

# Receiving Protected Disclosures

## Board as an appropriate authority

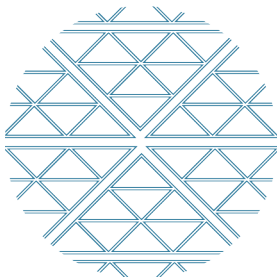
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Under Part 4 of the Protected Disclosures (Protection of Whistleblowers) Act 2022 (**PDA**), the Plumbers, Gasfitters, and Drainlayers Board (**Board**) is an appropriate authority for receiving protected disclosures of wrongdoing.

In that capacity, the Board undertakes to:

- have procedures in place for the handling and investigation of any disclosures of wrongdoing it receives
- maintain the confidentiality of any person making a disclosure of wrongdoing unless disclosure is permitted or required by law
- ensure any person who makes a disclosure of wrongdoing does not experience any retaliatory conduct due to having made a disclosure
- take appropriate action if wrongdoing is found
- keep the person informed of the progress and outcome of their disclosure of wrongdoing.

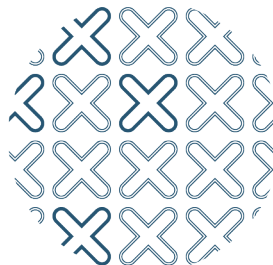
Receiving reports of wrongdoing, investigating those reports, and taking appropriate action where wrongdoing is found supports the Board's values of *kia māia*, *whakapono*, *mahi tahi*, and *manaakitanga*.



**Mahi tahi**



**Manaakitanga**



**Whakapono**



**Kia Māia**

## Wrongdoing defined

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“Wrongdoing” includes things a person does and things they should do but don't. It includes one-off incidents of wrongdoing and a course of conduct that may amount to wrongdoing.

Examples of wrongdoing include behaviour that is:

- an offence

- a serious risk to public health, public safety, the health or safety of any individual, or the environment
- a serious risk to the maintenance of the law including the prevention, investigation, and detection of offences, or the right to a fair trial
- unlawful, corrupt, or which involves an irregular use of funds or resources
- oppressive, unlawfully discriminatory, grossly negligent, or gross mismanagement by any public sector organisation or employee, or any person who is exercising a power, function, or duty on behalf of a public sector organisation or the Government.

## Making a protected disclosure of wrongdoing

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Any person who believes on reasonable grounds that serious wrongdoing has occurred can make a protected disclosure to the Board providing they do so in good faith.

A person making a protected disclosure will be entitled to protection under the PDA even if they:

- are mistaken and there is no serious wrongdoing
- do not refer to the PDA when making their disclosure
- do not comply with all of the requirements of the PDA for making a protected disclosure, as long as they substantially comply with those requirements
- also make the disclosure to another person as long as they do so confidentially and for the purposes of seeking advice about whether and how to make a protected disclosure under the PDA.

## Protections under the PDA

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The PDA provides that a person making a protected disclosure, or a person involved in making a protected disclosure will be entitled to the following protections:

- they cannot be the subject of any retaliatory action against them (they will have a personal grievance if there is any such action)
- they cannot be subject to any less favourable treatment because they have made a protected disclosure, intend to make a protected disclosure, have encouraged someone else to make a protected disclosure, or have provided information in support of or relating to a protected disclosure providing they have acted in good faith
- they will not be liable to civil, criminal, or disciplinary action because they have made or intend to make a protected disclosure
- subject to the exceptions in section 17 of the PDA, the Board will use its best endeavours to keep the person's identity confidential.

## Who to make a protected disclosure to

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A protected disclosure to the Board should be made to the Chair of the Board.

If the alleged wrongdoing may involve Chair or any member of the Board, the protected disclosure should be made to the Registrar of Plumbers, Gasfitters, and Drainlayers.

A protected disclosure can be made by:

- calling 0800 743 262 or (+64) 4 494 2970
- writing to PO Box 10655, The Terrace, Wellington, 6143
- or using the Protected Disclosure Form – Appropriate Authority Form on the Board’s [website](#)

## What the Board does when it receives a protected disclosure

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Within 20 working days of receiving a protected disclosure, the Board will:

- acknowledge receipt of the protected disclosure and, if the disclosure is made orally, will summarise its understanding of the matters disclosed
- consider the disclosure and make a decision about whether it should be investigated
- check with the person whether they have made the disclosure to any other authority and what outcome there has been if they have
- Deal with the disclosure by doing one or more of the following:
  - investigate the disclosure
  - address any serious wrongdoing by acting or recommending action
  - refer the disclosure to an appropriate authority (see below)
  - decide that no action is required in accordance with section 15 of the PDA
- Inform the person what has been done or is being done to deal with the matters they have raised.

If it is not reasonably practicable to carry out all of the actions above within 20 working days, the Board will undertake the first three steps and inform the person how long it expects it will take to deal with the matter. The Board will keep the person informed about progress.

The Board’s processes for dealing with a protected disclosure comply with the principles of natural justice.

## The Board may take no action in relation to a protected disclosure

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The Board may take no action in relation to a protected disclosure if the:

- key requirements in the PDA for making a protected disclosure have not been met
- length of time between the alleged wrongdoing and the disclosure mean that it is not practicable or desirable to investigate the matter
- matter is better addressed by other means.

Where no action is taken in relation to a protected disclosure, the person who made the disclosure will be advised of the reasons for the decision to take no action.

## Referring a protected disclosure

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The Board may refer any protected disclosure it receives to the organisation concerned or another appropriate authority. Where the Board does this, it will consult with the person who made the protected disclosure and the authority it proposes referring the disclosure to.

## Where a disclosure is not being addressed by the Board

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If a person has made a protected disclosure to the Board but does not think the Board has followed the process above to consider the disclosure or has not addressed any serious wrongdoing, they can make a protected disclosure to a Minister. They can also make a disclosure to another appropriate authority such as the Ombudsman.

If a disclosure involved security information or international relations information, special rules apply.

## Confidentiality

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Where a person makes a protected disclosure, the Board will use its best endeavours to keep any information that may identify that person as the discloser confidential. However, this is subject to some exceptions set out in the PDA.

The Board may disclose the person's identity if they consent to it being disclosed or if the Board has reasonable grounds for believing the release of their identifying information is essential:

- for the effective investigation of the disclosure
- to prevent a serious risk to public health, public safety, the health and safety of any individual, or the environment
- to comply with the principles of natural justice
- for an investigation by a law enforcement or regulatory agency for the purposes of law enforcement.

If possible, the Board will consult with the person before releasing identifying information about them. This may not be practicable if there is a serious risk to public health, public safety, the safety of any person or the environment, or if the disclosure of the information is to a law enforcement or regulatory agency for the purposes of an investigation.

The Board has grounds under the Official Information Act 1982 to withhold information about the identity of any person making a protected disclosure to it as an appropriate authority.

A person may make a protected disclosure anonymously, however doing so may affect the Board's ability to fully investigate any alleged wrongdoing. The Ombudsman can provide advice to any person who may wish to make an anonymous disclosure.

If a person makes an anonymous protected disclosure but information about their identity is disclosed, they will have grounds for a complaint to the Privacy Commissioner that their privacy has been breached.

## More information on protected disclosures

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For more information about making protected disclosures, please refer to:

- [Ombudsman New Zealand guidance](#)
- [Public Service Commission guidance](#)

### Version management

Date	Details
February 2024	Approved by Chief Executive
February 2027	Next review date