



Queensland

Whistleblowers (Disclosure to Member of Parliament) Amendment Bill 2006



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2006

A Bill

for

An Act to amend the *Whistleblowers Protection Act 1994*

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The Parliament of Queensland enacts—

1

Clause 1	Short title	2
	This Act may be cited as the <i>Whistleblowers (Disclosure to Member of Parliament) Amendment Act 2006</i> .	3 4
Clause 2	Commencement	5
	This Act commences on a day to be fixed by proclamation.	6
Clause 3	Act amended	7
	This Act amends the <i>Whistleblowers Protection Act 1994</i> .	8
Clause 4	Amendment of s 10 (How must a public interest disclosure be made (pt 4?))	9 10
	(1) Section 10(1), after ‘under the division’—	11
	<i>insert—</i>	12
	‘or to a member of the Legislative Assembly who may refer it to a public sector entity identified under the division’.	13 14
	(2) Section 10(2)(a), after ‘made’—	15
	<i>insert—</i>	16
	‘or referred’.	17
	(3) Section 10(3), ‘unit’—	18
	<i>omit, insert—</i>	19
	‘entity’.	20
	(4) Section 10(3)(b), after ‘appropriate entity’—	21
	<i>insert—</i>	22
	‘, if it is a public sector entity’.	23

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Clause 5	Amendment of s 26 (Every public sector entity is an appropriate entity for certain things)	1 2
	(1) Section 26, heading—	3
	<i>omit, insert—</i>	4
‘26	When public sector entity or member of Legislative Assembly is an appropriate entity’.	5 6
	(2) Section 26(2)—	7
	<i>omit, insert—</i>	8
	‘(1A) A member of the Legislative Assembly is an appropriate entity to receive any public interest disclosure.	9 10
	‘(2) However, subsection (1)(c) or (1A) does not permit a public sector entity or member of the Legislative Assembly to receive a public interest disclosure if, apart from this section, the public sector entity or member would not be able to receive the disclosure because of division 4, 5 or 6.’.	11 12 13 14 15
Clause 6	Amendment of s 27 (How to disclose to appropriate entity)	16 17
	Section 27(3), after ‘appropriate entity’—	18
	<i>insert—</i>	19
	‘that is a public sector entity’.	20
Clause 7	Amendment of s 28 (Disclosure may be referred to an appropriate entity)	21 22
	(1) Section 28, heading—	23
	<i>omit, insert—</i>	24
‘28	Disclosure received by public sector entity may be referred’.	25 26
	(2) Before section 28(1)—	27
	<i>insert—</i>	28
	‘(1A) This section applies if a public interest disclosure is received by an appropriate entity that is a public sector entity or is referred to the entity under section 28A.’.	29 30 31

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- (3) Section 28(1), ‘a public interest disclosure received by an appropriate entity’— 1
2
omit, insert— 3
‘the public interest disclosure’. 4

Clause 8 Insertion of new ss 28A-28B 5

Part 4, division 2, after section 28— 6
insert— 7

‘28A Disclosure received by member of Legislative Assembly may be referred 8
9

- ‘(1) If a member of the Legislative Assembly receives a disclosure, the member may refer the disclosure to another appropriate entity that is a public sector entity which the member considers has power to investigate or remedy the conduct the subject of the disclosure. 10
11
12
13
14
- ‘(2) For the purposes of this Act, the member has no role in investigating the disclosure. 15
16
- ‘(3) In this section— 17
disclosure means a public interest disclosure or purported public interest disclosure. 18
19

‘28B Legislative Assembly may still deal with disclosure 20

- ‘(1) This Act does not limit the powers, rights and immunities of the Legislative Assembly and its members and committees in relation to a disclosure received by a member. 21
22
23
- ‘(2) In this section— 24
committee means a committee of the Legislative Assembly, whether or not a statutory committee. 25
26
disclosure means a public interest disclosure or purported public interest disclosure. 27
28
member means a member of the Legislative Assembly. 29
rights includes privileges.’. 30

