

23 February 2023

Public Interest Disclosure Review Secretariat  
Strategic Policy and Legal Services  
Department of Justice and Attorney-General  
GPO Box 149  
BRISBANE QLD 4001

By email: [PIDActReview@justice.qld.gov.au](mailto:PIDActReview@justice.qld.gov.au)

Dear Secretariat,

**RE: QIMR Berghofer Submission to the Review of the *Public Interest Disclosure Act 2010* (Qld)**

QIMR Berghofer is a Queensland statutory body and one of the largest and most successful medical research institutes in Australia. QIMR Berghofer welcomes the review of the *Public Interest Disclosure Act 2010* (Qld) (“the PID Act”). QIMR Berghofer considers that, in order to best achieve the objects of the PID Act, amendments are required to:

1. expand the definition of public officer; and
2. allow for public interest disclosures to be made to third party hotlines.

## 1. Expansion of definition of public officer

### ***Students***

The current definition of public officer does not extend the protections of the PID Act to students, past employees and volunteers, creating a marked disincentive for such persons to make disclosures in relation to wrongdoing.

QIMR Berghofer, and the medical research industry more broadly, rely heavily on the participation of higher degree students in research programs. These students are not enrolled at QIMR Berghofer but are placed at the Institute through an arrangement with the students’ tertiary education provider. Students generally spend considerable time in research laboratories, providing them with a valuable insight into QIMR Berghofer employees’ compliance with some of the Institute’s areas of greatest risk, including:

- a. research ethics principles and approvals;
- b. workplace health and safety requirements;
- c. hazardous chemical regulations; and
- d. drug and poisons regulations.

Research placements are essential for the attainment of students’ qualifications and are fiercely competitive. Furthermore, a large proportion of students at QIMR Berghofer are from international universities and their right to live and work in Australia is often tied to their placement at the Institute.



The combination of these factors results in a significant imbalance of power between students and QIMR Berghofer employees and makes students particularly vulnerable to reprisal in response to disclosures. Students must complete their research projects within a set timeframe and usually at the same research institute; if a student was unable to complete their research project at QIMR Berghofer as a result of reprisal they would likely have to start afresh with a new supervisor in a different field due to the highly specialised nature of research. This would cause substantial detriment to the student.

QIMR Berghofer considers that it is essential that the PID Act be amended to extend protections to students. Such an amendment would protect some of the Institute's most vulnerable personnel and would encourage greater oversight of research work.

### ***Past employees***

Due to the highly competitive nature of the medical research field public officers are sometimes reluctant to make disclosures until they have secured alternative employment. The medical research industry operates in a collaborative manner whereby researchers at different entities work together on a particular area of research. This model exposes former employees to the risk of reprisal, notwithstanding the fact that they are no longer employed by QIMR Berghofer. Former employees are often able to provide insight into the actions of QIMR Berghofer employees and should be afforded the same protections as public officers.

### ***Volunteers***

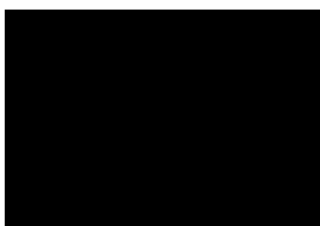
QIMR Berghofer considers that all personnel in the workplace should be afforded the same protections under the PID Act irrespective of whether they are paid employees. An example of this disparity is apparent from the Institute's research ethics committees, which are comprised of both paid and unpaid members. All members of these committees should be encouraged to raise any concerns that they identify and the protections afforded to these members under the PID Act should not differ based on their remuneration arrangements.

## **2. Independent hotline**

QIMR Berghofer considers that there would be significant benefit in the PID Act expressly contemplating the use of a third party hotline to receive public interest disclosures. This approach would alleviate any process confusion that may arise where persons are unsure as to whom they should direct their disclosure. Further, an independent hotline provides some comfort to disclosers that their disclosure will be dealt with in an appropriate manner, this is of particular importance if the disclosure is made anonymously.

QIMR Berghofer would be happy to speak further in relation to the matters raised in this submission. For any further information please contact Fiona Chapman, General Counsel at [REDACTED] or via phone on [REDACTED]

Yours sincerely,



**Professor Grant A. Ramm** BSc BSc(Hons) PhD FAASLD  
Acting Director and CEO  
QIMR Berghofer Medical Research Institute