1.20 commenced 3 June 2015 (s 2)

#### **[Public Sector Management Amendment Act 2016 A2016-52](#) sch 1 pt 1.54**

notified LR 25 August 2016

s 1, s 2 commenced 25 August 2016 (LA s 75 (1))

sch 1 pt 1.54 commenced 1 September 2016 (s 2)

#### **[Integrity Commission Act 2018 A2018-52](#) sch 1 pt 1.19 (as am by A2019-18 s 4)**

notified LR 11 December 2018

s 1, s 2 commenced 11 December 2018 (LA s 75 (1))

sch 1 pt 1.19 commenced 1 December 2019 (s 2 (2) (a) as am by  
[A2019-18](#) s 4)

#### **[Integrity Commission Amendment Act 2019 A2019-18](#) s 4**

notified LR 14 June 2019

s 1, s 2 commenced 14 June 2019 (LA s 75 (1))

s 3, s 4 commenced 15 June 2019 (s 2 (1))

*Note* This Act only amends the [Integrity Commission Act 2018](#)  
A2018-52.

**Public Interest Disclosure Amendment Act 2020 A2020-46**

notified LR 4 September 2020

s 1, s 2 commenced 4 September 2020 (LA s 75 (1))

remainder commenced 4 March 2021 (s 2 and LA s 79)

## Endnotes

4 Amendment history

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### 4 Amendment history

#### Commencement

s 2 om LA s 89 (4)

#### Object of Act

s 6 am [A2020-46](#) s 4

#### Meaning of *public interest disclosure*

s 7 sub [A2020-46](#) s 5

#### Meaning of *disclosable conduct*

s 8 sub [A2020-46](#) s 5

#### Meaning of *disclosure officer*

s 11 am [A2018-52](#) amdt 1.98, amdt 1.99; pars renum R6 LA;  
[A2020-46](#) ss 6-9

#### Meaning of *relates to an entity*

s 12 am [A2020-46](#) s 10

#### Meaning of *head of a public sector entity*

s 13 am [A2013-41](#) amdt 1.28; pars renum R2 LA

#### Disclosing disclosable conduct

pt 3 hdg sub [A2020-46](#) s 11

#### Anyone may disclose disclosable conduct

s 14 sub [A2020-46](#) s 11

#### Who disclosure of disclosable conduct may be made to

s 15 sub [A2020-46](#) s 11

#### How to disclose disclosable conduct

s 16 sub [A2020-46](#) s 11

#### Giving disclosure of disclosable conduct to integrity commissioner

s 17 am [A2016-52](#) amdt 1.146  
sub [A2020-46](#) s 11

#### When disclosure of disclosable conduct given to integrity commissioner is a public interest disclosure

s 17A ins [A2020-46](#) s 11

#### Notice about disclosure of disclosable conduct that is not public interest disclosure

s 17B ins [A2020-46](#) s 11

#### Dealing with a public interest disclosure

pt 4 hdg sub [A2020-46](#) s 12

#### Meaning of *investigating entity*

s 18 sub [A2020-46](#) s 13

**Integrity commissioner—investigate or refer public interest disclosure**s 19 sub [A2020-46](#) s 13**Notice about investigation**s 19A ins [A2020-46](#) s 13**Investigating public interest disclosure**s 20 sub [A2020-46](#) s 13**Investigating entity must keep referring entity informed**s 22 om [A2020-46](#) s 14**Discloser must be kept informed about investigation**s 23 sub [A2020-46](#) s 14**Public sector entity must take action**s 24 am [A2020-46](#) s 15, s 16**Integrity commissioner must be kept informed**s 25 hdg sub [A2020-46](#) s 17s 25 am [A2020-46](#) ss 18-22**Limitations on obligations to keep people informed etc**s 26 am [A2020-46](#) ss 23-25**Disclosable conduct of integrity commissioner**s 26A ins [A2020-46](#) s 26**Giving disclosure of disclosable conduct to Legislative Assembly or journalist**s 27 sub [A2020-46](#) s 27**Giving public interest disclosure to Legislative Assembly or journalist**s 27A ins [A2020-46](#) s 27**Integrity commissioner's functions**s 28 sub [A2020-46](#) s 28**Integrity commissioner may review decisions**s 29 hdg sub [A2020-46](#) s 29s 29 am [A2020-46](#) ss 30-33**Report by integrity commissioner**s 30 hdg sub [A2020-46](#) s 34s 30 am [A2020-46](#) ss 35-37**Integrity commissioner must tell discloser about decision**s 31 hdg sub [A2020-46](#) s 38s 31 am [A2020-46](#) ss 39-41**Integrity commissioner's guidelines**s 32 hdg sub [A2020-46](#) s 42s 32 am [A2020-46](#) s 43

