



Speech by

Stirling Hinchliffe

MEMBER FOR STAFFORD

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WHISTLEBLOWERS PROTECTION AMENDMENT BILL

Mr HINCHLIFFE (Stafford—ALP) (8.15 pm): I rise to speak on the Whistleblowers Protection Amendment Bill 2006. This private member's bill should not be supported, and I will run through the reasons for that. Particularly, I will focus on the issue of to whom a public interest disclosure can be made.

The bill proposes that, if a public interest disclosure is not finalised to the Ombudsman's satisfaction within 30 days, it can be referred to a member of the Legislative Assembly and that, if after another 30 days it has not been finalised to the Ombudsman's satisfaction, it can be referred to the media. The Beattie government believes that it is unacceptable to impose time limits on when a matter can be raised with a member of parliament. That is absolutely unacceptable. Indeed, I acknowledge the comments of an earlier occupant of the chair who drew our attention to alternatives that the House may be considering and that may be exercising the minds of members at some stage in the near future. One of those alternatives is aimed at ensuring that, rather than setting rigid and potentially inappropriate time frames, disclosures can be made to a member of parliament at any time.

Today members have often discussed the traditions of the House. We have heard a lot of talk about the important traditions of Westminster parliaments and, indeed, this House. One of those traditions dates back to the 17th century when Lord Coke referred to the House of Commons as the grand inquest of the nation. That underlines the importance of this chamber not only as a legislative body and a body concerned with the accountability of government directly but also as the grand inquest of the nation. It affords members the privileges that allow them to raise any matters brought to them by the constituents of the state, that is, Queenslanders. The concept that the Ombudsman plays a gatekeeper role is entirely inappropriate and that in itself makes the bill before the House unacceptable.

The Ombudsman does have a role in our system, although I do not think that it is as ancient a role as the member for Southern Downs suggested. It is a Scandinavian graft on, rather than anything more fundamental. While it is an important role and has a respected place in our system in Australia, we cannot allow it to trammel over the rights of this House and its members by making us merely some form of backup. I suggest that that matter alone should lead members to the conclusion that they could not support the bill before the House.

Public interest disclosures are often sensitive and complex, and require comprehensive investigation. The experience of public sector agencies that investigate public interest disclosures is that a time limit of 30 days for resolution is pretty well unrealistic. Indeed, the Health Quality and Complaints Commission Act sets a time frame of 60 days with the possibility of an extension of 30 days for the resolution of complaints. That is a standard that we should look at. It makes more sense than the one contained within the bill before us.

The Ombudsman has adopted a benchmark of three months for the resolution of complaints. New South Wales, which has a system similar to that being proposed by the opposition, sets a time limit of six months, after which a complaint can be escalated to a member of parliament. Again, I will not refer directly to an alternative that members might be considering in the near future, other than to say that that alternative implements a recommendation from the Forster report that provides a further option for whistleblowers to raise public interest disclosures without any restrictive time frames.

We cannot allow public interest disclosures of untested allegations to the media, because of the danger that making public such allegations could unjustly damage the reputation of those against whom the allegations have been made. An overriding principle of the Whistleblowers Protection Act that we enjoy in this state is to ensure that the confidentiality of the person making the disclosure is preserved to help create an environment where whistleblowers will come forward. However, it is equally important that people against whom allegations are made do not have their reputations unjustly harmed by the airing of unsubstantiated claims. This is a careful balancing act that the bill before us does not get right.

Whistleblowers have a number of options open to them when making public interest disclosures, including making complaints to oversight bodies such as the Crime and Misconduct Commission, the Ombudsman and the Health Quality and Complaints Commission, which was created as a direct result of the Forster report.

I draw the attention of members to the damage that the bill would do to the privileges of this House and its right to play the important role as the grand inquest of the nation. Anything that trammels the ability of this House to deal with issues brought before it by our constituents should not be supported. For those reasons I call on members not to support this private member's bill.