

**Authorised Version No. 012**  
**Whistleblowers Protection Regulations 2001**

**S.R. No. 158/2001**

Authorised Version incorporating amendments as at  
29 November 2011

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
1 Objectives	1
2 Authorising provisions	1
3 Commencement	1
4 Definition	1
5 Procedure for disclosures to the Ombudsman or Deputy Ombudsman	2
6 Procedure for disclosures to the President or Speaker	2
7 Procedure for disclosures to the Chief Commissioner of Police	3
8 Procedure for disclosures to public bodies	3
9 Prescribed public bodies	4
10 Direction to bring person held in custody before Director	4
11 Director must report other matters to Special Investigations Monitor	5
<hr/>	
<b>SCHEDULE</b>	<b>8</b>
Form 1—Direction to Bring a Person Held in Custody before the Director, Police Integrity	8
<hr/> <hr/>	
<b>ENDNOTES</b>	<b>9</b>
1. General Information	9
2. Table of Amendments	10
3. Explanatory Details	11

---

**Authorised Version No. 012**  
**Whistleblowers Protection Regulations 2001**

**S.R. No. 158/2001**

Authorised Version incorporating amendments as at  
29 November 2011

**1 Objectives**

The objectives of these Regulations are—

- (a) to prescribe the prescribed procedure for making a disclosure under the **Whistleblowers Protection Act 2001**; and
- (b) to prescribe bodies for the purposes of sections 41 and 49 of that Act; and
- (c) to prescribe the form of a direction that may be given by the Director under section 61L(2) of that Act; and
- (d) to prescribe other matters to be set out in a written report of the Director to the Special Investigations Monitor under section 105D(2) of that Act.

Reg. 1(b)  
amended by  
S.R. No.  
71/2005  
reg. 3(1).

Reg. 1(c)  
inserted by  
S.R. No.  
71/2005  
reg. 3(2).

Reg. 1(d)  
inserted by  
S.R. No.  
71/2005  
reg. 3(2).

**2 Authorising provisions**

These Regulations are made under section 112 of the **Whistleblowers Protection Act 2001**.

**3 Commencement**

These Regulations come into operation on 1 January 2002.

**4 Definition**

In these Regulations *the Act* means the **Whistleblowers Protection Act 2001**.

**5 Procedure for disclosures to the Ombudsman or Deputy Ombudsman**

- (1) An oral disclosure under the Act to the Ombudsman or Deputy Ombudsman must be made by telephone or in person in private to—
  - (a) the Ombudsman or Deputy Ombudsman, as the case requires; or
  - (b) an employee of the Office of the Ombudsman.
- (2) A written disclosure under the Act to the Ombudsman or Deputy Ombudsman must be made by—
  - (a) addressing the disclosure to the Ombudsman or Deputy Ombudsman, as the case requires; and
  - (b) sending or delivering the disclosure to or leaving the disclosure at the Office of the Ombudsman.

**6 Procedure for disclosures to the President or Speaker**

- (1) An oral disclosure under the Act to the President of the Legislative Council or the Speaker of the Legislative Assembly must be made by telephone or in person in private to—
  - (a) the President or the Speaker, as the case requires; or
  - (b) an employee of the Office of the President or the Speaker, as the case requires.

- (2) A written disclosure under the Act to the President of the Legislative Council or the Speaker of the Legislative Assembly must be made by—
- (a) addressing the disclosure to the President or the Speaker, as the case requires; and
  - (b) sending or delivering the disclosure to or leaving the disclosure at the Office of the President or the Speaker, as the case requires.

**7 Procedure for disclosures to the Chief Commissioner of Police**

- (1) An oral disclosure under the Act to the Chief Commissioner of Police must be made by telephone or in person in private to—
- (a) the Chief Commissioner; or
  - (b) a member of the police force or an employee in the Office of the Chief Commissioner.
- (2) A written disclosure under the Act to the Chief Commissioner of Police must be made by—
- (a) addressing the disclosure to the Chief Commissioner; and
  - (b) sending or delivering the disclosure to or leaving the disclosure at a police station or at the Office of the Chief Commissioner.

**8 Procedure for disclosures to public bodies**

- (1) An oral disclosure under the Act to a public body must be made by telephone or in person in private to a member, officer or employee of the public body or to a member or an officer or employee of a public body agent of the public body.

Reg. 8(1)  
amended by  
S.R. No.  
70/2002  
reg. 3(1).

(2) A written disclosure under the Act to a public body must be made by—

Reg. 8(2)(a)  
amended by  
S.R. No.  
70/2002  
reg. 3(2)(a).

(a) addressing the disclosure to the public body or to a public body agent of the public body; and

Reg. 8(2)(b)  
amended by  
S.R. No.  
70/2002  
reg. 3(2)(b).

(b) sending or delivering the disclosure to or leaving the disclosure at the office of the public body or of a public body agent of the public body.

Reg. 8(3)  
inserted by  
S.R. No.  
70/2002  
reg. 3(3).

(3) In this regulation *public body agent* means a public body appointed by a public body as its agent for receiving disclosures under the Act.

## 9 Prescribed public bodies

For the purposes of sections 41 and 49 of the **Whistleblowers Protection Act 2001**, the following are prescribed public bodies—

- (a) the Environment Protection Authority constituted under the **Environment Protection Act 1970**;
- (b) the Victorian WorkCover Authority established under the **Accident Compensation Act 1985**.

