

**2020**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**PUBLIC INTEREST DISCLOSURE AMENDMENT BILL 2020**

**SUPPLEMENTARY EXPLANATORY STATEMENT**

**Presented by  
Andrew Barr MLA  
Chief Minister**

# **PUBLIC INTEREST DISCLOSURE AMENDMENT BILL 2020**

On 20 February 2020, the Public Interest Disclosure Amendment Bill 2020 (the Bill) was introduced to the Legislative Assembly.

The explanatory statement accompanying the Bill provides a detailed account of the provisions contained in the Bill and can be accessed at:

[https://www.legislation.act.gov.au/b/db\\_61759/](https://www.legislation.act.gov.au/b/db_61759/)

## **OUTLINE OF GOVERNMENT AMENDMENTS**

This supplementary explanatory statement relates to Government amendments to the Bill (the Government amendments).

The Government amendments seek to better align the Bill with the recommendations of the independent review of the *Public Interest Disclosure Act 2012* (PID Act). The Government amendments also seek to incorporate feedback from stakeholders.

The supplementary explanatory statement must be read in conjunction with the Bill. It is not, and is not meant to be, a comprehensive description of the Bill. What is said about a provision is not to be taken as an authoritative guide to the meaning of a provision, this being a task for the courts.

## **Human Rights Implications**

As outlined in the explanatory statement to the Bill, the Bill engages but does not unreasonably limit rights protected under the *Human Rights Act 2004*. The considerations in the explanatory statement for the Bill largely remain extant.

## CLAUSE NOTES

### **Amendment 1      Clause 13 – Proposed new section 18, definition of investigating entity, paragraph (a)**

The amendment to section 18(a) omits the reference to section 19(2)(b) and substitutes it with section 19(2) to reflect the amendments made to section 19(2) discussed below at Amendment 3.

### **Amendment 2      Clause 13 – Proposed new section 18, definition of investigating entity, paragraph (b)**

The amendment to section 18(b) omits the reference to section 19(2)(b) and substitutes it with section 19(2) to reflect the amendments made to section 19(2) discussed below at Amendment 3.

### **Amendment 3      Clause 13 Proposed new section 19 (2)**

The amendment to section 19(2) removes the provision that enables the Integrity Commissioner to refer a disclosure relating to a Legislative Assembly entity to the Legislative Assembly commissioner for standards (formerly referred to as Parliamentary Standards Commissioner). The amendment to section 19(2) provides clarification that if a disclosure relates to a Legislative Assembly entity, it must be only be investigated by the Integrity Commissioner and must not be referred.

### **Amendment 4      Clause 13 Proposed new section 19A (2) (c)**

The amendment to section 19A(2)(c) omits the reference to section 19(2)(b) and substitutes it with section 19(2) to reflect the amendments made to section 19(2) discussed above at Amendment 3.

### **Amendment 5      Clause 43 Proposed new section 32 (1) (c)**

The amendment to section 32(1) provides that the Integrity Commissioner guidelines must provide guidance to members of the Legislative Assembly in relation to section 27 (Giving disclosure of disclosable conduct to Legislative Assembly or journalist) and section 27A (Giving public interest disclosure to Legislative Assembly or journalist).

### **Amendment 6      Clause 44 Proposed new section 34 (1) (c)**

This amendment omits the reference to the Parliamentary Standards Commissioner in section 34(1)(c). The Ombudsman will not have a role in relation to any action taken by the Legislative Assembly commissioner for standards in the exercise of a function under this Act.

### **Amendment 7      Proposed new clause 60A**

This amendment includes the Public Sector Standards Commissioner into the note in the Dictionary. It provides advice that the definition of this term can be found in the *Legislation Act 2001*.