

1996
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Chief Minister)

**Public Interest Disclosure (Amendment)
Bill 1996**

**A BILL
FOR
An Act to amend the *Public Interest Disclosure Act
1994***

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

- 5 1. This Act may be cited as the *Public Interest Disclosure (Amendment) Act 1996*.

Commencement

2. This Act commences on the day on which it is notified in the *Gazette*.

Principal Act

- 10 3. In this Act, "Principal Act" means the *Public Interest Disclosure Act 1994*.¹

86037 (1996/11) T37/96

Interpretation

4. Section 3 of the Principal Act is amended—
- (a) by inserting in paragraph (a) of the definition of “public official” in subsection (1) “or employee” after “officer”; and
- 5 (b) by inserting in subsection (1) the following definition:
- “ ‘employee’ includes a person who is an employee within the meaning of the *Public Sector Management Act 1994*;”.

Proper authorities

5. Section 9 of the Principal Act is amended—
- 10 (a) by omitting from subparagraph (a) (i) “an officer of” and substituting “a public official in relation to”; and
- (b) by omitting from subparagraph (b) (ii) “an officer of” and substituting “a public official in relation to”.

Procedures

- 15 6. Section 10 of the Principal Act is amended—
- (a) by omitting from paragraph (3) (c) “officers of” and substituting “public officials in relation to”; and
- (b) by omitting from paragraph (4) (a) “officers” and substituting “public officials”.

Report on disclosures

- 20 7. Section 11 of the Principal Act is amended by inserting in paragraph (3) (b) “or the Auditor-General” after “Ombudsman”.

Heading

- 25 8. The heading to Division 2 of Part II of the Principal Act is omitted and the following heading substituted:

“Division 2—The Ombudsman and the Auditor-General”.

Application of Ombudsman Act 1989

- 30 9. Section 12 of the Principal Act is amended by omitting “to an investigation under the *Ombudsman Act 1989*” and substituting “in that Act to an investigation under that Act”.

Proper authorities

10. Section 13 of the Principal Act is amended by omitting “is a proper authority” and substituting “and the Auditor-General are proper authorities”.

Intervention by Ombudsman or Auditor-General

11. Section 14 of the Principal Act is amended by inserting “or the Auditor-General” after “Ombudsman” (wherever occurring).

Frivolous etc. disclosures

5 12. Section 17 of the Principal Act is amended—

(a) by omitting from subsection (1) all the words after “if it” and substituting—

“considers—

- (a) that the disclosure is frivolous or vexatious;
- 10 (b) that the disclosure is misconceived or lacking in substance;
- (c) that the disclosure is trivial;
- (d) that there is a more appropriate method of dealing with the disclosure reasonably available; or
- 15 (e) that the disclosure has already been dealt with adequately.”; and

(b) by inserting in subsection (3) “or the Auditor-General” after “Ombudsman” (wherever occurring).

Referral without investigation

20 13. Section 18 of the Principal Act is amended by omitting from paragraph (a) “an officer of” and substituting “a public official in relation to”.

Investigation by proper authority

14. Section 19 of the Principal Act is amended—

- 25 (a) by omitting from paragraph (a) “an officer of” and substituting “a public official in relation to”; and
- (b) by omitting from paragraph (c) “an officer” and substituting “a public official”.

Referral with investigation

30 15. Section 20 of the Principal Act is amended by omitting from paragraph (1) (a) “an officer of” and substituting “a public official in relation to”.

Action by proper authority

16. Section 22 of the Principal Act is amended—

- (a) by inserting in subsection (2) “or the Auditor-General” after “Ombudsman” (wherever occurring); and
- 5 (b) by inserting in paragraph (3) (a) “or the Auditor-General” after “Ombudsman”.

Relocation powers

17. Section 27 of the Principal Act is amended—

- 10 (a) by omitting “an officer of” and substituting “a public official in relation to”;
- (b) by omitting from paragraph (a) “officer” (wherever occurring) and substituting “public official”;
- (c) by omitting from paragraph (b) “officer” and substituting “public official”; and
- 15 (d) by omitting “officer” (last occurring) and substituting “public official”.

Substitution

18. Section 28 of the Principal Act is repealed and the following section substituted:

20 **Consent to relocation**

“28. Section 27 does not authorise the relocation of a public official in relation to a government agency to another position in the government agency without the consent of the public official.”.

NOTE

Principal Act

1 Act No 108, 1994 as amended by No 33, 1996