## Endnotes

4 Amendment history

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### **Integrity commissioner's procedures**

s 33 sub [A2020-46](#) s 44

### **Role of ombudsman**

s 34 sub [A2020-46](#) s 44

### **Protections for disclosers and witnesses**

pt 7 hdg sub [A2020-46](#) s 45

### **Protection from defamation action**

s 36 sub [A2020-46](#) s 46

### **Loss of protection**

s 37 am [A2020-46](#) ss 47-50

### **Damages for detrimental action**

s 41 am [A2020-46](#) s 51

### **Injunction to prevent detrimental action etc**

s 42 sub [A2020-46](#) s 52

### **Protection of witnesses**

s 42A ins [A2020-46](#) s 52

### **Protection of officials from liability**

s 43 am [A2020-46](#) s 53, s 54

### **Offences—use or divulge protected information**

s 44 am [A2020-46](#) ss 55-57

### **Annual reporting by integrity commissioner**

s 45 om [A2015-16](#) amdt 1.25  
ins [A2020-46](#) s 58

### **Approved forms**

s 46 om [A2020-46](#) s 59

### **Review of Act**

s 48 ins [A2020-46](#) s 60

### **Transitional**

pt 20 hdg exp 1 February 2018 (s 103)

### **Act applies to disclosures made after commencement**

s 100 exp 1 February 2018 (s 103)

### **Public Interest Disclosure Act 1994 applies to disclosures made before commencement**

s 101 exp 1 February 2018 (s 103)

### **Transitional regulations**

s 102 exp 1 February 2018 (s 103)

### **Expiry—pt 20**

s 103 exp 1 February 2018 (s 103)



**Repeals and consequential amendments**

pt 21 hdg om LA s 89 (3)

**Repeal of Public Interest Disclosure Act 1994**

s 104 om LA s 89 (3)

**Ombudsman Act 1989, section 4A (c)**

s 105 om LA s 89 (3)

**Ombudsman Act 1989, new section 5 (2A)**

s 106 om LA s 89 (3)

**Dictionary**

dict am [A2013-41](#) amdt 1.29; [A2016-52](#) amdt 1.147, amdt 1.148;  
[A2018-52](#) amdt 1.100; [A2020-46](#) s 61  
def **ACTPS entity** am [A2016-52](#) amdt 1.149  
def **commissioner** am [A2016-52](#) amdt 1.150  
om [A2020-46](#) s 62  
def **contact details** om [A2020-46](#) s 62  
def **discloser** sub [A2020-46](#) s 63  
def **disclosure officer** am [A2020-46](#) s 64  
def **head of service** om [A2016-52](#) amdt 1.151  
def **investigating entity** pars renum R2 LA  
sub [A2020-46](#) s 65  
def **Legislative Assembly entity** am [A2013-41](#) amdt 1.30

## Endnotes

### 5 Earlier republications

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#### 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. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 1 Feb 2013	1 Feb 2013– 30 June 2014	not amended	new Act
R2 1 July 2014	1 July 2014– 2 June 2015	<a href="#">A2013-41</a>	amendments by <a href="#">A2013-41</a>
R3 3 June 2015	3 June 2015– 31 Aug 2016	<a href="#">A2015-16</a>	amendments by <a href="#">A2015-16</a>
R4 1 Sept 2016	1 Sept 2016– 1 Feb 2018	<a href="#">A2016-52</a>	amendments by <a href="#">A2016-52</a>
R5 2 Feb 2018	2 Feb 2018– 30 Nov 2019	<a href="#">A2016-52</a>	expiry of transitional provisions (pt 20)
R6 1 Dec 2019	1 Dec 2019– 3 Mar 2021	<a href="#">A2019-18</a>	amendments by <a href="#">A2018-52</a> as amended by <a href="#">A2019-18</a>

**6 Expired transitional or validating provisions**

This Act may be affected by transitional or validating provisions that have expired. The expiry does not affect any continuing operation of the provisions (see [Legislation Act 2001](#), s 88 (1)).

Expired provisions are removed from the republished law when the expiry takes effect and are listed in the amendment history using the abbreviation ‘exp’ followed by the date of the expiry.

To find the expired provisions see the version of this Act before the expiry took effect. The ACT legislation register has point-in-time versions of this Act.

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