

WHISTLEBLOWERS ACTION GROUP (Qld)

P.O. Box 285
Kenmore, Brisbane. 4069

Chairperson
Commission on Government
6th Floor, May Holman Centre
32 St. George Terrace
Perth WA 6000

Dea Sir/Madam,

SUBMISSION ON WHISTLEBLOWING

SUMMARY

The submission addresses issue 3.8 “Whistleblower Protection” from your Discussion Paper dated August 1995. Specifically the submission is directed at the questions:

- “ - What existing agency/agencies are best placed to counsel and protect whistleblowers?
- Should the agency performing the counselling role be the same as the agency providing protection and/or investigating the whistleblower’s allegations “.

It is now the national policy of Whistleblowers Australia and Whistleblowers Action Group (Qld) that:

- all jurisdictions in Australia should include a Whistleblowers Protection Body (WPB);
- the WPB should be empowered to:
 - provide advisory services to whistleblowers;
 - provide a full range of support services to whistleblowers;
 - investigate allegations of reprisals made against whistleblowers;
 - report to Parliament disclosures of corruption, waste, and maladministration made by whistleblowers to other agencies;
- Anti-corruption bodies such as ICAC (NSW) or CJC (Qld) be responsible for investigation of the disclosures of corruption, waste, and maladministration.

ARGUMENT

Whistleblowers, to be protected effectively, need their own agency to advise, support, and investigate reprisals against bona fide whistleblowers.

There needs to be a separation of the two investigatory duties:

- investigation of disclosures by whistleblowers;
- investigation of reprisals against whistleblowers because of the disclosures they have made.

The former needs to remain apart from the WPB, otherwise the WPB is drawn into the policies of protecting administrations from public criticism and then into harming whistleblowers rather than protecting them.

The WPB's influence on investigations of the disclosures should be only an indirect, public conscience role, effected through an annual reporting to Parliament by the WPB on the results, if any, of investigations by Anti-Corruption bodies on matters of corruption, waste, and/or maladministration disclosed to these agencies by bona fide whistleblowers.

Investigations of reprisals by agencies against whistleblowers who have made these disclosures should become the primary role of the WPB.

SUPPORTING MATERIAL

The discussion paper attached and titled "Whistleblower Protection Body: A Strategy for Effective Protection" sets out the choices to be made, and the choices that have been made, in the design of the Whistleblower Protection Bodies.

We are willing to provide further argument and offer answers to questions at public hearings in expanding the rationale for the above WPB proposals. As discussed with your Ms E. Gauci, our officer would require reimbursement for travelling and accommodation expenses associated with a visit to Perth.

RECOMMENDATION

- A WPB be established in Western Australia.
- The design of the powers of the WPB be as defined above.

Yours Sincerely,

G. McMAHON
Vice President WAG
Legislation Coordination Whistleblowers Australia.

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