

Media Release

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Whistleblower protection laws need national revision: new issues paper

A coherent, national approach to the revision of whistleblower protection laws needs to be considered by Australian governments, according to a new issues paper released today by the Commonwealth Ombudsman, NSW Ombudsman and Queensland Ombudsman.

Launching the paper at the 6th National Investigation Symposium in Sydney, the **NSW Ombudsman, Bruce Barbour**, said that whistleblowing, or the preparedness of officials and employees to make public interest disclosures about wrongdoing, is vitally important to ensuring integrity and accountability in the public sector.

“However it will not happen unless there is a sound legislative structure to facilitate and protect public interest disclosures,” Mr Barbour said.

The issues paper *Public Interest Disclosure Legislation in Australia: Towards the Next Generation*, which reviews all existing public sector whistleblowing legislation, was prepared by Dr A J Brown of Griffith University as part of a national research project ‘Whistling While They Work’. The project includes nearly all of Australia’s most important public sector integrity agencies.

The **Commonwealth Ombudsman, Professor John McMillan**, said that the review highlighted the significant variations in style, coverage and principle among the different laws.

The paper illustrates the inconsistencies between the nine Acts covering whistleblowing in Australia — ranging from who will be protected, how they will be protected, and the obligations on agencies themselves.

“There are strengths in some laws that other jurisdictions could heed. There are weaknesses in all laws that need to be addressed, perhaps by common answers,” Professor McMillan said.

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The paper calls for a national model for whistleblower legislation, “because the key issues are fundamentally common, and because public integrity and public sector standards would benefit from a clearer, legislatively supported consensus on the responses to the questions... that underpin Australia’s public interest disclosure laws.”

“The call for a national and coherent approach deserves special attention,” Professor McMillan said.

The discussion paper outlines the elements necessary for the facilitation of public interest disclosures:

- protecting whistleblowers
- ensuring disclosures are properly dealt with, and
- facilitating the making of disclosures.

Currently, no whistleblower legislation in Australia adequately achieves all of these objectives. The paper makes suggestions to be considered in the review of current whistleblower legislation.

Queensland Ombudsman, David Bevan, encouraged government agencies and the general public to consider the issues raised in the paper, and to respond with comments to the project’s research team.

“Ombudsman’s offices, along with other integrity agencies, have a special interest in ensuring the effectiveness of public interest disclosure laws”, Mr Bevan said.

“Comments on this paper from government agencies and the general public will help inform our collective thinking about what might constitute ‘best practice’ in public interest disclosure legislation, and contribute to recommendations for reform,” Mr Bevan said.

The paper will also be launched in Canberra by Professor John McMillan:

When: Saturday 4 November, 12 noon
Location: National Museum of Australia, Acton Peninsula, ACT
(ANU Public Law Weekend conference)

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