



FAMILY COURT OF AUSTRALIA

CHAMBERS OF THE HONOURABLE DIANA BRYANT AO
CHIEF JUSTICE

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23 May 2013

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Inquiry into the Public Interest Disclosure Bill 2013 – further submission

Dear Committee Secretary

On 22 April 2013 I made a submission to the Committee's inquiry into the provisions of the Public Interest Disclosure Bill 2013. Since that time, the Chair of the Family Court's Law Reform Committee, the Hon. Justice Steven Strickland, and I have been contacted by the Hon. Mr Tim Smith, the Chair of the Accountability Round Table, in relation to my submission.

Mr Smith alerted us to the submission of his organisation in relation to the Bill, and as a result of detailed discussions, we have come up with suggested amendments to the Bill which, although not strictly in accordance with my original submission, would both satisfy my and Justice Strickland's concerns and the particular circumstances of Mr Smith's organisation.

Accordingly, I attach hereto proposed amendments to the Bill which we would be comfortable with, in lieu of the submission that I previously made, namely that the Bill should be subject to s 121 of the *Family Law Act 1975* (Cth).

I trust that this will assist in your deliberations, and I would be happy to further discuss this at your convenience if necessary.

Yours sincerely

Diana Bryant AO
Chief Justice

encl.

Public Interest Disclosure Bill 2013

Amendments Required to

- (a) Protect the privacy of those who participate in the Family Court by providing necessary recognition of and effect for s121 Family Law Act and the Family Court's suppression orders and restricted publication orders and to protect like provisions and orders in other areas
- (b) To help restore workability to the key definition of "Public Interest Disclosures"

1. Amendments to cl. 26:

Delete the following provisions:

- Item 1 ' delete paragraph "(b) The disclosure is not contrary to a designated publication restriction".
- Item 2, delete paragraph "(g) The disclosure is not contrary to a designated publication restriction".
- Item 3: delete paragraph "(e) The disclosure is not contrary to a designated publication restriction".

2. Protection of disclosers – cl. 10

Insert Clause 11(3):

"(3) S10 does not apply to a public interest disclosure that was made by an individual knowingly and without reasonable excuse in contravention of a designated publication restriction"

3. Report of investigation –cl.51

Add at the end of Cl. 51(5)para (b) (iii) ";or"

And insert in Cl.51(5)after para (b)

"(c) the inclusion of which would disclose material subject to a designated publication restriction"