



Speech by

Hon. Stephen Robertson

MEMBER FOR STRETTON

Hansard Wednesday, 7 February 2007

WHISTLEBLOWERS PROTECTION AMENDMENT BILL

Hon. S ROBERTSON (Stretton—ALP) (Minister for Health) (8.52 pm): I rise to speak in the debate on the Whistleblowers Protection Amendment Bill 2006 ostensibly to set the record straight based on the contribution of the previous member. All Queenslanders have the right to raise legitimate concerns with government and expect those concerns to be managed properly and openly. The Whistleblower Protection Act 1994 was introduced to provide protection for public officials and others who disclose official misconduct, maladministration, negligent or improper management affecting public funds, danger to public health and safety, or danger to persons with a disability or to the environment.

The purpose of the Whistleblower Protection Act is to ensure proper accountability in the public sector so that Queenslanders can have confidence in government. It protects public officials and others from intimidation by providing them with protection from civil and criminal liability for making a disclosure. It also provides protection against subsequent reprisal action by making it a criminal offence and by providing Public Service employees with the possibility of relocation if reprisal is likely if they remain in their workplace.

I want to assure the House that Queensland Health has the safeguards in place to ensure that whistleblower complaints are assessed, recorded and managed in accordance with the provisions of the act. A Queensland Health employee can submit a public interest disclosure to a range of department officials without fear of retribution. These could include the director-general, a supervisor, a person within the department who is responsible for managing the type of information disclosed or directly to an external agency such as the Crime and Misconduct Commission. Queensland Health's Assurance and Risk Advisory Service assesses the complaint and advises what action should be taken to deal with the complaint and any measures that should be taken to protect the whistleblower from any risk of reprisal action.

Queensland Health has received 67 public interest disclosures under the Whistleblowers Protection Act over the past 3½ years. The Queensland Health Systems Review and the Queensland Public Hospitals Commission of Inquiry both examined whistleblower protection and made various recommendations. The Office of the Public Service Commissioner also reviewed the Whistleblowers Protection Act and reported its findings last year. In May 2006 I wrote to the Director-General of Queensland Health requesting an audit of all applications for protection under the Whistleblowers Protection Act in Queensland Health. The Crown Solicitor reviewed cases where whistleblower status was rejected and cases where whistleblower status was granted. The Crown Solicitor's report stated—

... the decisions made by Queensland Health to positively grant public interest disclosure status are legally sustainable ...

Crown law also observed that—

... there may actually be a tendency (by Queensland Health) to err on the side of caution in granting of PID—

that is, public interest disclosure—

status.

The report recommended basic legal training for human resource management staff and improvements to the filing systems for recording public interest disclosures. Queensland Health is

committed to implementing Crown law's recommendations in relation to file management and the provision of basic legal training to managers and human resources staff. But, in addition, any whistleblower request rejected by Queensland Health will be reviewed by Crown law, because as an employer Queensland Health is determined to be open, transparent and accountable, particularly in how our employees are valued and treated.

This Whistleblowers Protection Amendment Bill proposes to extend whistleblower protection to anyone who raises matters concerning public health and safety as recommended in the Davies report. However, adequate protection is already available under the Health Quality and Complaints Commission Act 2006. Any person making a complaint to the Health Quality and Complaints Commission, the Crime and Misconduct Commission or any professional registration body is afforded protection. That includes members of the public and Queensland Health employees alike. Further, the review by the Office of the Public Service Commissioner found that extending coverage of whistleblower protection could have significant ramifications for the public sector. Once again, complaints against private practitioners are already dealt with by the Health Quality and Complaints Commission and registration bodies.

I am also concerned about extending whistleblower protection to those who make a disclosure to the media. The Queensland Health Systems Review did not support protection for persons making disclosure to the media because this would permit untested allegations being made public that unjustly impugn the persons subject to the allegations. This government recognises that improvements can be made to the current legislation, and to this end a bill is in the House to extend whistleblower protection to persons making public interest disclosures to members of parliament. This change supports the recommendations of the health systems review and provides parliamentarians with the means to ensure that public interest disclosures are properly managed and investigated. For the reasons outlined above, I am confident that existing legislation rather than that proposed appropriately balances the rights of whistleblowers with the public interest. Therefore, I oppose the bill before the House.