

SECOND READING SPEECH

PUBLIC INTEREST DISCLOSURES AMENDMENT BILL 2009

Mr Speaker, this Bill implements an important initiative in the Government's agenda to strengthen trust in democracy.

In August 2008 the Premier released a ten point plan aimed at strengthening trust in democracy in Tasmania. This plan included a review of the *Public Interest Disclosures Act 2002* with a view to encouraging and facilitating disclosures of improper conduct and detrimental action by public bodies and public officers.

Public interest disclosures, also known as whistleblowing, are critical sources of information for organisations. Even with the best developed systems and policies, any public body faces the risk of inappropriate conduct occurring within the organisation.

Rather than trying to avoid such conduct being brought to light, organisations need to recognise the great value this information has, in allowing the public body to stop the conduct, rectify any damage, and remove any further risk.

In most cases the first people to become aware of improper conduct in an organisation will be the people who work within it. To encourage and facilitate these people to come forward it is important to foster a culture where it is acceptable and safe to raise a genuine concern about wrongdoing, where concerns will be handled and investigated appropriately, and action will be taken.

The Government's review of the Public Interest Disclosures Act addresses these important areas.

In developing this Bill, Mr Speaker, the Public Interest Disclosures (PID) Review Project reviewed both the Act and the administrative framework supporting the legislation, and undertook extensive consultation.

The review team consulted with the public, interest groups, government agencies, both State and Local, the Ombudsman, and experts in the area.

This Bill amends the *Public Interest Disclosures Act 2002* to provide a broader approach to public interest disclosure than currently exists – making it easier to report improper conduct and protect witnesses.

The Act has been around for a number of years but it has not been extensively used. This may indicate a particularly responsible Government and public service, but it may also point to difficulties people have had with using the Act in its current form.

The Bill also takes into account the recommendations of the Joint Select Committee on Ethical Conduct, particularly in relation to the proposed establishment of an Integrity Commission.

Specifically the Bill will:

- Broaden the scope of the Act to encompass a greater range of public interest disclosures by expanding the definition of improper conduct, which will provide

coverage to a greater range of persons.

- Clarify when a disclosure is not protected or does not need to be investigated.
- Expand the functions of the oversight agency, the Ombudsman, to include greater monitoring, advice, direction and education roles.
- Improve public sector agency internal procedures for receiving and handling disclosures.
- Provide a process of appointing public interest disclosure officers in each public sector agency to deal with disclosures and the welfare of the person making the disclosure.
- Provide timelines for investigations of public interest disclosures to ensure they are completed in a timely manner, and to ensure that there are consequences where this does not happen.
- Improve the protections and access to protections available to persons making a disclosure.
- Allow for disclosures to be made to the proposed Integrity Commission.
- Allow for referral to and from the proposed Integrity Commission in certain circumstances.

The Bill is introduced cognate with the *Integrity Commission Bill 2009* as it creates an important part of the legislative

infrastructure which will support the creation of that Commission.

Mr Speaker, this Bill has further benefited from considerable research and discussion of whistleblowing in the public sector occurring around Australia at the moment. In recent times both the New South Wales and the Commonwealth Governments have reviewed the operations of their respective legislation and legislative provisions regarding public interest disclosures.

Furthermore, the Bill has also benefited from the national research project, 'Whistling While They Work: Enhancing the theory and practice of internal witness management in the Australian public sector', which commenced in 2005 and released its first major report last year.

In this way the Bill has had the advantage of the experiences of other jurisdictions and draws on best practice provisions developed from extensive academic research.

I am confident that the amendments in this Bill provide an enhanced framework to allow improper conduct in the public sector to be identified and appropriately dealt with. Tasmanians have a right to expect their Government and its agencies to act properly with the public interest at heart, and this Government is committed to improving transparency and accountability in this regard.

I commend this Bill to the House.