

2010-2011-2012-2013

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Public Interest Disclosure Bill 2013

(Amendments to be moved by Mr Bandt)*

- (1) Page 20 (after line 10), at the end of Division 1, add:

24A Act of grace payments

- (1) The Minister may authorise one or more payments of an amount or amounts specified in the authorisation to a person (even though the payment or payments would not otherwise be authorised by law or required to meet a legal liability), if:

(a) either:

- (i) the person has made a public interest disclosure; or
- (ii) the person has not made a public interest disclosure but the Minister is satisfied that the person has made a disclosure that the person genuinely believed at the time of making it to be a public interest disclosure within the meaning of this Act; and

(b) either:

- (i) the Minister is satisfied that the disclosure resulted in the protection or the reclaiming of public money; or
- (ii) the Minister considers, in the Minister's absolute discretion, that there are reasons of public interest for making the payment or payments.

- (2) Nothing in subsection (1) has the effect of appropriating the Consolidated Revenue Fund for the purposes of making a payment under that subsection.

[act of grace payment]

- (2) Clause 26, page 23 (table item 3), omit "and imminent".

[emergency disclosure need not be about imminent danger]

- (3) Clause 31, page 29 (lines 12 to 15), omit paragraph (b).

[action by Ministers etc. may be disclosable conduct]

- (4) Clause 36, page 33 (line 6), before "An", insert "(1)".

[consequential: authorised officer of agency that is a House of the Parliament]

- (5) Clause 36, page 33 (line 12), at the end of the definition of *authorised officer*, add:
; or (c) for an agency that is a House of the Parliament:
- (i) a Senator or Member who belongs to that House or a public official who belongs to the Finance Department; and
 - (ii) is appointed, in writing, by the principal officer of that House (with the agreement of the principal officer of the Finance Department, if the public official belongs to the Finance Department), as an authorised officer for the purposes of this Act.

[authorised officer of agency that is a House of the Parliament]

- (6) Clause 36, page 33 (after line 12), at the end of the clause, add:

- (2) For the purposes of paragraph (c) of the definition of *authorised officer*, the *Finance Department* means the Department administered by the Minister administering the *Financial Management and Accountability Act 1997*.

[consequential: authorised officer of agency that is a House of the Parliament]

- (7) Clause 38, page 34 (line 2), omit “(1)”.

[consequential: inadequate response to investigation by Minister etc.]

- (8) Clause 38, page 34 (lines 14 to 20), omit subclause (2).

[inadequate response to investigation by Minister etc.]

- (9) Clause 39, page 34 (line 22), omit “(1)”.

[consequential: inadequate response to other disclosure investigation by Minister etc.]

- (10) Clause 39, page 34 (lines 26 to 32), omit subclause (2).

[inadequate response to other disclosure investigation by Minister etc.]

- (11) Clause 41, page 35 (line 28) to page 36 (line 4), omit paragraphs (1)(a) and (b), substitute:

- (a) information that has originated with, or has been received from, an intelligence agency that is about, or that might reveal:
 - (i) a source of information; or
 - (ii) the technologies or methods used, proposed to be used, or being developed for use, by an intelligence agency to collect, analyse, secure or otherwise deal with, information; or
 - (iii) operations that have been, are being, or are proposed to be, undertaken by an intelligence agency;

[definition of intelligence information]

- (12) Clause 41, page 36 (line 20), omit “(b),”.

[consequential: definition of intelligence information]

- (13) Clause 69, page 60 (after table item 12), insert:

12A	A Senator.	The Senate.
12B	A member of the House of Representatives.	The House of Representatives.
12C	A person employed under the <i>Members of Parliament (Staff) Act 1984</i> .	Whichever of the following agencies is applicable:

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- (a) the Senate;
 - (b) the House of Representatives.

[Senators, members and staff are public officials]

(14) Clause 71, page 64 (after line 13), after paragraph (b), insert:

- (ba) a House of the Parliament; or

[agency includes a House of the Parliament]

(15) Clause 71, page 66 (after table item 2), insert:

2A	The Senate.	The President of the Senate.
2B	The House of Representatives.	The Speaker of the House of Representatives.

[principal officer of agency that is a House of the Parliament]

(16) Page 72 (after line 24), after clause 82, insert:

82A Review

- (1) The Minister must, as soon as practicable after the second anniversary of the commencement of this section, cause a review to be undertaken of the operation of this Act.
- (2) The persons undertaking the review must give the Minister a written report of the review within 6 months of that second anniversary.
- (3) The Minister must cause a copy of the report of the review to be laid before each House of the Parliament within 15 sitting days of that House after its receipt by the Minister.

[review]