



Speech by

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WHISTLEBLOWERS (DISCLOSURE TO MEMBER OF PARLIAMENT) AMENDMENT BILL

Ms LEE LONG (Tablelands—ONP) (3.39 pm): I rise to make a contribution to the Whistleblowers (Disclosure to Member of Parliament) Amendment Bill 2006. This amendment is in response to the recommendations of the Forster and Davies reports and the findings of a CMC review which made recommendations relating to public interest disclosures. Whilst the previous whistleblowers act was aimed at protecting public servants who came forward with complaints about wrongdoings, it had its shortcomings. This amendment allows for public interest disclosures to be made to state members of parliament who can then refer the complaints to the appropriate body. The bill extends protections to those people on individual contracts—for example, nurses, IT professionals, engineers or other groups engaged under contracts rather than just those being directly employed. In this way the bill seeks to encourage individuals to come forward when they become aware of suspected wrongdoing and where they have well based concerns.

When problems arise in the delivery of government services, or in the way government departments go about their business, or in the services that people receive, it is essential that those problems can be raised promptly. As a corollary to that, to allow public interest disclosures to be made to members of parliament, this legislation widens the extent of protection offered to whistleblowers. It is a welcome change to see public servants and those on contracts of service now being able to approach an MP. It is a very obvious and appropriate avenue that public servants should be able to access and should have been able to access in the past without fear or favour. After all, they are constituents like everyone else and members of parliament should be available for any constituent to speak to about any problem that that constituent may have. It has been a well known, if unwritten, rule that for public servants to step outside their departments and speak to an MP they were putting their career in the tip and their employment was at risk. Some departments can and do build up institutional cultures. As has been demonstrated in recent years, that culture can become very inward looking and negative.

In fact, the amendments that are before us today are the direct result of the crisis we had in Queensland Health, which still continues today despite the reviews and the increases in funding triggered by the debacle at Bundaberg. Although these amendments will apply to all areas of government, I believe that Health will be one of the areas where they will be most useful. As government processes become more and more complex, they become more and more opaque. Queensland Health is certainly complex.

Of course, when we consider whistleblowers, for most of us that brings to mind courageous people such as Toni Hoffman and problems of great and immediate urgency such as the life and death matters that she brought to light. I believe that among the greatest challenges Toni Hoffman faced was the inability or unwillingness of many of her colleagues to support her actions because they feared for their own careers and jobs. That unwillingness existed despite the protections that were already in place under the existing Whistleblowers Protection Act.

Such problems continue today as most people are still afraid to speak out for fear of losing their jobs or suffering reprisals. I think many of us would be aware of examples of public servants who tried to make

a difference and who suffered one or another kind of retribution for having had the courage to speak up. As I have said before, this bill is aimed at encouraging people who are aware of potential wrongdoing to come forward.

I believe that we need to consider not only the protections being offered to whistleblowers but also what is meant by potential wrongdoers. Clinical issues and medical practices are an easy example of what someone might speak up about, but there are deeper issues, such as administrative decisions, processes and policy, which underpin many of these matters. For example, three wonderful specialists at the Atherton Hospital, who choose to practise in a regional area, do not have access to what is considered basic essential equipment, such as a four-slice scanner. These specialists provide services to the entire tablelands and beyond, including support in Cairns. Surely in this time of shortages of all medical professionals it is common sense to ensure that specialists, especially those in regional areas, have their basic requirements fulfilled. Yet for policy reasons, that is not happening. Public servants should be able to speak out unfettered about issues such as this. Similarly, in relation to the dialysis unit at Mareeba Hospital, the underlying policy position needs to be challenged if necessary.

Although I support the wider definition of 'whistleblower' to include people who are on individual contracts, I am also keen to see the widest possible definition applied to what constitutes 'public interest'. Of course these new protections will apply across-the-board—to issues ranging from matters relating to the police, to those in our prisons, to road construction, to educational matters, to child safety, to emergency services, and the list goes on. It is well worth remembering that there is no intrinsic right to secrecy for any state government department. Departments are nothing more nor less than managers of the assets of the people of Queensland in accordance with the wishes of the elected government of the day.

I believe the basic starting point should always be one of openness and transparency. There is much to be said in favour of any legislation aimed at making the activities of government more easily examined. There is also much to be said for making it easier and safer for people to speak up when things are going wrong. However, I am concerned about amending the standing orders in a way that appears, under the proposed guidelines, to restrict what members of parliament will be able to raise in this House. Although the explanatory notes outline an argument for what is described as a 'complementary set of Standing Orders', I do not believe that any change is needed to what can or cannot be raised in this place. This bill is well intentioned, but I cannot support any effort to limit what can be raised on the floor of this House.