

**Parliamentary Joint Committee on Corporations and Financial Services
Inquiry into Whistleblower Protections in the Corporate, Public and not-for Profit
Sectors**

ANSWERS TO QUESTIONS ON NOTICE – 28 APRIL 2017

Department/Agency: Office of the Commonwealth Ombudsman

Question

TERRI BUTLER Member of Parliament (see page 47 of transcript):

With regard to proving reprisal action is it enough for the disclosure to have been among the reasons for the action or does it have to be the dominant reason?

- Yes. The disclosure only has to be part of the reason for the action, not the dominant reason (as per section 13(1)(c) of the *Public Interest Disclosure Act 2013*).

Question

MATT KEOGH Member of Parliament (see page 52 of transcript):

Context: the Office of the Commonwealth Ombudsman's (OCO's) submission to the inquiry included a recommendation for an express statutory requirement on agencies to have increased reporting obligations where they deal with a PID internally. Ms Dakin suggested that this could occur on an annualised basis or preferably within a reasonable time from when the matter came to the attention of the agency head. It was then asked by Mr Keogh:

Are you thinking something like what is currently in the Corruption, Crime and Misconduct Act in Western Australia where there are those requirements on agencies?

- Yes, but tailored to the Commonwealth's specific needs; for example, to seek mandatory submission from agencies' of their final investigation reports (issued under section 51 of the *Public Interest Disclosure Act 2013*).