



Supplementary Submission of the Accountability Round Table

to

The Senate Legal and Constitutional Affairs Committee

Inquiry into the Public Interest Disclosure Bill 2013

In late April, the Accountability Round Table contacted the Chief Justice of the Family Court to discuss issues of common concern revealed in their respective Submissions to the Committee.

Discussions took place between Tim Smith, the Chair of the Accountability Round Table and the Chief Justice of the Family Court and Justice Strickland, the chair of the Family Court Law Reform Committee.

As a result of detailed discussions, they produced the attached suggested amendments to the Bill which would meet their concerns.

We trust that this will assist in your deliberations.

The Hon. T.H. Smith QC
Chair Accountability Round Table

23 May 2013.

Public Interest Disclosure Bill 2013

Suggested 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.

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"

¹ See discussion in the ART original submission to the Senate Committee - see in particular the first two pages and the Appendix attached to it, pp 9 and 10(Para 3 (b) (ii) and 14 (Para 5 (a) (i)).