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Australian Government

Australian Government response to the
Senate Legal and Constitutional Affairs
Legislation Committee report:

Public Interest Disclosure Amendment (Review) Bill 2022

APRIL 2026

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The Australian Government thanks the Senate Legal and Constitutional Affairs Legislation Committee for its report into the Public Interest Disclosure Amendment (Review) Bill 2022 [Provisions] (the Bill) tabled on 14 March 2023.

The *Public Interest Disclosure Act 2013* (PID Act) aims to promote the integrity and accountability of the Commonwealth public sector by providing a framework for public officials to disclose suspected wrongdoing by another public official or Australian government agency, and for those disclosures to be properly investigated and dealt with. The framework provides immunity from civil, criminal and administrative liability and protection from reprisal action for public officials who make, or provide assistance in relation to, a disclosure in accordance with the requirements in the PID Act.

Public sector whistleblowing reform

The Australian Government is committed to delivering strong, effective and accessible protections for public sector whistleblowers through staged reform of the PID Act.

In 2023, the Government delivered stage 1 priority reforms to the PID Act through the *Public Interest Disclosure Amendment (Review) Act 2023*. This Act was passed by both Houses of Parliament on 15 June 2023 and commenced on 1 July 2023 ensuring immediate improvements to the Commonwealth public sector whistleblowing framework were in place for commencement of the National Anti-Corruption Commission.

Stage 1 reforms strengthened protections for disclosers and witnesses; focused the framework on integrity-related wrongdoing; made the framework easier to administer; and enhanced oversight of the framework by the Commonwealth Ombudsman and the Inspector-General of Intelligence and Security (IGIS). These reforms implemented 21 of the 33 recommendations of the 2016 Review of the PID Act by Mr Phillip Moss AM (Moss Review) and recommendations from other parliamentary committee reports.

In November 2023, the Government released a consultation paper for public consultation on a second stage of reforms to address the underlying complexity of the PID Act and ensure that the framework remains accessible and fit for purpose, including proposals to establish an independent whistleblower protection body.

In September 2025, the Government conducted public consultation on an exposure draft Public Interest Disclosure and Other Legislation Amendment (Whistleblower Protections) Bill to improve the accessibility, operation and administration of the PID Act. The Bill would significantly redraft the PID Act and amend the *Ombudsman Act 1976* and other legislation to:

- establish a Whistleblower Ombudsman within the Office of the Commonwealth Ombudsman
- clarify and strengthen protections and supports for public officials who act within the PID framework, and
- improve the operation of the PID Act by ensuring that rights, obligations and procedures are clear and accessible.

The exposure draft Bill was informed by recommendations received from relevant parliamentary inquiries, the Moss Review, the outcomes of public consultation undertaken in 2023 and close engagement with the offices of the Commonwealth Ombudsman, the IGIS and other Commonwealth agencies.

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Review of the Tax and Corporate whistleblowing framework

The Treasury is currently conducting a statutory review into Australia's tax and corporate whistleblowing frameworks. The review will investigate whether the current laws are working as intended, identify any ongoing concerns, and where appropriate make recommendations for further improvement.

The tax and corporate whistleblowing frameworks provide protection to whistleblowers who come forward with information about misconduct or wrongdoing in the tax, corporate and financial sectors in Australia.

The review follows amendments in 2019 which established a new tax whistleblowing regime in the *Taxation Administration Act 1953* and strengthened corporate and financial services sector whistleblowing regimes in the *Corporations Act 2001*.

The Treasury is planning to undertake consultation as part of its review.

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Recommendation		Government response
Committee Report		
1	That the explanatory memorandum for the Public Interest Disclosure Amendment (Review) Bill 2022 be amended to further clarify the application of the ‘personal work-related conduct’ provisions	The Government agrees with this recommendation. In June 2023, the Government prepared a replacement explanatory memorandum to the Public Interest Disclosure Amendment (Review) Bill 2022 which included amendments to address this recommendation.
2	That the explanatory memorandum for the Public Interest Disclosure Amendment (Review) Bill 2022 be amended to clarify the limited role of the Office of the Commonwealth Ombudsman with respect to PID disclosure reports and investigations	The Government agrees with this recommendation. In June 2023, the Government prepared a replacement explanatory memorandum to the Public Interest Disclosure Amendment (Review) Bill 2022 which included amendments to address this recommendation.
3	That the Bill be passed	The Government notes this recommendation. This recommendation is a matter for the Senate, noting the Public Interest Disclosure Amendment (Review) Bill 2022 was passed by both Houses of Parliament on 15 June 2023 and came into force on 1 July 2023.
Additional recommendations – Additional comments by Senator Paul Scarr		
3	The Bill be amended to specifically provide that persons referring disclosable conduct may provide information to health professionals providing support consistent with the <i>National Anti-Corruption Commission Act 2022</i> .	The Government notes this recommendation. This recommendation is being considered in the context of implementation of the stage 2 reforms to the PID Act.
4	That the drafting of the Bill be refined to make it clearer that the intention is that the exclusion only applies to conduct solely related to personal employment-related grievances. Further consideration should be given to using the words: “solely” or “only” in the drafting.	The Government notes this recommendation. On 15 June 2023, the Government passed parliamentary amendments to the Public Interest Disclosure Amendment (Review) Bill 2022 to clarify that where a disclosure contains both personal work-related conduct and instances of disclosable conduct, the instances of disclosable conduct remain subject to the <i>Public Interest Disclosure Act 2013</i> (PID Act). These amendments were incorporated into the Bill that was passed by both Houses of Parliament.

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5	<p>The Government prepare and release a consultation paper proposing an independent Whistleblower Protection Authority which provides guidance, support and protection for whistleblowers in both the private and public sectors.</p>	<p>The Government notes this recommendation.</p> <p>This recommendation is being considered in the context of implementation of stage 2 reforms to the PID Act.</p> <p>In late 2023, the Government conducted public consultation on a second stage of reforms to the PID Act, including proposals to establish an independent whistleblower protection body. In September 2025, the Government conducted public consultation on an exposure draft of the Public Interest Disclosure and Other Legislation Amendment (Whistleblower Protections) Bill which would establish a Whistleblower Ombudsman within the Office of the Commonwealth Ombudsman to provide robust, effective and independent oversight of the PID Act to ensure disclosures are being handled appropriately and whistleblowers are receiving appropriate protections.</p> <p>As part of the statutory review into the tax and corporate sector whistleblowing frameworks contained in the <i>Taxation Administration Act 1953</i> and the <i>Corporations Act 2001</i>, Treasury will consider whether current assistance, guidance and protections available to tax and corporate whistleblowers are adequate and whether existing support mechanisms are effective.</p>
6	<p>The Government carefully consider other suggestions for reform made by stakeholders in this inquiry as part of this Bill or subsequent stages of whistleblower law reform. In particular, the Government pursue as a matter of importance the issue of potential publication of a list of lawyers with security clearance who may be accessed by potential disclosers.</p>	<p>The Government notes this recommendation.</p> <p>This recommendation is being considered in the context of implementation of stage 2 reforms to the PID Act.</p>

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