

Answer to question 9:

DP: I don't think there's any point in even trying

MM: there are I think, I hope the letter explained that some of the perceptions about the limits particularly the terms of reference aren't accurate, and also I hope what was useful was some of the examples we gave about how we would break down an allegation and not (inaudible) so if its an allegation that someone, ah, went to the whistleblower scheme and reported criminal behaviour and nothing was done and they were retaliated against, that's got a whole suite of allegations. So the pure criminal behaviour we might not be able to look at because that would go to the police if appropriate and we don't want to prejudice what they do, but other things in there that, the lack of confidentiality, the whistleblower report, the retaliation, those are things that this investigation could look at. It's not cut and dried, and particularly the exclusion around people in Court proceedings, I appreciate that's a very technical legalistic interpretation- is the Court action looking at this thing, for example in Comcare claims, the court uh sorry the tribunal, isn't usually making a determination about whether certain behaviour was or was not workplace bullying, what they are looking at is did the behaviour occur and has the person suffered a compensable injury as a result, um, they're not looking at whether that behaviour was a breach of the code of conduct and things like that. We can look at that.