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Clause 9	Amendment of s 29 (Records must be kept of disclosures)	1
		2
	(1) Section 29—	3
	<i>insert—</i>	4
	‘(4) The chief executive officer of a public sector entity must also	5
	ensure that a proper record is kept about each disclosure	6
	referred to the public sector entity under section 28A,	7
	including—	8
	(a) the name of the person making the disclosure, if known;	9
	and	10
	(b) the information disclosed; and	11
	(c) the name of the member of the Legislative Assembly	12
	who referred the disclosure; and	13
	(d) any action taken on the disclosure.’.	14
	(2) Section 29(1)—	15
	<i>relocate</i> and <i>renumber</i> as section 29(5).	16
	(3) Section 29(2) to (5)—	17
	<i>renumber</i> as section 29(1) to (4).	18
 Clause 10	 Amendment of s 30 (Units must report to Legislative Assembly on disclosures)	19
		20
	(1) Section 30(2)(a), after ‘it’—	21
	<i>insert—</i>	22
	‘, or referred to it under section 28A,’.	23
	(2) Section 30(2)(b), after ‘received’—	24
	<i>insert—</i>	25
	‘, or referred under section 28A,’.	26
	(3) Section 30(1)—	27
	<i>relocate</i> and <i>renumber</i> as section 30(3).	28
	(4) Section 30(2) and (3)—	29
	<i>renumber</i> as section 30(1) and (2).	30

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Clause 11	Amendment of s 31 (Minister must report to Legislative Assembly on Act's administration)	1 2
	(1) Section 31(1)—	3
	<i>relocate</i> and <i>renumber</i> as section 31(5).	4
	(2) Section 30(2) to (5)—	5
	<i>renumber</i> as section 31(1) to (4).	6
Clause 12	Amendment of s 32 (Reasonable information about result of disclosure must be given to discloser or referring agency)	7 8 9
	(1) Section 32, heading, 'referring agency'—	10
	<i>omit, insert—</i>	11
	'referring entity'.	12
	(2) Section 32(1)—	13
	<i>omit, insert—</i>	14
	'(1) If asked by a person who makes a public interest disclosure to it or by an entity that has referred a public interest disclosure to it under section 28 or 28A, an appropriate entity must give the person or the referring entity reasonable information about action taken on the disclosure and the results.'	15 16 17 18 19
Clause 13	Amendment of s 34 (Disclosures made administratively to or about a judicial officer)	20 21
	Section 34(7), after 'appropriate entity'—	22
	<i>insert—</i>	23
	'that is a public sector entity'.	24
Clause 14	Amendment of sch 5 (Sectional definitions)	25
	Schedule 5, section 1(1), after 'appropriate entity'—	26
	<i>insert—</i>	27
	'that is a public sector entity'.	28

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Clause 15	Amendment of sch 6 (Dictionary)	1
(1)	Schedule 6, definition <i>appropriate entity</i> —	2
	<i>omit, insert</i> —	3
	<i>‘appropriate entity</i> means—	4
(a)	a public sector entity to which a public interest disclosure may be made under section 26 or referred under section 28 or 28A; or	5 6 7
(b)	a member of the Legislative Assembly.’.	8
(2)	Schedule 6, definition <i>officer</i> —	9
	<i>insert</i> —	10
	‘(ba) without limiting paragraph (b), an individual engaged by the public sector entity under a contract of service; and’.	11 12
(3)	Schedule 6, definition <i>officer</i> , paragraphs (ba) and (c)—	13
	<i>renumber</i> as paragraphs (c) and (d).	14
(4)	Schedule 6, definition <i>public officer</i> , paragraph (b)—	15
	<i>omit, insert</i> —	16
	‘(b) a member of the Legislative Assembly, but only—	17
(i)	to allow a member of the Legislative Assembly to make a public interest disclosure; or	18 19
(ii)	for the purposes of sections 55 and 57.’.	20
		21