Reg. 10  
inserted by  
S.R. No.  
71/2005 reg. 4.

## 10 Direction to bring person held in custody before Director

For the purposes of section 61L(3)(a) of the Act, the prescribed form of a direction is Form 1 in the Schedule.

**11 Director must report other matters to Special Investigations Monitor**

Reg. 11  
inserted by  
S.R. No.  
71/2005 reg. 4.

- (1) For the purposes of section 105D(2)(e) of the Act, the following matters are prescribed—
- (a) if section 105D(1)(c) of the Act applies and the person attends the Director following a warrant to arrest issued under section 61K(2) of the Act, whether the person was detained in police custody and if so—
    - (i) how long the person was detained; and
    - (ii) the place of detention; and
    - (iii) whether the person applied to a bail justice for discharge from custody;
  - (b) whether the person was given a written notice by the Director under section 61G(2) of the Act;
  - (c) whether the person has been charged with an offence against section 61G(3) of the Act;
  - (d) whether the person was brought before the Director under a written direction under section 61L(2) of the Act;
  - (e) the duration of the attendance of the person on the Director;
  - (f) whether the person was aged under 18 years and if so—
    - (i) whether a parent or guardian of the person or an independent person was present during the person's attendance; and
    - (ii) whether it reasonably appeared to the Director that the person exercised his or her right to confer with the parent, guardian or independent person (as the case may be) before providing any

information, producing any document or thing or giving any evidence;

- (g) whether the Director believed the person to have a mental impairment and if so—
  - (i) whether an independent person was present during the person's attendance; and
  - (ii) whether it reasonably appeared to the Director that the person exercised his or her right to confer with the independent person before providing any information, producing any document or thing or giving any evidence;
- (h) whether the person had legal or other representation;
- (i) whether the Director has issued a certificate of charge and an arrest warrant under section 61H(2) of the Act and if so—
  - (i) details of the alleged contempt of the Director as set out in the certificate of charge; and
  - (ii) whether the arrest warrant was executed and if so—
    - (A) how long the person has been detained (to the extent known at the time the report is written); and
    - (B) the place of detention; and
    - (C) whether the person has applied to a bail justice for discharge from custody; and
  - (iii) details of the outcome of the contempt of the Director being dealt with by the Supreme Court (to the extent known at the time the report is written).

Reg. 11(1)(i) expired by force of S.R. No. 158/2001 reg. 11(2), new reg. 11(1)(i) inserted by S.R. No. 29/2009 reg. 4.

- 
- (2) Subregulation (1)(i) ceases to have effect on the day on which section 61H of the Act ceases to have effect.<sup>1</sup>
-

Whistleblowers Protection Regulations 2001

Sch.

S.R. No. 158/2001

Sch.  
inserted by  
S.R. No.  
71/2005 reg. 5.

**SCHEDULE**

**FORM 1**

Regulation 10

**Whistleblowers Protection Act 2001**

Section 61L

**DIRECTION TO BRING A PERSON HELD IN CUSTODY BEFORE  
THE DIRECTOR, POLICE INTEGRITY**

To: *(insert name of person in charge of place where person is held in custody)*

at *(insert name of place where person is held in custody)*

Under section 61L(2) of the **Whistleblowers Protection Act 2001**

I direct that *(insert name of person in custody)* born on *(insert date of birth)*

who is detained at *(insert name of place where person is held in custody)*

be delivered into the custody of *(insert name of member of police force)*

to be brought before me

at *(insert address)*

on *(insert date)* at \*a.m./p.m.

to provide information, produce a document or thing or give evidence as required by the summons issued under section 17 of the **Evidence Act 1958** for the purposes of an investigation under the **Whistleblowers Protection Act 2001** and directed to the person who is the subject of this direction.

**Take note:** If the person who is the subject of this direction is under the age of 16 years at the date this direction is given, the direction is of no effect and the person is not required to attend the Director.

Dated:

Director, Police Integrity

\* Delete if inapplicable

## ENDNOTES

### 1. General Information

The Whistleblowers Protection Regulations 2001, S.R. No. 158/2001 were made on 18 December 2001 by the Governor in Council under section 112 of the **Whistleblowers Protection Act 2001**, No. 36/2001 and came into operation on 1 January 2002: regulation 3.

The Whistleblowers Protection Regulations 2001 will sunset on 17 December 2012: see Subordinate Legislation (Whistleblowers Protection Regulations 2001) Extension Regulations 2011, S.R. No. 139/2011.

## 2. Table of Amendments

This Version incorporates amendments made to the Whistleblowers Protection Regulations 2001 by statutory rules, subordinate instruments and Acts.

Where a provision has expired, the provision has been omitted and an explanatory sidenote included.

---

Whistleblowers Protection (Amendment) Regulations 2002, S.R. No. 70/2002

*Date of Making:* 27.8.02

*Date of Commencement:* 27.8.02

Whistleblowers Protection (Amendment) Regulations 2005, S.R. No. 71/2005

*Date of Making:* 28.6.05

*Date of Commencement:* 28.6.05

Whistleblowers Protection Amendment Regulations 2009, S.R. No. 29/2009

*Date of Making:* 24.3.09

*Date of Commencement:* 1.4.09: reg. 3

---

### 3. Explanatory Details

<sup>1</sup> Reg. 11(2): Section 61H of the **Whistleblowers Protection Act 2001** ceased to have effect on 16 May 2008.