



**PRIME MINISTER'S STATEMENT**  
**Hon. Rick Nelson Houenipwela, MP**

**Whistleblowers Protection Bill**  
**2<sup>nd</sup> Reading**

Mr Speaker,

It is my pleasure to introduce to this honourable House the Whistleblowers Protection Bill for its second reading.

Sir,

This is a very short Bill comprising of only three parts. However, let me emphasise the importance of this Bill to the successful investigation and prosecution of corruption allegations, and other maladministration concerns that we are very much aware of in our country.

As Members has argued previously on the debate on the Anti-corruption Bill, this is what has adversely affected the quality of life of our people, and where

incidences of misconduct in office and so on, cannot be fully addressed. Sir, this Bill will enhance the cause of addressing corruption.

This Bill will make it possible for our people (as provided for in Clause 5) to make public interest disclosures to the appropriate authorities (listed in that clause) because they will be protected by this law from liability and victimisation. Such disclosures, of course, must be made in good faith where a person believes on reasonable grounds that the information to be disclosed is true or may be true and of sufficient significance to justify its disclosure so its truth may be investigated.

Mr. Speaker.

This Bill will provide (Clauses 6 and 7) for the protection to subordinate staff who had made a disclosure in good faith and in the public interest, but would have placed her or him in breach of an obligation of confidentiality. In other words, subordinate officers should no longer be afraid to make disclosure as they will be protected under this law from disciplinary action or other adverse administration action.

Sir, it is no coincidence that this Bill has been brought for enactment together with the Anti-Corruption Bill. Indeed, the Whistleblowers Protection Bill is expected to contribute significantly to the effectiveness of the proposed Anti-Corruption law. The successful prosecution of cases relating to bribery, abuse of office for private gain and other corruption related offences would depend

to a large extent on the willingness of witnesses to cooperate with investigation authorities.

The protection, afforded by the Whistleblowers Protection Bill, is therefore expected to increase the success of prosecution because witnesses may be more forthcoming to assist the investigation knowing they will be protected under this new law if she or he asks for that protection. A person may also be more willing to disclose an act of corruption if she/he knows that his/her identity will be protected under this propose law.

Sir, it is precisely for that reason that the purpose of this Bill is to protect a person who, in good faith, discloses an act that is appearing to be a corrupt act or an act of maladministration or misconduct in office from liability and victimisation.

Mr. Speaker Sir,

The protection from liability will be afforded to a person when she/he discloses an act of corruption in the public interest or when cooperating with investigation authorities. The protection from liability simply means that the person making the disclosure will not be incriminated from the contents of the disclosure he or she has made to the authority. He or she cannot be held liable also from making the disclosure even if the disclosure was made in breach of an obligation of confidentiality.

Sir, there are two significant protections being proposed under this Bill. They are:

- i) the identity of the person making the disclosure if he or she so requested; and
- ii) the protection from being victimised for making the disclosure and not wanting to be anonymous after making the disclosure.

Because of the significance of these two protections, the proposed law is making it an offence for the disclosure of the identify of a person making the disclosure. Likewise, it will be an offence for a person to threaten to cause or have caused detriment to the person who has made a public interest disclosure or has complied and cooperated with the investigation authority. Sir, the offences prescribed under the Bill are serious.

Mr Speaker,

While this propose law was designed to securely protect a person making a public interest disclosure, if he or she so desires, I should also mention that conditions to apply – and the protection may not be afforded to a person even if she or he asked for that protection.

These two conditions are;

- i) as provided by Clause 6 - when a person is making a disclosure with an ulterior motive of vengeance or other malicious intention, (in other words, the disclosure was made not in good faith); and

- ii) ii) as provided in Clause 10 - when the person making the disclosure agreed for his/her identity to be disclosed publicly and to the person the disclosure is attributed to.

Sir, it should also be noted that where the person making the disclosure asked for protection but his/her disclosure and identity had been publicised by the media with his/her consent, protection of that person's identity under this law would be unfeasible or impracticable. He or she of course would still be protected from being victimised or liable for the contents of the information disclosed to an authority.

Mr Speaker,

I would like to take this opportunity to stress and emphasise to subordinate or collegial staff who might want in the future to make disclosures in the public interest on matters relating to corruption, election, misuse of public funds/assets, maladministration, or misconduct of officials. It is significantly important to bear in mind that the protection afforded by this law can only be accorded to you if you have made the disclosure in good faith. If it is found that in fact the disclosure was NOT made in good faith then all protection provided by this law cannot be afforded to the person making the disclosure.

Sir, without the protection of this law the person the disclosure is attributed to can therefore choose to use the remedies available to him or her. For example, by suing the person who made the disclosure for defamation and ruining of his or her reputation. These are remedies that would have been unavailable to

someone if the disclosure attributed to him or her was in fact a public interest disclosure and was made in good faith.

Hon Speaker,

As I have mentioned earlier this Bill is short, however it is an important Bill to the successful investigation and prosecution of corruption allegations and raising the quality of governance in the country.

I now commend this Bill for this House to be read the second time and for approval.

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