



Speech by

Andrew Cripps

MEMBER FOR HINCHINBROOK

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WHISTLEBLOWERS PROTECTION AMENDMENT BILL

Mr CRIPPS (Hinchinbrook—NPA) (8.08 pm): I rise to make a short and, I regret, rather clinical contribution to debate on the Whistleblowers Protection Amendment Bill 2006—although, in light of the debate here tonight, it is important that this material is put on the record. In contrast to the government's Whistleblowers (Disclosure to Member of Parliament) Amendment Bill 2006, this bill gives effect to the relevant recommendations of the Queensland Public Hospitals Commission of Inquiry through the fifth Parliamentary Crime and Misconduct Committee Report No. 71 as they related to issues concerning the protection of whistleblowers in Queensland and the need for legislative change to address those issues to ensure that whistleblowers are afforded adequate protection.

In particular, the development of this bill has been guided by the submission of the Queensland Ombudsman to the Queensland Public Hospitals Commission of Inquiry. I would like to remind the House of the five recommendations made by the fifth PCMC, which supported the views of the Queensland Ombudsman and Commissioner Davies and submitted to the Queensland parliament report No. 71 on 9 October 2006, and then demonstrate how the Whistleblowers Protection Amendment Bill 2006 gives effect to those recommendations. The recommendations from the fifth PCMC report No. 71 are as follows. Recommendation 22 states—

The Committee recommends that Government public interest disclosures received by an agency, other than those involving official misconduct, should be referred to the Ombudsman in the first instance with the Ombudsman either investigating the disclosure or referring it back to the agency to conduct the investigation. The Ombudsman would retain the power to monitor, take over or review the investigation.

This recommendation would be implemented by clause 13 of this bill, which would amend section 27A of the legislation, ensuring that a public interest disclosure would be referred to the Ombudsman. Recommendation 23 states—

The Committee recommends that the categories of persons who may make a public interest disclosure protected by the *Whistleblowers Protection Act* be expanded in cases involving danger to public health and safety, and negligent or improper management of public funds, to include any person or body.

This recommendation would be implemented by clause 8, clause 5 and clause 9 of this bill. Recommendation 24 states—

The Committee recommends that:

- (1) Whistleblowers should be able to escalate their complaint in the event that there is no satisfactory action taken by the relevant department within 30 days. If the matter is not resolved in that time to the satisfaction of the Ombudsman, the whistleblower should be able to make a public interest disclosure to a Member of Parliament; and
- (2) If disclosure to a Member of Parliament does not result in resolution, to the satisfaction of the Ombudsman, within a further 30 days, the whistleblower should be entitled to make a further public interest disclosure to the media.

This recommendation would be implemented by the inclusion of clause 12 of this bill, which amends section 26A of the legislation to establish a member of the Legislative Assembly or media representative as an appropriate entity in particular circumstances. Recommendation 25 states—

The Committee recommends that the Ombudsman takes the lead role (supported by the CMC) for ensuring that agencies are appropriately administering their responsibilities under the *Whistleblowers Protection Act 1994*.

This recommendation would also be implemented by the inclusion of clause 13 of this bill, which, again, would ensure that a public interest disclosure would be referred to the Ombudsman. Recommendation 26 states—

The Committee recommends that the CMC (in conjunction with the Ombudsman and the Office of the Public Service Commissioner) work together to develop guidelines to assist agencies to properly handle and record details of public interest disclosures.

This recommendation would be implemented by the inclusion of clause 3 of this bill, which amends section 7 of the legislation, giving the Ombudsman oversight of the process of public interest disclosures.

This bill faithfully implements the recommendations of the fifth PCMC report, which supported the views of the Queensland Ombudsman and Commissioner Davies with respect to their observations regarding the need for changes to Queensland's whistleblower protection legislation. It is remarkable that, in the face of the findings of the Queensland Public Hospitals Commission of Inquiry and the very serious matters that were exposed during that inquiry and given the observations of the Queensland Ombudsman, the government has not moved to implement those recommendations that were presented to the Queensland parliament by the fifth PCMC on 9 October 2006 to afford whistleblowers in Queensland appropriate protection. Given that this private member's bill introduced by the opposition does this, I suggest to members that the legislation deserves their support.