

DEPARTMENT OF HEALTH, DISCIPLINARY INVESTIGATION

554. Hon C L Edwardes to the Minister for Public Sector Management

- (1) I refer to the answer to question on notice No. 155 and ask in light of the pre – election commitment to openness, accountability and inclusiveness by the now State Labor Government, when did the proceedings commence?
- (2) Who is the independent investigator?
- (3) Has a report been prepared by the investigator?
- (4) If not, when is it anticipated the report will be finalised?
- (5) Once the report is completed and the initial process has been finalised to determine whether or not disciplinary proceedings pursuant to section 81 of the Public Sector Management Act 1994 are to commence will the Minister table the report?
- (6) If not, why not?

Dr GALLOP replied:

The Government stands by its commitment to openness, accountability and inclusiveness. In particular, with regard to our commitment to accountability, it is not the intention of the Government to act in any way which prejudices due process or which could deny any individual their rights to procedural fairness.

Releasing details of a disciplinary investigation before it is completed would breach Public Sector Standards.

- (1) The Department of Health investigation of this matter commenced in October 2000. The investigation was suspended while criminal proceedings were being applied.
- (2) The Government does not wish to act in any way which would compromise the work of the independent investigator. In the light of this position, the Government will name the investigator after the report is finalised and legal advice is obtained concerning the process to follow.
- (3) The report of the independent investigator has not been completed.
- (4) The report will be completed as quickly as possible, and is largely dependent on the cooperation of witnesses and access to evidentiary material in non-government organisations.
- (5)-(6) The report shall not be tabled until such time as legal advice can be obtained from the Crown Solicitor's Office that such action will not in any way prejudice the rights of the individual – including those of procedural fairness and natural justice, the proper conduct of any disciplinary or criminal proceedings or the operations of the ACC.