



Department of Transport and Regional Services



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TO: Helen Donaldson, Committee Secretary
Finance and Public Administration Committee **DATE: 12/10/01**

Facsimile No 62775809 **No of pages including cover: 3**

FROM: Keith Ross **TEL: (02) 62748097**
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SUBJECT: Public Interest Disclosure Bill 2001

Dear Helen,

As discussed earlier by phone, I attached the only two comments on the above Bill from this Department. I apologise for the delay in response to Senator Mason's letter. It took some time to obtain the coordination comments throughout the Department. I will attempt to have Senator Macdonald make a formal response, but I thought you would appreciate this information in advance of that reply.

Regards Keith Ross






Minute

Our Reference:

Contact:

Keith Ross
Legal Office


Public Interest Disclosure Bill 2001

I refer to your minute of 24 September 2001 seeking comments on this Bill.

As you are aware Administrators are appointed for several of the Territories. The definition contained in S3 of the Bill provides that "**public official** means:

- (a)
- (b).....; or
- (c) a person otherwise authorised to perform functions on behalf of the Commonwealth or a Commonwealth authority." I am concerned that such a definition is wide enough to cover an Administrator.

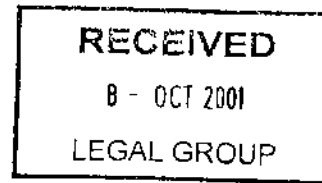
If this is the case the other arrangements in the Bill are inappropriate given that Administrators hold Commissions from the Governor General and are not appointed in the context of the Public Service Act 1999. The Bill seems to contemplate procedures that are readily accommodated within a public service like structure, but are inappropriate to Administrators. You might wish to clarify this with the Chairman of the Committee.



Mike Mrdak
First Assistant Secretary
10 October 2001



COMMONWEALTH DEPARTMENT OF
**TRANSPORT AND
REGIONAL SERVICES**



Minute

Our Reference:
Contact:

Keith Ross

Cc Dawn Casey
Stewart Thomas

Public Interest Disclosure Bill 2001

I refer to your minute of 24 September regarding comments on this Bill.

I have looked at the Bill and noted that the Senate Committee is to determine whether the Bill is credible, has facilitative corrective procedures and provides appropriate public accountability.

I have no comments on those particular issues other than I believe the use of the term "natural person" in Section 22 should be explained in Section 3 and there does not seem to be an explanation of what the "penalty points" actually mean (ie what is the outcome of having penalty points applied to you).

In regard to the content of the Bill, I believe it is largely an expansion of provisions established in the *Public Service Act 1999* and subordinate legislation. The procedures we have set up in DoTRS for dealing with misconduct and whistleblowing under the PS Act would require minimal change to allow them to meet the requirements of this Bill were it passed.

While the Bill does not explain this, I take it that the annual reporting on Public Interest Disclosures would be part of either the Annual Report or the State of the Service Report. I would suggest that, as we have had so few incidents in the last 10 years which could fall under this Bill, the required future reporting would not be onerous for DoTRS.

Louise Brooks
Assistant Director
Employee Services

5 October 2001