



Premier of Queensland

For reply please quote: PSC/JM – TF13/6619 – DOC/13/59454

29 APR 2013

Senator Trish Crossin
Chair
Standing Committee on Legal and Constitutional Affairs
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Dear Senator



Thank you for your letter of 28 March 2013 inviting submissions on the Public Interest Disclosure Bill 2013.

While this Government has no specific comments about the Federal Government's proposed legislation, I note this is the first time the Federal Government has considered this type of legislation, and on that basis, I can offer you and your committee some observations on how the Queensland scheme has operated.

The *Public Interest Disclosure Act 2010* (Qld) (the PID Act) commenced operation in January 2011, replacing the *Whistleblowers Protection Act 1994* (Qld) (WP Act). The PID Act applies to over 230 Queensland public sector entities including departments, public service offices, local governments, integrity agencies, universities and government-owned corporations.

The PID Act built on the framework established by the WP Act. The WP Act focused on promoting the public interest by protecting people who make public interest disclosures. The PID Act focuses on promoting the public interest by facilitating disclosures of wrongdoing in the public sector. The PID Act places obligations on chief executive officers of entities to manage the reporting of wrongdoing in the Queensland public sector. It ensures that public interest disclosures are properly assessed, and where necessary, properly investigated and actioned.

In certain circumstances, public interest disclosures made to journalists are protected under the PID Act. Those circumstances may arise if an authority that is responsible for receiving a public interest disclosure:

- decides not to investigate or deal with the disclosure
- investigates the disclosure but does not recommend any action be taken or
- does not notify the person within six months whether or not the disclosure will be dealt with or investigated.

The Act ensures that a person making a public interest disclosure is afforded protection against reprisals. It also establishes an external oversight system to ensure public sector entities manage public interest disclosures and disclosers to a consistent and suitable standard.

Initially the Public Service Commission was legislated as the oversight authority for the PID Act with responsibilities to monitor the management of public interest disclosures by:

- monitoring compliance with the PID Act
- collecting statistics about public interest disclosures
- monitoring trends in relation to public interest disclosures
- reviewing the way in which public sector entities deal with public interest disclosures generally and
- performing an educative and advisory role.

In 2012, the oversight agency function was transferred from the Public Service Commission to the Queensland Ombudsman, which is the existing oversight body for public sector maladministration and which broadly covers the same jurisdiction as public interest disclosures.

Queensland's experience with the PID Act is that the scheme is achieving its intent and it has improved on the WP Act in encouraging disclosures of wrongdoing.

Thank you again for the opportunity to comment on the Public Interest Disclosure Bill 2013.

Yours sincerely

CAMPBELL NEWMAN