



Appendix E: Relationships with existing Commonwealth legislation

The recommendations contained in this report have little effect on existing legislation. The Committee recognises that there are many existing mechanisms through various agencies and statutory office-holders whereby people in the public sector can raise concerns. Public interest disclosure legislation should add to, and not detract from, existing complaint, investigative and oversight arrangements.

The principal impact of legislation that flows from this inquiry will be twofold. The legislation will place obligations on government agencies to take action on public interest matters of concern to people in the public sector and it will provide protective measures where, previously, there were none.

The provisions of the public interest disclosure legislation, in particular the protective measures, are to be taken as also applying to the investigation of a matter that, while meeting the threshold test of a public interest disclosure, is investigated using powers under another Act.

Impact on other Commonwealth legislation

Legislation	Impact
<i>Inspector-General of Intelligence and Security Act 1986</i>	The Inspector-General requested that whatever protections are made available under public interest disclosure legislation also be made available under the Inspector-General of Intelligence and Security Act (Mr Carnell, <i>Transcript of Evidence</i> , 16 October 2008, p. 4.)
<i>Parliamentary Service Act 1999</i>	Repeal s. 16 of the Parliamentary Service Act required as protections will be provided in new legislation.
<i>Public Service Act 1999</i>	Repeal s. 16 of the Public Service Act required as protections will be provided in new legislation.
<p>Acts generally, including for example:</p> <p><i>Administrative Appeals Tribunal Act 1975</i></p> <p><i>Aged Care Act 1997</i></p> <p><i>Auditor-General Act 1997</i></p> <p><i>Australian Federal Police Act 1979</i></p> <p><i>Australian Security Intelligence Organisation Act 1979</i></p> <p><i>Complaints (Australian Federal Police) Act</i></p>	<p>Where there are powers under another Act to investigate or deal with a matter reported as a public interest disclosure, the matter should be dealt with using those powers notwithstanding that the disclosure may not have been expressly made under that Act.</p> <p>Where there are powers or requirements to take action under another Act in relation to the investigation of any matter contained in a public interest disclosure, the provisions of the public interest disclosure legislation are to be taken as also applying to the investigation of the disclosure unless there is an inconsistency, in which case the provisions of the other Act will prevail.</p> <p>Where it is decided not to investigate, or discontinue the investigation of a matter under public interest disclosure legislation, nothing in the public interest disclosure legislation prevents an investigation of the same matter under any other Act.</p>

1981

Corporations (Aboriginal and Torres Strait Islander) Act 2006

Crimes Act 1914

Criminal Code Act 1995

Defamation Act 2005 (NSW)

Defamation Act 2005 (Qld)

Defamation Act 2005 (SA)

Defamation Act 2005 (Tas)

Defamation Act 2005 (Vic)

Defamation Act 2005 (WA)

Defamation Act 2006 (NT)

Civil Law (Wrongs) Act 2002 (ACT)

Defence Act 1903

Fair Work Act (when enacted)

Financial Management and Accountability Act 1997

Freedom of Information Act 1982

<p><i>Human Rights and Equal Opportunity Commission Act 1986</i></p> <p><i>Inspector of Transport Security Act 2006</i></p> <p><i>Inspector of Transport Security Act 2006</i></p> <p><i>Inspector-General of Taxation Act 2003</i></p> <p><i>Intelligence Services Act 2001</i></p> <p><i>Law Enforcement Integrity Commissioner Act 2006</i></p> <p><i>Members of Parliament (Staff) Act 1984</i></p> <p><i>Occupational Health and Safety Act 1991</i></p> <p><i>Ombudsman Act 1976</i></p> <p><i>Parliamentary Privileges Act 1987</i></p> <p><i>Privacy Act 1988</i></p> <p><i>Workplace Relations Act 1996</i></p>	
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