

Estimates Committee 2012 Questions Taken On Notice

(12/06/2012 to 21/06/2012)

Date: 20/06/2012

Output:

Sub Output:

Subject: Confidentiality Directives

From: Mr John Elferink to Hon Robert Knight
Department of Justice

9-6

Question: How many section 53(b) Confidentiality Directives have been issued since the amendment to the legislation in 2010.

Mr ELFERINK: Actually, that is slightly different to what I asked, but I just remembered that the legislation was amended in 2010, so there would not have been a capacity to issue those notices prior to that. I hope that is alright, Minister?

Answer: Mr KNIGHT: This applies to question No 9.06. It is Output Group for the Commissioner of Public Interest Disclosures. The question was: how many section 35(b) confidentiality directives have been issued since the legislation was amended in 2010? The response is: the confidentiality provisions in the Public Interest Disclosure Act are primarily designed to protect the discloser and to assist the investigation process. Section 53(b)(1) of the act allows the commissioner to serve a written notice on a person not to disclose to another, without consent other than the person's lawyer:

(a) information given to the person by the commissioner; or

(b) that an investigation is being or has been conducted; or

(c) that the person has under section 26 been requested or required to give information or a document or a thing.

An intentional or reckless breach attracts a penalty of 400 penalty units or two years imprisonment. Since 2010, it has been necessary to issue section 53(b) notices in

12 investigations. In these 12 investigations, a total of 70 section 53(b) notices have been served. Attachments:

Answered On:

20/06/2012