



Premier of New South Wales
Australia



ICAC COMMITTEE

- 3 DEC 2008

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Mr Frank Terenzini MP
Chairperson
Committee on the Independent
Commission Against Corruption
Parliament House
Macquarie Street
SYDNEY NSW 2000

27 NOV 2008

Dear Mr Terenzini

Frank,

I am writing in relation to the Committee on the Independent Commission Against Corruption's inquiry into the protection of public sector whistleblower employees.

I wish to inform the Committee that the Government will shortly be introducing an amendment to the *Protected Disclosures Act 1994* to clarify that the definition of 'public official' extends to all individuals in the service of the Crown or of a public authority.

The purpose of this amendment is to ensure, for the avoidance of doubt, that the protections under the Act for public officials who disclose corrupt conduct, maladministration and serious and substantial waste of public money extend to all public officials, including employees of public authorities.

I note that, in its previous Review of the *Protected Disclosures Act* in 2006, one of the recommendations made by the Committee was that, subject to the Department of Health obtaining legal advice, an amendment to the Act be considered to clarify its coverage of Area Health Services staff.

While the Government has always treated such staff as being covered by the Act, and the Department of Health has treated any disclosures made by them accordingly, the amendment that is now being proposed will operate to remove any possible doubt.

I should take the opportunity to note that this amendment is not intended in any way to pre-empt any recommendations the Committee may make in its current inquiry.

The Government considers that a piecemeal approach to reform in this area is undesirable. For that reason, the Government is awaiting the outcome of the current inquiry before formally responding to the Committee's recommendations in both its 2006 and its current inquiry, which may supplement or modify those earlier recommendations.

I consider, however, that the proposed amendment to the definition of 'public official' should be made now, in order to ensure certainty for all public officials of their entitlement to protection under the Act.

This amendment will not, however, preclude further reform of the legislation in the future. In that regard, I look forward to the Committee's report in due course.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nathan Rees', is positioned above the printed name.

Nathan Rees
Premier