



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **PUBLIC INTEREST DISCLOSURE AND WHISTLEBLOWER PROTECTION ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to October 17, 2020. It is intended for information and reference purposes only.

This document is *not* the official version of the Act. The Act and the amendments as printed under the authority of the Queen's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

If you find any errors or omissions in this consolidation, please contact:

*Legislative Counsel Office*  
*Tel: (902) 368-4292*  
*Email: [legislation@gov.pe.ca](mailto:legislation@gov.pe.ca)*



# PUBLIC INTEREST DISCLOSURE AND WHISTLEBLOWER PROTECTION ACT

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## **PUBLIC INTEREST DISCLOSURE AND WHISTLEBLOWER PROTECTION ACT**

### **CHAPTER P-31.01**

#### **INTERPRETATION**

1. **Not proclaimed.** *2017,c.11,s.1.*

#### **ADMINISTRATION**

##### **Public Interest Disclosure Commissioner**

##### **2. Appointment of Commissioner**

- (1) The Lieutenant Governor in Council shall, following a resolution of the Legislative Assembly supported by at least two-thirds of its members, appoint a Public Interest Disclosure Commissioner who shall be an officer of the Legislative Assembly.

##### **Pre-conditions to appointment**

- (2) Before an appointment under subsection (1) is considered by the Legislative Assembly, the Lieutenant Governor in Council shall consult with the Standing Committee on Legislative Management and make a recommendation to the Legislative Assembly respecting the appointment.

##### **Term of office**

- (3) The term of office of the Commissioner shall be five years and a person holding the office shall not serve more than two consecutive terms.

##### **Resignation of Commissioner**

- (4) The Commissioner may resign at any time by notifying the Speaker of the Legislative Assembly or, if the Speaker is absent or unable to Act or the office of the Speaker is vacant, by notifying the Clerk of the Legislative Assembly.

##### **Suspension or revocation during sitting**

- (5) The Lieutenant Governor in Council may, following a resolution of the Legislative Assembly supported by at least two-thirds of its members, suspend or revoke the appointment of the Commissioner for cause or incapacity before the expiry of the Commissioner's term of office.

**Pre-conditions to suspension or revocation**

- (6) Before the suspension or revocation of an appointment under subsection (5) is considered by the Legislative Assembly, the Lieutenant Governor in Council shall consult with the Standing Committee on Legislative Management and make a recommendation to the Legislative Assembly respecting the suspension or revocation of the appointment.

**Suspension, Assembly not sitting**

- (7) Where the Legislative Assembly is not sitting, the Lieutenant Governor in Council may, on the recommendation of the Standing Committee on Legislative Management, suspend the appointment of the Commissioner for cause or incapacity.

**Acting Commissioner appointed during sitting**

- (8) Where the Commissioner is temporarily absent or unable to act or is suspended, or the office becomes vacant while the Legislative Assembly is sitting, an acting Commissioner may be appointed for a specified period of time or until the occurrence of a specified event, in the same manner provided in subsections (1) and (2).

**Acting Commissioner otherwise appointed**

- (9) Where an acting Commissioner is not appointed under subsection (8) before the end of the sitting or the Commissioner is temporarily absent or unable to act or is suspended, or the office becomes vacant while the Legislative Assembly is not sitting, the Lieutenant Governor in Council may, on the recommendation of the Standing Committee on Legislative Management, appoint an acting Commissioner, which appointment shall terminate when the Commissioner returns to act or on the appointment of a new Commissioner, as the case may be, unless the appointment is sooner rescinded.

**Oath**

- (10) Before beginning the duties of office, the Commissioner shall take an oath, administered by the Speaker of the Legislative Assembly or the Clerk of the Legislative Assembly, to faithfully and impartially perform the duties of the office and not to disclose any information acquired by or available to him or her in the course of performing those duties, except as provided in this Act.

**Remuneration**

- (11) The Commissioner shall be remunerated as determined by the Lieutenant Governor in Council. *2017,c.11,s.2.*

**3. Sections 3 to 30 not proclaimed**

