

**Submission
No 5**

**INQUIRY INTO PROTECTIONS FOR PEOPLE WHO
MAKE VOLUNTARY DISCLOSURES TO THE
INDEPENDENT COMMISSION AGAINST
CORRUPTION**

Organisation: NSW Local Court
Name: Chief Magistrate Judge Graeme Henson AM
Position: Chief Magistrate
Date Received: 24 May 2017



NEW SOUTH WALES

THE CHIEF MAGISTRATE OF THE LOCAL COURT

24 May 2017

The Chair
Joint Committee on the ICAC
Parliament House
6 Macquarie Street
SYDNEY NSW 2000

Dear Mr Tudehope MP

Re: Inquiry into protections for people who make voluntary disclosures to the ICAC

I am writing in response to your letter of 1 May 2017 inviting my submission on behalf of the Local Court in respect of the above inquiry in regard to "whether the law should be amended to protect people from criminal, civil or disciplinary liability if they voluntarily disclose information to the ICAC for the purposes of the ICAC's functions".

My comments are brief. I am of the view that, as a matter of policy, it would be desirable for protections from liability to be available to such individuals in limited circumstances. Any protections should not extend to disclosures that are knowingly false or vexatious, but be limited to circumstances where it is found that the disclosure is based upon an honest belief on reasonable grounds. Such a requirement would be broadly consistent with regimes for whistleblower protections that exist in other contexts (for instance, the *Public Interest Disclosures Act 2013* (Cth)).

Thank you for the opportunity to make a submission to this inquiry.

Yours sincerely,

Judge Graeme Henson AM
Chief Magistrate