

Bundaberg Hospital *Commission of Inquiry*

28 July 2005

Neil Laurie, esq.
Clerk of the Legislative Assembly
Parliament House
George Street
BRISBANE Qld. 4000

Dear Mr. Laurie,

Re: Parliamentary Privilege

The Commission of Inquiry has received evidence from a number of witnesses to the effect that there is a perception amongst employees of Queensland Health – principally doctors and nurses – that the Queensland Health “Code of Conduct” for employees prevents them from raising concerns or grievances with members of the Legislative Assembly, and that they may be punished (including by dismissal) for doing so.

Whether or not this is the effect of the “Code of Conduct”, as a matter of strict literal or legal interpretation, it concerns the Commission of Inquiry that such a perception exists, and is possibly encouraged by the bureaucracy.

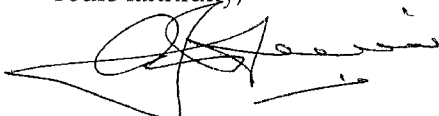
The Commission of Inquiry would welcome a submission from your office, or from the Speaker’s office, regarding the following issues:

- Assuming that the “Code of Conduct” has the effect alleged, whether the “Code of Conduct” – or its enforcement as regards an employee of Queensland Health who has raised a concern or grievance with a member of the Legislative Assembly – should be regarded as a contempt of the Parliament.
- Whether there ought to be an express statutory provision – whether in relation to employees of Queensland Health, or public servants generally – prohibiting such “codes of conduct”, or other terms or conditions of employment, which has the effect of preventing, limiting, or restricting communications with members of the Legislative Assembly (or purport to do so).
- Whether, as canvassed in the Commission’s “Discussion Paper No. 2” entitled “Whistleblowers in the Queensland Public Health Sector” – a copy of which is enclosed for your information – there is any merit in the proposal that:
“whistleblowers from the Queensland public health sector who disclose ... information to Parliamentarians ..., after exhausting other appropriate channels, should be afforded some measure of protection.”

Any input from your office, or from the Speaker’s office, would be greatly appreciated.

Please feel free to contact me if you wish to discuss any of these matters, or any other aspect of the Commission’s interest in these issues.

Yours faithfully,



Anthony J H Morris QC
Chairman

Commissioner
Anthony Morris QC

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